

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
DARVIN WELCH, FRABER, COLORADO. )

) PERMIT NO. M-3127  
)  
)  
)  
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-----  
October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Darvin Welch

requesting that Permit No. M-3127 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3127, heretofore issued to \_\_\_\_\_  
Darvin Welch \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 18, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 24th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
RAY H. ALIMON, WINONA, MISSOURI. )  
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PERMIT NO. M-110

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October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ray H Allmon

requesting that Permit No. M-110 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-110, heretofore issued to \_\_\_\_\_

Ray H. Allmon \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 7, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*John P. Thompson*  
*John P. Thompson*

Commissioners

Dated at Denver, Colorado,

this 24th day of October, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
SILVER PICK URANIUM, INC., 1153 )  
FIRST SECURITY BUILDING, SALT LAKE )  
CITY, UTAH. )  
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PERMIT NO. M-2083

-----  
October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

\_\_\_\_\_  
Silver Pick Uranium, Inc.

requesting that Permit No. M-2083 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2083, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
Silver Pick Uranium, Inc. be,

and the same is hereby, declared cancelled effective September 26, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 24th day of October, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
KEITH V. EDWARDS, DOING BUSINESS AS )  
"EDWARDS DISTRIBUTING CO.," BOX )  
644, ALAMOSA, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-3480

-----  
October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Keith V. Edwards, dba "Edwards Distributing Co.,"

requesting that Permit No. M-3480 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3480, heretofore issued to \_\_\_\_\_

Keith V. Edwards, dba "Edwards Distributing Co.," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective September 30, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*Joseph W. Hawley*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 24th day of October, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
FRANK DOBBS, DOING BUSINESS AS )  
"DOBBS GAS CO.," P. O. BOX 987, )  
STEAMBOAT SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-5362

-----  
October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Frank Dobbs, dba "Dobbs Gas Co.,"  
requesting that Permit No. M-5362 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5362, heretofore issued to \_\_\_\_\_  
Frank Dobbs, dba "Dobbs Gas Co.," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective October 18, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John W. Harty*  
\_\_\_\_\_  
*John P. ...*  
\_\_\_\_\_

Dated at Denver, Colorado,  
this 24th day of October, 195 6.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
MORRIS L. TIMBROOK, DOING BUSINESS )  
AS "LEE AUTO SALES," 6136 EAST )  
SOLEAX, DENVER, COLORADO )  
-----)

PERMIT NO. M-7946

-----  
October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Morris L. Timbrook, dba "Lee Auto Sales,"  
\_\_\_\_\_  
requesting that Permit No. M-7946 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7946, heretofore issued to \_\_\_\_\_  
Morris L. Timbrook, dba "Lee Auto Sales," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 15, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 24th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HOME LIGHT AND POWER COMPANY, 810  
NINTH STREET, GREELEY, COLORADO, FOR  
AN ORDER AUTHORIZING THE ISSUANCE  
OF 6,695 SHARES OF ITS COMMON STOCK.

APPLICATION NO. 14780-Securities

-----  
October 22, 1956  
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Appearances: John R. Clayton, Esq., Greeley,  
Colorado, and  
E. A. Stansfield, Esq., Denver,  
Colorado, for Applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Applicant herein, Home Light and Power Company, a Colorado corporation, filed with this Commission on October 3, 1956, pursuant to Section 115-1-4, Colorado Revised Statutes, 1953, its application for an order of this Commission authorizing Applicant to issue and sell 6,695 new shares of its Common Stock.

By Decision No. 46625, dated October 4, 1956, this Commission ordered that a public hearing be held upon the aforesaid application on October 18, 1956, at 9:30 o'clock A. M., 330 State Office Building, Denver, Colorado. Interested parties, municipalities and representatives of interested consumers or security holders of the Company, and other persons whose participation in the matter is in the public interest were invited to intervene in the proceedings. Petitions of intervention were to be filed with this Commission on or before October 11, 1956.

The hearing on the aforesaid application was held on October 18, 1956, after due notice to all interested parties, and the matter

was heard and then taken under advisement. No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado and is a public utility operating company, subject to the jurisdiction of this Commission, engaged in the purchase, transmission, distribution and sale of electric energy in Weld County, Colorado.

A certified copy of Applicant's Composite Certificate of Incorporation, containing all amendments, has heretofore been filed with this Commission.

Applicant supplies electric service at retail for residential, commercial, power and other uses in 11 cities and towns and in 7 other communities in addition to outlying rural territories in its service area in Weld County, Colorado. The incorporated cities and towns in which Applicant supplies electric service are Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Kersey, LaSalle, Nunn, Pierce and Rose-dale. The unincorporated towns and communities in which Applicant supplies electric service are Barnesville, Briggsdale, Farmers Spur, Galeton, Gill, Lucerne and Peckham. Applicant's operations are wholly within the State of Colorado.

Under Applicant's Composite Certificate of Incorporation, hereinabove referred to, the authorized capital stock of Applicant consists of \$3,100,000 par value, divided into 6,000 shares of Cumulative Preferred Stock of the par value of \$100 each and 100,000 shares of Common Stock of the par value of \$25 each, with the rights and privileges applicable thereto, respectively, as appears in said Composite Certificate of Incorporation. The Cumulative Preferred Stock is authorized to be issuable in one or more series, and there has been authorized an initial series of 3,000 shares of 4-1/2% Cumulative Pre-



ferred Stock. Of such authorized capital stock, there were issued and outstanding on August 31, 1956, 51,193 shares of Common Stock and 3,000 shares of 4-1/2% Cumulative Preferred Stock. On October 2, 1956, Applicant, pursuant to the authority of this Commission granted by Decision No. 46586, dated September September 27, 1956, in its Application No. 14749-Securities, paid a stock dividend of 5% on its issued and outstanding Common Stock of record on September 24, 1956. This transaction increased its Common Stock issued and outstanding to a total of 53,566 shares.

Pursuant to that certain Indenture of Mortgage and Deed of Trust, dated as of January 1, 1951, between Applicant and The Denver National Bank, as Trustee, as supplemented, Applicant has heretofore issued and there were outstanding on August 31, 1956, \$1,478,000 principal amount of First Mortgage Bonds 3% Series due January 1, 1976; \$500,000 principal amount of First Mortgage Bonds 3-3/4% Series due August 1, 1982; and \$600,000 principal amount of First Mortgage Bonds 4% Series due February 1, 1986. Applicant has no outstanding indebtedness as of August 1, 1956 other than current liabilities and the aforesaid first mortgage bond indebtedness. Applicant's Balance Sheet, August 31, 1956, Exhibit "A", is included in this Statement, by reference.

For the twelve months ended August 31, 1956, Applicant reported operating revenues of \$2,158,885, and net income -- that is, the amount available for dividends and surplus -- of \$226,190.

Applicant, by the instant application, proposes to issue and sell 6,695 additional shares of its authorized, but unissued Common Stock in the following manner:

- (a) Applicant proposes to offer on or about October 24, 1956, to its Common Stockholders of record at the close of business on October 24, 1956, the right to purchase 6,695 additional shares of its Common Stock

(hereinafter sometimes called "Additional Common Stock"), at the price of \$40 per share, on the basis of one (1) share of such stock for each eight (8) shares held of record on such date in accordance with the terms and conditions set forth in the Offering Circular filed on October 8, 1956, with the Denver Regional Office of the Securities and Exchange Commission pursuant to Regulation A of the General Rules and Regulations of said Commission promulgated under the provisions of the Securities Act of 1933. A copy of said Offering Circular, as filed with said Commission, was introduced at the hearing in this matter, as Exhibit "C" and by reference is made a part hereof. The proposed offering is not to be underwritten. Subscription rights for the Additional Common Stock will be evidenced by Full Warrants and Fractional Warrants to be issued to said holders of the Common Stock of Applicant;

(b) Applicant also proposes, concurrently with its proposed offer to its common stockholders, to offer to all its regular full-time employees, including officers of the Company, the right to subscribe for shares of the Additional Common Stock to the extent that such shares are available after filling all subscriptions on Full Warrants and Fractional Warrants in accordance with the terms and conditions set forth in said Offering Circular, Exhibit "C" herein. The price at which said shares will be offered to such employees will be the same price at which the shares of Additional Common Stock are to be offered for subscription to the holders of Common Stock.

(c) Applicant further proposes to offer for subscription, at the \$40.00 per share subscription price, any or all shares of Additional Common Stock to which holders of subscription warrants are entitled to subscribe which are not subscribed and paid for in accordance with the provisions of such warrants, and for which eligible employees and officers do not subscribe and pay, to such persons as the Board of Directors may determine, all as set forth in said Offering Circular, Exhibit "C" herein.

The net proceeds to be derived from the proposed issuance and sale of said 6,695 additional shares of Applicant's Common Stock, estimated to be \$265,800, will be used by Applicant for the construction of additional plant facilities and improvements and for reimbursing the Company's treasury for monies actually expended on plant facilities and improvements and for other corporate purposes.

Mr. Warren A. Terry, Vice President and General Manager of Applicant testified at the hearing that although there has been only light trading in Applicant's Common Stock the average price of such shares that have been sold since January 1, 1956, has been approximately \$43.00 per share. Mr. Terry further testified that the price of \$40.00 per share established by the Applicant's Board of Directors for the proposed issuance and sale of the Additional Common Stock was substantially equivalent to the \$43.00 per share price at which the Applicant's Common Stock had been traded since January 1, 1956, adjusted to reflect the recent 5% stock dividend issued by Applicant.

Mr. Carl D. McKinley, a registered broker-dealer engaged in the investment business in Greeley, Colorado, since 1927, also testified at the hearing that in his opinion if the proposed issuance of Additional Common Stock was to be offered to the public generally and

not to Applicants existing stockholders and its employees as proposed in the Offering Circular, Exhibit "C" herein, that, based upon the present dividend being paid on such stock of \$2.00 per share, a reasonable price at which such stock could be expected to sell would be \$40.00 per share. Mr. McKinley further testified that if the issue were to be underwritten, that the underwriting fee would be approximately 5 to 6% of the gross proceeds of the proposed issuance and sale, and that the method of financing proposed by Applicant of offering the proposed Additional Common Stock to its Stockholders without incurring underwriting charges would save in excess of \$13,000, resulting in a saving of \$2.00 per share to the Company for each additional share of Common Stock proposed to be issued under the plan of financing proposed by Applicant, as against a plan which would involve an underwritten public offering.

After giving effect to the proposed issuance and sale of 6,695 additional shares of Applicant's Common Stock, the pro forma capital structure of Applicant at August 31, 1956 (adjusted also to reflect the 5% stock dividend paid on October 2, 1955), is as follows, with the percentages of each item to total capitalization being shown in the right-hand column:

Long-Term Debt	\$2,578,000	46.9%
Preferred Stock	300,000	5.5%
Common Stock Equity	<u>2,611,960</u>	<u>47.6%</u>
Total Capitalization	\$5,489,960	100.0%

The Commission has carefully reviewed all the evidence introduced at the hearing in this matter, and is of the opinion that the authority sought by Applicant should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Applicant, Home Light and Power Company, is a public utility, as defined by Section 115-1-3, Colorado Revised Statutes 1953.

That this Commission has jurisdiction of said Applicant and

the subject matter of the instant application.

That this Commission is fully advised in the premises.

That the proposed issuance and sale by Applicant of 6,695 additional shares of its Common Stock, and the application of the proceeds therefrom, all as set forth hereinabove, is reasonably required and necessary for its corporate financing.

That the proposed securities transaction is not inconsistent with the public interest; that the purpose, or purposes, thereof are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes 1953.

### O R D E R

#### THE COMMISSION ORDERS:

That Applicant, Home Light and Power Company, be, and it hereby is, authorized and empowered to issue and sell 6,695 additional shares of its Common Stock, all as set forth in the foregoing Statement, which, by reference, is made a part hereof; and it is further

ORDERED, That Home Light and Power Company be, and it is hereby, authorized and empowered to use the proceeds derived from the issuance and sale of said additional shares of its Common Stock for construction of additional plant facilities and improvements, and to reimburse the Company's treasury for monies actually expended on plant facilities and improvements, and for other corporate purposes; and it is further

ORDERED, That Home Light and Power Company be, and it is hereby, authorized and empowered to take such steps, actions, and proceedings as may, in conformity with applicable laws and regulations, be necessary, incidental, or appropriate to the full accomplishment of the transaction herein authorized, and it is further

ORDERED, That the securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and

easy identification; that within sixty (60) days from the issuance and delivery of the securities authorized to be issued herein, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are issued; and it is further

ORDERED, That Home Light and Power Company be, and it is hereby, directed, in reflecting in its accounts the consummation of the financing described above, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric Utilities prescribed by this Commission; and it is further

ORDERED, That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said shares of Common Stock to be issued by Applicant hereunder, on the part of the State of Colorado, and it is further

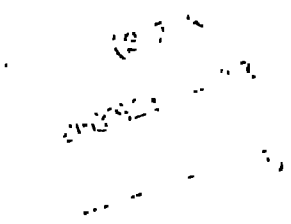
ORDERED, That within sixty (60) days from the date of the delivery of the new securities authorized to be issued hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue of said new securities, the fees, commission, and expenses, if any, incident to such issue, accompanying such report with a new Balance Sheet, reflecting the issuance of said securities and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such issuance, and it is further

ORDERED, That the Commission shall retain jurisdiction of these proceedings to the end that it may make such further order or orders in the premises as to it may seem to be proper and desirable; and it is further

ORDERED, That the authority herein granted shall be exer-

cised from and after this date, this Order being made effective  
forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



*Ralph C. [Signature]*  
*[Signature]*  
*John P. [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of October, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
JOHN N. LUDLOW, DOING BUSINESS AS )  
"LUDLOW PRODUCE," 1004 WADSWORTH )  
STREET, LAKEWOOD, COLORADO. )  
\_\_\_\_\_) )

PERMIT NO. M-493

-----  
October 24, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

John N. Ludlow dba Ludlow Produce

requesting that Permit No. M-493 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-493, heretofore issued to \_\_\_\_\_

John N. Ludlow dba Ludlow Produce \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 24th day of October, 1956.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
JAY L. AMEROSE AND IDA AMEROSE, DOING)  
BUSINESS AS "AMEROSE AND COMPANY," )  
4201 BRIGHTON BOULEVARD, DENVER, COLO. )  
RADO. )  
-----)

PERMIT NO. M-232

-----  
October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Jay L. Ambrose and Ida Ambrose dba Ambrose and Company

requesting that Permit No. M-232 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-232, heretofore issued to \_\_\_\_\_  
Jay L. Ambrose and Ida Ambrose dba Ambrose and Company be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Anton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 24th day of October, 1956.

br

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
DIXIE PACKING COMPANY, INC., P. O. )  
BOX 421, HATTIESBURG, MISSISSIPPI. )

PERMIT NO. M-2146

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October 24, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Dixie Packing Company, Inc.

requesting that Permit No. M-2146 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2146, heretofore issued to \_\_\_\_\_

Dixie Packing Company, Inc.

be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*John P. Thomas*

*John P. Thomas*

Commissioners

Dated at Denver, Colorado,

this 24th day of October, 1956.

br

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PAUL FILIPPONE, 3703 PECOS, )  
DENVER, COLORADO. )

PERMIT NO. B-3840

-----  
October 29, 1956  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3840 be suspended for six months from October 1, 1956.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Paul Filippone, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3840 until April 1, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES S. THOMAS, 800 SOUTH )  
HAVANA, DENVER, COLORADO. )

PERMIT NO. B-4796

-----  
October 29, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4796 be suspended for six months from September 27, 1956.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Charles S. Thomas, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4796 until March 26, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PAUL FILIPPONE, 3703 PECOS, DENVER, )  
COLORADO. )

PERMIT NO. M-2138

-----  
October 29, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Paul Filippone

requesting that Permit No. M-2138 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2138, heretofore issued to \_\_\_\_\_

Paul Filippone be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
MALCO PRODUCTS, INC., BOX 660, )  
ROSWELL, NEW MEXICO. )

PERMIT NO. M-4625

-----  
October 29, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Malco Products, Inc.

requesting that Permit No. M-4625 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4625, heretofore issued to \_\_\_\_\_

Malco Products, Inc. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*

*[Signature]*  
*[Signature]*

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
IRENE & ORVIN H. GALLEA, DOING )  
BUSINESS AS "GALLEA'S BAKERY," 2715 )  
IOWA STREET, BILLINGS, MONTANA. )  
----- )

PERMIT NO. M-6100

-----  
October 29, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Irene & Orvin H. Gallea, dba "Gallea's Bakery,"  
requesting that Permit No. M-6100 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6100, heretofore issued to \_\_\_\_\_  
Irene & Orvin H. Gallea, dba "Gallea's Bakery," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective October 3, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 29th day of October, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES E. PIPER, 5075 GODY STREET, )  
ARVADA, COLORADO. )

PERMIT NO. M-9949

October 29, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Charles E. Piper

requesting that Permit No. M-9949 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9949, heretofore issued to \_\_\_\_\_

Charles E. Piper

be,

and the same is hereby, declared cancelled effective October 25, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Nelson*  
\_\_\_\_\_  
*John P. Bennett*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SHIRLEY SANDERS, ROUTE 2, BOX 21, )  
MONTEROSE, COLORADO. )

PERMIT NO. M-10923

October 29, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Shirley Sanders

requesting that Permit No. M-10923 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10923, heretofore issued to \_\_\_\_\_  
Shirley Sanders \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 21, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thompson*

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. E. EVETTS, DOING BUSINESS AS )  
"TUCUMCARI LUMBER COMPANY," 221 )  
SO. 1ST STREET, TUCUMCARI, NEW )  
MEXICO, )

PERMIT NO. M-11030

October 29, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

H. E. Evetts, dba "Tucumcari Lumber Company,"

requesting that Permit No. M-11030 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11030, heretofore issued to \_\_\_\_\_

H. E. Evetts, dba "Tucumcari Lumber Company," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 8, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Tolson*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROSS O. CARHART, DOING BUSINESS AS )  
"CARHART SUPPLY & PRODUCE," DOVE )  
CREEK, COLORADO. )

PERMIT NO. M-3983

-----  
October 29, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ross O. Carhart, dba "Carhart Supply & Produce,"

requesting that Permit No. M-3983 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3983, heretofore issued to \_\_\_\_\_

Ross O. Carhart, dba "Carhart Supply & Produce," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 24, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM H. TAYLOR, DOING BUSINESS )  
AS "TAYLOR MOTORS," 5504 WEST )  
COLFAX, LAKEWOOD, COLORADO. )

PERMIT NO. M-7366

-----  
October 29, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

William H. Taylor, dba "Taylor Motors,"

requesting that Permit No. M-7366 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7366, heretofore issued to \_\_\_\_\_

William H. Taylor, dba "Taylor Motors," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 26, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Nolan*  
\_\_\_\_\_  
*Joseph W. Hawley*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MINNIE LEE SPAROVIC, DOING BUSINESS )  
AS "THE SPAROVIC BUS LINE," 227 WEST )  
FOURTH STREET, LEADVILLE, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 2855. )

APPLICATION NO. 14818-Extension

-----  
October 24, 1956  
-----

S T A T E M E N T

By the Commission:

On June 16, 1955, Minnie Lee Sparovic, 227 West 4th Street, Leadville, Colorado, by her attorney, Eugene P. Helfer, filed application with this Commission for an extension of operations under PUC No. 2855, which was set for hearing October 30, 1956, at Salida, Colorado.

The Commission is now in receipt of a communication from Eugene P. Helfer, attorney for applicant, requesting that above application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

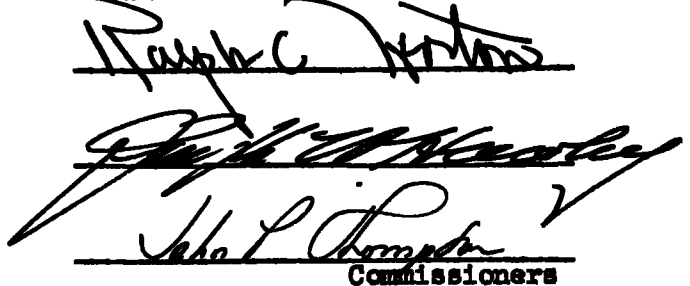
That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing in the above-entitled matter be vacated and that Application No. 14818-Extension should be dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 24th day of October, 1956.

Original

(Decision No. 46736)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PUBLIC SERVICE COMPANY OF COLO- )  
RADO, DENVER, COLORADO, FOR AUTHOR- )  
ITY TO ABANDON AN ELECTRIC LINE IN )  
THE BOULDER DIVISION BETWEEN SALINA )  
AND GOLD HILL. )

APPLICATION NO. 14826

-----  
October 24, 1956  
-----

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 24 of the Rules of Practice and Procedure Before The Public Utilities Commission of the State of Colorado, the Public Service Company of Colorado, on September 25, 1956, filed a notice with this Commission signifying its intent to abandon a segment of its electric distribution line. The electric line is in the Company's Boulder Division and the location is described as follows:

"Beginning at a point on the Company's 13 KV electric distribution line approximately 1715 feet south and 865 feet east of the NW corner of Section 17, T. 1 N., R. 71 W. at Pole No. 101, thence northwesterly 61 spans (9363 feet) through the N $\frac{1}{2}$  of Section 18, T. 1 N., R. 71 W., the SW $\frac{1}{4}$  of Section 7, T. 1 N., R. 71 W. and to a point approximately 1800 feet north and 2030 feet west of the SE corner of Section 12, T. 1 N., R. 72 W. Also the following branch lines which feed off the above-mentioned 13 KV line: 2 spans (548') to the Black Cloud Mine in the SE $\frac{1}{4}$  of Section 12, T. 1 N., R. 72 W.; 1 span (338 feet) to the Big Horn Mine and 1 span (217 feet) of secondary in the SW $\frac{1}{4}$  of Section 7, T. 1 N., R. 71 W.; 4 spans (511 feet) to the Victoria Mine in the SE $\frac{1}{4}$  of Section 12, T. 1 N., R. 72 W.; 2 spans (379 feet) to the Scotia Mine in the SW $\frac{1}{4}$  of Section 7, T. 1 N., R. 71 W.; and 3 spans (484 feet) to the Fairfax Mine in the NE $\frac{1}{4}$  of Section 18, T. 1 N., R. 71 W."

The Company proposes to abandon the above line on or after October 25, 1956.

Also, in compliance with Rule No. 24, the Public Service Company of Colorado, on October 15, 1956, filed its affidavit with the Commission stating it had complied with the provision of said rule by posting said notice on September 25, 1956, in the form prescribed by the Commission, in six conspicuous public places near the said electric distribution line proposed to be abandoned.

No one has notified the Commission protesting the removal by the Public Service Company of its electric line and there is no apparent further need of said line.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Public Service Company of Colorado should be permitted to abandon the electric line described in the preceding Statement, said Statement, by reference, being made a part hereof.

### O R D E R

#### THE COMMISSION ORDERS:

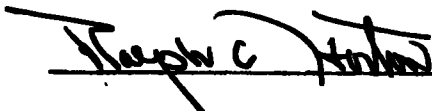
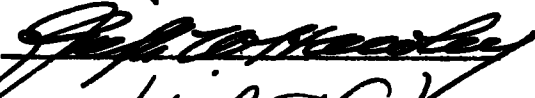
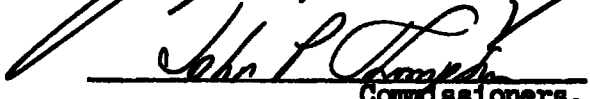
That the public convenience and necessity no longer requires, or will require, the electric line located as follows:

"Beginning at a point on the Company's 13 KV electric distribution line approximately 1715 feet south and 865 feet east of the NW corner of Section 17, T. 1 N., R. 71 W. at Pole No. 101, thence northwesterly 61 spans (9363 feet) through the N $\frac{1}{2}$  of Section 18, T. 1 N., R. 71 W., the SW $\frac{1}{4}$  of Section 7, T. 1 N., R. 71 W. and to a point approximately 1800 feet north and 2030 feet west of the SE corner of Section 12, T. 1 N., R. 72 W. Also the following branch lines which feed off the above mentioned 13 KV line: 2 spans (548 feet) to the Black Cloud Mine in the SE $\frac{1}{4}$  of Section 12, T. 1 N., R. 72 W.; 1 span (338 feet) to the Big Horn Mine and 1 span (217 feet) of secondary in the SW $\frac{1}{4}$  of Section 7, T. 1 N., R. 71 W.; 4 spans (511 feet) to the Victoria Mine in the SE $\frac{1}{4}$  of Section 12, T. 1 N., R. 72 W.; 2 spans (379 feet) to the Scotia Mine in the SW $\frac{1}{4}$  of Section 7, T. 1 N., R. 71 W.; and 3 spans (484 feet) to the Fairfax Mine in the NE $\frac{1}{4}$  of Section 18, T. 1 N., R. 71 W."

That the Public Service Company of Colorado be, and it hereby is, authorized to remove and abandon said line on or after October 25, 1956.

That this Order shall become effective on the day and  
date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of October, 1956.

mls



Original

(Decision No. 46737)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. A. HAYS AND MERLE G. HAYS, DOING )  
BUSINESS AS "HAYS TRUCK LINE," LAMAR, ) APPLICATION NO. 14297-PP-Extension  
COLORADO, FOR AUTHORITY TO EXTEND ) AMENDED  
OPERATIONS UNDER PERMIT NO. B-2971. )  
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-----  
December 4, 1956  
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Appearances: Barry, Hupp and Dawkins, Esqs.,  
Denver, Colorado, by Paul M.  
Hupp, Esq., for Applicant;  
Arthur C. Gordon, Esq., Lamar,  
Colorado, and  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J Meiklejohn, Jr., Esq.,  
Denver, Colorado, for T. L.  
Tucker, Reyher Milling Com-  
pany, L. L. "Red" Richardson,  
and L. E. Walker:  
Robert L Harris, Las Animas,  
Colorado, pro se;  
Robert E. Waler, La Junta,  
Colorado, pro se;  
Mildred Rehm, Eads, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

The applicants presently hold motor private carrier author-  
ity from this Commission, Permit No. B-2971. Pursuant thereto, the  
applicants are authorized, among other things not significant here,  
to transport livestock between points within a radius of ten miles  
of Wiley, Colorado, and to and from that area from and to Denver only.

By the present application, as amended, the applicants seek  
to have this livestock private carrier authority extended to permit  
them to engage in the transportation of livestock between all points  
in Las Animas County which lie east of Delhi, and all points in Baca,  
Prowers, Bent and Kiowa Counties; and from and to such points to and

from all points in the State of Colorado. The Las Animas County area described constitutes approximately the eastern one-half of that County.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, La Junta, Colorado, October 10, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant, C. A. Hays, testified in support of the application. It appears that he is a long-time resident of Lamar; is engaged in ranching on a substantial scale near Lamar; is the local De Soto-Plymouth and Massey-Harris dealer; operates a garage there; and is a man of means in the community, which is the county seat of Prowers County. Merle G. Hays is his wife. They acquired their present motor carrier authority some two years ago from the estate of the former owner, one Doney; they operate two tractor-semi trailer units and one straight truck, all suited to the transportation of livestock. This equipment is all stationed at Lamar; they propose to conduct their operation from there. The only other livestock trucker actually living in Lamar has only one piece of equipment; parenthetically, we note that this carrier does not appear in protest of the application.

Some twenty-seven public witnesses testified in support of the application. They represented a fair cross-section of the livestock industry in southeastern Colorado. None of these people were from Las Animas or Baca Counties. Approximately two-thirds were from the territory presently served by the applicants, or from Prowers County, where applicants propose to headquarter. All were men of substance; they included the banker at Wiley and a commission man from La Junta, which although outside the basic territory sought does serve as a sales point for that area. All testified concerning severe drouth conditions in the area, and a consequent substantial reduction

in the size of herds. There was evidence that the stock remaining was moved more frequently due to the drouth, following the pasturage from point to point. The only evidence concerning long-distance moves to pasturage was that it had been tried twice, but the cost was so high in relation to the value of the stock that it would not be tried again. Regular livestock sale rings for the area are at La Junta (outside the base area sought), and Lamar (Prowers County seat); a sales ring at Springfield (Baca County seat) operates seasonally. A quantity of stock from the area is taken to the Denver Stockyards for sale; some of it moves to feeder lots in northern Colorado; some moves to Denver and to the Middle West by rail; only occasionally is a sale or purchase made at Pueblo or Salida. All of the stock testified to as being bought on the Western Slope was brought into this area by rail. No one complained of dissatisfaction with existing carriers, except possibly at times of peak demand; as the applicant has been letting others use his equipment at these times, and has no present plan to expand his equipment, the granting of this application will not satisfy this complaint.

The application was strenuously protested by common carriers with terminals at Springfield (Baca County), Walsh (Baca County), McClave (Bent County), Las Animas (Bent County), Holly (Prowers County), Lamar (Prowers County), La Junta (Otero County, outside the base territory sought), and Eads (Kiowa County). The two Prowers County operations noted were branch offices of other operations noted above at Springfield and Walsh. In addition to the testimony of the protesting common carriers themselves, some seven public witnesses testified in protestants' behalf. Duly discounted for bias where apparent, the evidence in protest is that the two southern Counties, Las Animas and Baca, are adequately served at present by common carriers headquartered in Baca

County. Eastern Las Animas County appears to be in a community of interest, because of highways and terrain, with Baca County, and isolated from Lamar, applicants' headquarters. No witnesses appeared from either County in applicants' behalf, to indicate any need or desire for applicants' service in these two Counties.

Bent County, on the west, has no livestock sales ring; two common carriers headquartered in that County now serve it. It has been officially declared a drouth disaster area; herds are greatly reduced. To insert another carrier into this County would only divide further what little revenue appears to exist at present.

Kiowa County, on the north, is similarly in pitiful condition, according to the evidence. Here also, herds are reduced due to drouth. One rancher here testified to the difficulty of raising enough feed to keep even his greatly reduced herd. In the words of one witness, the fields are blown bare. The local common carrier, based at the County seat, has five units of livestock equipment, but so little work that he has hired out as a driver to a trucker at Pueblo, some 110 miles distant. Business here has steadily declined to its present low point since the drouth began, in about 1951. Clearly, any reduction in revenues will drive this common carrier entirely out of business, leaving that County with no locally based motor common carrier of livestock.

We do not have unlimited power to grant private carrier authorities. The statute specifically prohibits us from granting such a permit where it appears that

"The proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same general territory..."

It seems clear to us, and we so find, that to insert another livestock carrier authority into Bent and Kiowa Counties, in the present distressed condition of those Counties, would indeed

result in impairment of existing common carrier service locally based in those Counties. As to those Counties, therefore, the application must be denied.

We turn finally to Prowers County, where the applicants propose to base their operation. It appears from the evidence that two motor common carriers of livestock have offices in Lamar, the County seat; these are W. E. Taulman, who has one piece of equipment and lives in Lamar, but did not appear in protest of the application, and T. L. Tucker, whose home is in Springfield, some fifty-eight miles distant, but who maintains his main terminal and principal supply of equipment and personnel at Lamar, with day and night telephone available for service locally there. While his volume of traffic this year has been larger than last, he said it has all been from ranch to market, in reduction of herds, with none of the return flow of heifers and young steers customary at this time of year; as a result, there will not be the usual movement to market next spring, of livestock carried through the winter. Tucker concluded that the present increased volume is this Fall's and next Spring's business both, and that next Spring he will be hard pressed for revenues. It appears, however, that if the drought should break, ranchers would replenish their herds, thus requiring abnormal service to the ranch from the market next Spring. Our conclusion is that the future is not certain, and that we should not grant or withhold the permit alone on the basis of possible traffic levels next Spring.

The applicants' authority allows them to serve Lamar from a part of Prowers County now. From the substantial number of public witnesses who appeared from that County, we conclude that the applicants' proposed service is wanted County-wide, in and out. It does not appear that any impairment of common carrier service will result, from allowing extended authority to cover the full County.

One last question remains. From the number of witnesses who appeared, and the general nature of the service proposed, it is a very close question indeed whether the service proposed is common carrier, rather than private carrier service. No specialized or unique service appears to be involved, which a common carrier ordinarily would not perform; no circumstances inherent in the work itself would appear to impose any self-limitation upon the number of customers to be served; no particular reason for special contracts for service appears. It would seem that the applicants' propose to serve the general public. If they do, this application should be denied.

The applicants specifically seek private carrier authority, however; applicants are represented by counsel experienced in this specialized field of law, so that we may assume that the applicants have been advised of the difference in character between common and private carriers, and have made their application accordingly. The wishes of the substantial number of public witnesses who appeared in applicants' behalf also deserve consideration. Finally, if in fact the applicants, granted private carrier authority, act as a common carrier, we have authority to stop them: Davis vs. People, 79 Colo. 642, 247 Pac. 801; Western Transportation Co. vs. People, 82 Colo. 456, 261 Pac. 1; and should the matter come into question, the applicants will have the burden of showing that they are not acting as a common carrier; Bushnell vs. People, 92 Colo. 174, 19 Pac. 2d 197.

Considering all the particular facts and circumstances of this case, we conclude that the applicants should be granted live-stock private carrier authority within, and into and out of, Prowers County, only. An Order will be entered accordingly.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement, by reference, be in-

corporated herein.

That authority should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That C. A. Hays and Merle G. Hays, doing business as "Hays Truck Line," Lamar, Colorado, should be, and they are hereby, authorized to extend operations under Permit No. B-2971, so that operating rights under said Permit No. B-2971, as extended, shall be as follows:

The right to operate as a private carrier by motor vehicle for hire, for the transportation of:

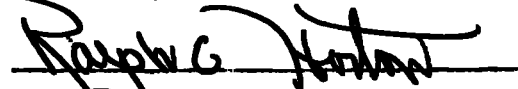
Livestock, from point to point within Prowers County, Colorado, and from and to all points in the said County, to and from all points in the State of Colorado;

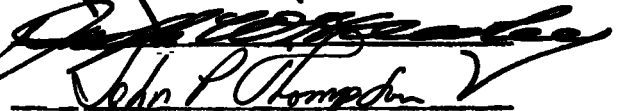
Livestock, from point to point within a radius of ten miles of Wiley, Colorado, but outside Prowers County, Colorado; and from and to points within said area, to and from Denver, Colorado, only.

Also the right to transport farm products, feed and farm supplies within a radius of twelve miles of Wiley, including the right to pick up feed at Denver and points around Wiley, extending south to the State Line, west fifty miles, east forty-five miles, north one hundred twenty-five miles, for destination points within said twelve-mile radius of Wiley, including also the right to transport turkeys, live or dressed, between points within a radius of twenty-five miles of Wiley, provided, however, that all of said service shall be a farm service, including only transportation from farm to farm, farm to town, or town to farm; interstate, between all points in the State of Colorado and the Colorado State Boundary Lines, where all highways cross same, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That this Order is made a part of the permit granted to applicants, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,  
this 4th day of November, 1956.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PALMER CLARK, DOING BUSINESS AS )  
"HILLROSE OIL COMPANY," BOX 115, )  
HILLROSE, COLORADO. )

PERMIT NO. M-5501

-----  
October 29, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Palmer Clark dba Hillrose Oil Company

requesting that Permit No. M-5501 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5501, heretofore issued to \_\_\_\_\_

Palmer Clark dba Hillrose Oil Company \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective August 13, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*[Signature]*  
*[Signature]*  
Commissioner's

Dated at Denver, Colorado,

this 29th day of October, 195 6.

br



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALFRED PADILLA, 2302 NORTH BRADFORD, )  
PUERLO, COLORADO. )

PERMIT NO. M-11016

October 29, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Alfred Padilla

requesting that Permit No. M-11016 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11016, heretofore issued to \_\_\_\_\_

Alfred Padilla

be,

and the same is hereby, declared cancelled effective October 24, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*

*John P. Thompson*  
*John P. Thompson*

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956

br

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BENJAMIN F. ACHZIGER, DOING BUSINESS )  
AS "COUNTRY CLUB HEATING SERVICE," )  
221 DETROIT STREET, DENVER, COLORADO.)

PERMIT NO. M-3419

-----  
October 29, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Benjamin F. Achziger dba Country Club Heating Service

requesting that Permit No. M-3419 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3419, heretofore issued to \_\_\_\_\_

Benjamin F. Achziger dba Country Club Heating Service be,

and the same is hereby, declared cancelled effective October 13, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1956.

br

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOE J. LANDON, STANLEY, NEW ) (PERMIT NO. M-3618)  
MEXICO. ) CASE NO. 77985-INS.  
----- )

-----  
October 26, 1956  
-----

S T A T E M E N T

By the Commission:

On September 26, 1956, in Case No. 77985-Ins., the Commission entered an order revoking Permit No. M-3618 for failure to keep on file the required certificate of insurance.

Insurance was in effect, however, but through neglect of the agent, was not filed in time to stop the revocation of the permit. Proper filing has now been made and the insurance is in order without lapse.

F I N D I N G S

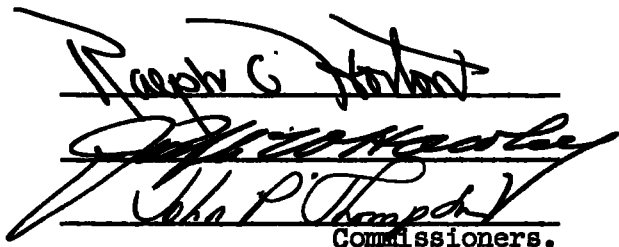
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 77985-Ins., should be cancelled and set aside, and said Permit No. M-3618 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on September 26, 1956, in Case No. 77985-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. M-3618 restored to its former status as of September 26, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,

this 26th day of October, 1956.  
ea

original

(Decision No. 46742)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GREELEY GAS COMPANY, 1930 SHERMAN )	
STREET, DENVER, COLORADO, FOR AN )	<u>APPLICATION NO. 14768-Securities</u>
ORDER AUTHORIZING THE ISSUANCE OF )	
CERTAIN SECURITIES. )	
----- )	

-----  
October 26, 1956  
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Appearances: Holme, Roberts, More and  
Owen, Esqs., Denver,  
Colorado, for applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

By the above captioned application filed on September 26, 1956, Greeley Gas Company, a corporation organized, existing and doing business under the laws of the State of Colorado, seeks an Order from the Commission, pursuant to 1953 C. S. A. Sec. 115-1-4 (3), as amended, authorizing it (a) to reclassify the 977 shares of its 5% Cumulative Preferred Stock presently outstanding into a like number of shares of 5 1/2% Cumulative Preferred Stock, Series A, and (b) to issue and sell an additional 2,023 shares of such 5 1/2% Cumulative Preferred Stock, Series A.

The 5 1/2% Cumulative Preferred Stock, Series A, shall after such transactions consist of 3,000 shares, each of the par value of \$100, and the shares are to be issued under the provisions of an amendment of the certificate of incorporation, a copy of which is Exhibit "A" to the application, which amendment is hereby made part hereof by reference. Said preferred stock provisions, among other things, provide that up to 10,000 shares of preferred

stock may be issued from time to time in series having different dividend rates, redemption prices, sinking fund provisions, liquidation preferences and other characteristics. The  $5\frac{1}{2}\%$  Cumulative Preferred Stock, Series A, shall consist of 3,000 shares, having a dividend rate of  $5\frac{1}{2}\%$ , callable at \$102.50 plus accrued dividends until November 1, 1966, and at a price of \$101 plus accrued dividends thereafter. Upon any voluntary liquidation, the holders will receive \$102.50 per share, plus accrued dividends, in preference to the common, and upon any involuntary dissolution they are entitled to \$100 per share, plus accrued dividends. The Company is obligated to set aside a sinking fund sufficient to retire 2% of the class in each year from 1957 to 1960, inclusive, and 3% in each year thereafter, those shares to be retired being selected by lot. If at any time six full quarterly dividends are in arrears, the holders of the preferred of all classes are entitled to elect a majority of the board of directors.

The Company has an underwriting agreement with Carl D. McKinley and Company, investment bankers of Greeley, Colorado, obligating the underwriter to use its best efforts to sell the entire 2,023 share issue of new Class A at a price of \$100 primarily to the residents of Greeley, Canon City and Craig, Colorado. Carl D. McKinley and Company will receive 5% commission in the sale of new stock and \$977 for the conversion of the 977 shares of old stock. The Company also agrees to pay one-half the cost of printing the offering circular, but not more than \$500. All legal expenses in connection with such circular are borne by the underwriter. Initial sale of the issue is to be limited to bona fide residents of the State of Colorado.

A public hearing was held at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after appropriate notice, on October 23, 1956, at 9:30 A. M., and at the conclusion thereof, the matter was taken under advisement.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the application.

The Applicant is engaged in the business of purchasing, distributing and selling natural gas in various communities of the State of Colorado, including the cities of Greeley, Canon City, and Craig, and areas in Weld, Fremont and Moffat Counties near said cities. The Applicant is a gas public utility subject to the jurisdiction of this Commission, operating gas distributing systems wholly within the State of Colorado. Its administrative offices are at 1930 Sherman Street, Denver, Colorado. It is authorized by its certificate of incorporation to carry on business at such places within the State of Colorado, wherever located, as its board of directors may from time to time determine.

The Company in its application stated that on August 1, 1955, the Company acquired the certificate of public convenience and necessity to The Canon Gas Service Company, and most of the other assets of that corporation used in connection with the distribution of natural gas in Canon City and surrounding communities. This acquisition was authorized by an order of the Commission dated June 24, 1955, (Decision No. 44338). The purchase price of such acquisition was \$350,000 plus the face value of certain accounts receivable which were acquired. By an Order of the Commission dated February 20, 1955, (Decision No. 45352) the territory in Fremont County which the Company was authorized to serve was considerably expanded. In connection with this expansion of territory and with the growth of the Company's operations in the other territories served by it, it has made substantial capital additions to its systems. The acquisition of the Canon City assets and these expansions have been financed in part from retained earnings and in part from short-term bank borrowings permitted under CRS 1953 Section 115-1-4 (4). At present, the Company has short-term

obligations to banks in the principal amount of \$650,000, and short-term obligations to others in the principal amount of \$55,000. Expansions of its system will require further borrowings of \$50,000 and this is the maximum that its bankers are willing to lend, so that a reduction of its debt has become imperative if further additions to the systems are to be made.

The sale of preferred stock now contemplated is part of this program. The Company expects to realize from this financing the sum of \$191,208 less legal and printing expenses. Virtually all of this sum will be used to reduce the Applicant's indebtedness to The Central Bank and Trust Company. This is expected to make possible further borrowings for expansion of the Company's gas systems. Therefore, this issue is for the following purposes: the acquisition of properties; the construction, completion, extension, and improvement of facilities; improvement and maintenance of its service; the discharge of the debts to The Central Bank and Trust Company which are above referred to and for other lawful purposes.

Mr. Gerald L. Schlessman, President and Chairman of the Board of Directors of the Company, testified that when the preferred stock was first issued in 1951, the Company was advised by the underwriters that they did not feel able to sell stock on an open-end basis. Therefore, the Company was placed in a position where it was necessary to obtain the permission of the holders of the old preferred in order to issue any more preferred which would rank on a parity with it. Since interest and dividend rates are now considerably higher than in 1951, the holders of the old preferred had no incentive to consent to a new issue unless their own position was improved somewhat, and it was felt that an increase of half a per cent in their dividend rate was the smallest concession which could be offered to be assured of getting their consent to the new issue. The proposed preferred stock issue is open end, thus avoiding similar difficulty in the future.

Mr. Schlessman stated further that it was now necessary to raise the dividend rate offered from 5% to 5½% in order to obtain outside funds. The Company is now larger and stronger than it was in 1951. However, it is a matter of general knowledge that interest rates have since that time increased to a figure which is probably the high for the past twenty-five years. While the dividend on preferred stock is not, strictly speaking, interest, yet preferred is a fixed-yield security, and it is obviously affected by the amount that could be obtained by selling a debt security. He stated also that he had made a rather full study of this question before deciding to recommend issuance of this stock, and had made a great many inquiries among brokers and underwriters. However, he was not able to find any who were willing to underwrite an issue of the Company's preferred stock having a dividend rate lower than 5½ per cent.

Mr. Homer S. Lanning, Treasurer of the Company, testified that the interest on the Company's funded indebtedness will be approximately \$24,410 per year; net income before deduction of this interest, if it continues at the present rate, will be approximately \$132,835, so that the interest charges on long-term debt will be covered 5.44 times. Net income after payment of this interest and income taxes, if it continues at the present rate, will be \$108,425 per year, so that the total preferred stock dividend requirement of \$16,500 will be covered 6.57 times. If the dividend requirement and the interest on long-term debt is treated as a single obligation, these charges will be approximately \$40,910 per year, and will be covered 3.25 times after taxes.

The Applicant reports assets and liabilities as of August 31, 1956, as shown in Applicant's Exhibit "B", made part of this Statement, by reference. As of this date, Applicant had outstanding 6,000 shares of common stock without par value, with a stated value of \$100 per share, or \$600,000 (out of a total authorized no par value common stock of 10,000 shares). Preferred stock



consisted of 1,007 shares at \$100 par value, or \$100,700 (out of 1,150 shares authorized). Total long-term debt was \$576,700 principal amount.

Applicant's Exhibit "C" contains a pro forma balance sheet, as of August 31, 1956, after giving effect to the proposed reclassification of preferred stock, the proposed sale of additional preferred stock and the proposed retirement notes payable of \$189,000 and is included in this Statement by reference. This pro forma balance sheet indicates that after these transactions, total capitalization will be \$1,441,838, of which \$576,000 is represented as long-term debt, or 40.0%. Common stock equity represents 39.2, or \$565,139, and the preferred stock 20.8%, or \$300,000.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Applicant, Greeley Gas Company, is a public utility as defined in 1953 C. S. A., Section 115-1-1, as amended;

That this Commission has jurisdiction of said Applicant and the subject matter of the application herein;

That the Commission is fully advised in the premises;

That the issuance by the Company of the securities proposed to be issued as hereinabove set forth is reasonably required and necessary for its proper corporate financing and for the partial repayment of its indebtedness, as aforesaid;

That said utility appears able to meet the dividend and sinking fund requirements of the additional stock;

That the said preferred stock issue is to be sold on a "best efforts" basis by Carl D. McKinley and Company, of Greeley, Colorado, as set forth in agreement. The price is \$100 plus accrued dividends at date of purchase;

That for the proper and easy identification thereof, each certificate shall be entitled "Greeley Gas Company 5 $\frac{1}{2}$ % Cumulative Preferred Stock, Series A," and bear a serial number on the face thereof preceded by the letter "PA" commencing with "PA-1" and

continuing in consecutive numbers as additional certificates are issued;

That the proposed securities transaction is not inconsistent with the public interest and the purpose or purposes thereof are permitted by, and are consistent with the provisions of C. R. S. 1953 Section 115-1-4, as amended; and

That the Order sought should be issued and should be made effective forthwith.

### O R D E R

#### THE COMMISSION ORDERS:

1. That Greeley Gas Company, a Colorado corporation, be, and it hereby is, directed to file a copy of the certificate of amendment to its certificate of incorporation, duly certified by the Secretary of State, in terms identical to Exhibit "A" to the Application herein, and which has the effect, among other things, of reclassifying the 977 shares of its presently outstanding 5% Cumulative Preferred Stock into a like number of shares of preferred stock which shall, for easy identification thereof, be entitled "Greeley Gas Company 5 $\frac{1}{2}$ % Cumulative Preferred Stock, Series A," the characteristics of such new stock being more fully described in the preceding Statement.

2. That Greeley Gas Company be, and it hereby is, authorized and empowered to issue and sell through Carl D. McKinley and Company, of Greeley, Colorado, an additional 2,023 shares of Greeley Gas Company 5 $\frac{1}{2}$ % Cumulative Preferred Stock, Series A, at a price of \$100 plus accrued dividends to date of purchase.

3. That each certificate evidencing such Greeley Gas Company 5 $\frac{1}{2}$ % Cumulative Preferred Stock, Series A, shall bear a serial number on the face thereof, preceded by the letters "PA" commencing with "PA-1" and continuing in consecutive numbers as additional certificates are issued.

4. That Greeley Gas Company be, and it hereby is, authorized to use the proceeds derived from the sale of said preferred

stock for the purpose of partially repaying its short-term bank debt, and other corporate purposes.

5. That the Applicant shall make a certified report to the Commission not later than three months after the sale of the securities heretofore authorized, stating the moneys received therefrom and in detail expenses incident to such sale, accompanying the same with copies of the entries recorded on the books of the Company as a result of the consummation of the financing as before provided.

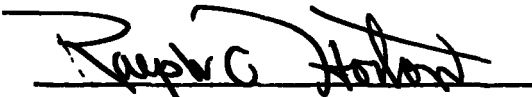
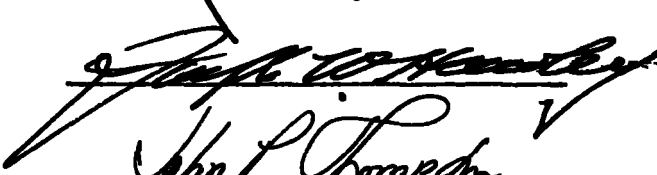
6. That Applicant be, and it hereby is, authorized, in reflecting in its accounts the consummation of the financing outlined above, to make and record the proper accounting entries in accordance with the Uniform System of Accounts for Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted by this Commission.

7. That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to said  $5\frac{1}{2}\%$  Cumulative Preferred Stock, Series A, on the part of the State of Colorado.

8. That the Commission retains jurisdiction of this proceeding to the end that it may make such further order in the premises as to it may seem to be proper and desirable.

The authority granted herein shall be authorized from and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of October, 1956.

ea

original

(Decision No. 46743)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
HUBERT HALL, DOING BUSINESS AS	)	
"DENVER-PARKER TRUCK LINE," PARKER,	)	
COLORADO, FOR AUTHORITY TO TRANSFER	)	APPLICATION NO. 13210-Transfer
PUC NO. 1556 TO CARL JOHNSON, DOING	)	<u>SUPPLEMENTAL ORDER</u>
BUSINESS AS "DENVER-PARKER TRUCK	)	
LINE," PARKER, COLORADO.	)	
-----	)	

-----  
October 26, 1956  
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S T A T E M E N T

By the Commission:

By Decision No. 43832, dated December 17, 1954, Certificate of Public Convenience and Necessity No. 1556 was transferred from Hubert Hall, doing business as "Denver-Parker Truck Line," Parker, Colorado, to Carl Johnson, doing business as "Denver-Parker Truck Line," Parker, Colorado.

It was the intention of transferor therein, as well as that of the Commission, to correctly set forth the authority under said certificate, but in setting forth the area being served under said PUC No. 1556, on Page 1 of the Statement in said decision, in the 7th line from the bottom of Page 1, it is stated:

"of Section 23, Township 4-South, Range 67-West;"

whereas, the correct description should be:

"of Section 33, Township 4-South, Range 67-West;"

and the Commission so intended.

It appears from the records of the Commission that several transfers of this certificate have been made, each stating the description of said area incorrectly as to this one line, through inadvertence. The records should now be corrected and clarified so that Section 33 appears in said line instead of Section 23.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 43832 should be amended, as provided in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 43832, of date December 17, 1954, should be, and the same is hereby, amended, nunc pro tunc, as of said 17th day of December, 1954, by striking the 7th line from the bottom of Page 1 of said decision and inserting in lieu thereof the following line:

"of Section 33, Township 4-South, Range 67-West;"

so that the authority under FUC No. 1556, as amended, shall read:

"Transportation of freight between Denver and the territory described as follows:

"Beginning at the City Limits of Denver at a point which intersects said City Limits one mile east of the Denver-Parker Highway; thence along the line paralleling said highway a distance of one mile east thereof to a point where said line would intersect the north section line of Section 3, Township 6-South Range 66-West; thence east to the NE corner of Section 1, Township 6-South, Range 66-West; thence one mile south to the SE corner of said Section 1; thence southwesterly to the SW corner of Section 28, Township 6-South, Range 66-West; thence northwesterly to the NW corner of Section 3, Township 6-South, Range 67-West; thence one mile more or less to the SW corner of Section 35, Township 5-South, Range 67-West; thence north five miles to the NW corner of Section 11; Township 5-South, Range 67-West; thence west one mile; thence north one mile; thence west one mile to the SW corner of Section 33, Township 4-South, Range 67-West; thence north two miles more or less to the channel of Cherry Creek; thence northwesterly along the channel of Cherry Creek to the City Limits of the City and County of Denver, and also milk and cream to Denver from that part of the above-described territory lying east of Cherry Creek;

"All of above operating rights lying west of Cherry Creek transferred out of said authority (Decision No. 29455).

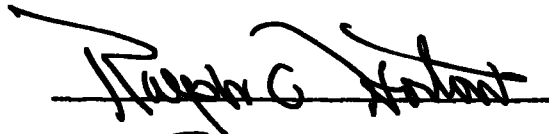
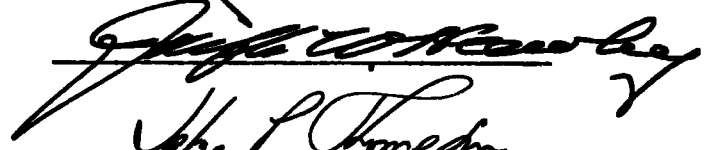

"Said authority extended (Decision No. 39741) to include:

"Transportation of milk and cream to Denver from the following described area, and freight and express, generally, between Denver, Colorado, and the following-described territory:

"Beginning at a point where the Parker-Happy Canon Road crosses Cherry Creek as located in the NE $\frac{1}{4}$  of Section 21, Township 6-South, Range 66-West; thence south along the channel of Cherry Creek to the Parker-Castle Rock Road, being approximately on the south line of Section 34, Township 6-South, Range 66-West; thence southwesterly along said Parker-Castle Rock Road to a point on the south line of Section 4, Township 7-South, Range 66-West; thence west approximately one-half mile more or less to the SW corner of said Section 4; thence north two miles to the SW corner of Section 28, Township 6-South, Range 66-West; thence northwesterly approximately four miles on a diagonal line through Sections 29 and 19, Township 6-South, Range 66-West; and Sections 13 and 11, Township 6-South, Range 67-West to a junction with the Parker-Happy Canon Road, as located in the SE $\frac{1}{4}$  of Section 11; thence southeasterly on the Parker-Happy Canon Road to Cherry Creek, being the point of beginning."

That, except as herein amended, said Decision No. 43832 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of October, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. W. TROLANDER, DOING BUSINESS AS )  
"LAKE SAND & GRAVEL," 5255 SHERIDAN )  
BOULEVARD, ARVADA, COLORADO )

PERMIT NO. M-9752

October 29, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. W. Trolander, d/b/a Lake Sand & Gravel,  
requesting that Permit No. M-9752 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9752, heretofore issued to \_\_\_\_\_  
H. W. Trolander, d/b/a Lake Sand & Gravel, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective September 16, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 29th day of October, 195 6.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES H. BENNETT, 639 STRUTHERS, ) PERMIT NO. B-5049  
GRAND JUNCTION, COLORADO. )  
----- )

-----  
October 29, 1956  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-5049 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Charles H. Bennett, be, and he is hereby, authorized to suspend his operations under Permit No. B-5049 until April 8, 1957.

That unless said Charles H. Bennett shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.



original

(Decision No. 46746)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOY IVEY, ROUTE 2, BRIGHTON, COLO- )  
RADO, FOR AUTHORITY TO EXTEND OPER- ) APPLICATION NO. 14794-PP-Extension  
ATIONS UNDER PERMIT NO. B-1693. )  
- - - - - )

- - - - -  
October 29, 1956  
- - - - -

Appearances: Floyd Ivey, Brighton,  
Colorado, for applicant.

S T A T E M E N T

By the Commission:

Joy Ivey, Brighton, Colorado, is the owner of Private  
Carrier Permit No. B-1693, authorizing:

The transportation of coal and road-surfacing  
material from point to point within a radius  
of fifty miles of Denver.

By the instant application, he seeks authority to extend  
operations under said Permit No. B-1693 to include the right to  
transport sand, gravel, and other road-surfacing materials used  
in the construction of roads and highways, from pits and supply  
points in the State of Colorado, to road jobs, mixer and processing  
plants within a radius of fifty miles of said pits and supply points;  
sand and gravel, from pits and supply points in the State of Colo-  
rado, to railroad loading points, and to homes and small construc-  
tion jobs within a radius of fifty miles of said pits and supply  
points; sand, gravel, dirt, stone, and refuse, from and to building  
construction jobs, to and from points within a radius of fifty  
miles of said jobs; insulrock, from pits and supply points in the  
State of Colorado, to roofing jobs within a radius of fifty miles  
of said pits and supply points.

Said application, pursuant to prior setting, after  
appropriate notice to all parties in interest, was heard at the

Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Floyd Ivey, father of applicant, testified that the applicant himself was unable to appear to testify. Applicant has been engaged in trucking operations for the Gardner Construction Company and recently had occasion to work for said company in the vicinity of Glenwood Springs, but could not accept the employment by reason of the fact that his present authority is limited to a radius of fifty miles of Denver. He now wishes to serve all contractors who may wish his service in the transportation of sand, gravel, etc. He owns three Ford Tandem Dump Trucks, 1949, 1950 and 1951, respectively, and his net worth is \$10,000.00.

No one appeared in opposition to the granting of authority sought, and it did not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which he will compete.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

#### O R D E R

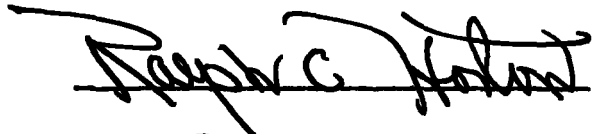


##### THE COMMISSION ORDERS:

That Joy Ivey, Brighton, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-1693 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said

pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

This Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
K. L. VAN VALKENBURG, 5565 NORTH	)	
FEDERAL BOULEVARD, DENVER, COLORADO,	)	
FOR A CLASS "B" PERMIT TO OPERATE AS	)	<u>APPLICATION NO. 14801-PP</u>
A PRIVATE CARRIER BY MOTOR VEHICLE	)	
FOR HIRE.	)	
-----	)	

-----  
October 29, 1956  
-----

S T A T E M E N T

By the Commission:

The instant application was set for hearing before the Commission at ten o'clock A. M., October 25, 1956, at 330 State Office Building, Denver, Colorado, due notice being given to applicant and all interested parties.

When the application was called up for hearing, applicant did not appear, either in person or by counsel.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application be dismissed for want of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for want of prosecution.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Johnson*  
*Robert W. Kennedy*  
*John P. Thomas*  
 \_\_\_\_\_  
 Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
VIRGIL LEAK, 425 SOUTH FIRST STREET,	)	
BRIGHTON, COLORADO, FOR A CLASS "B"	)	<u>APPLICATION NO. 14796-PP</u>
PERMIT TO OPERATE AS A PRIVATE CAR-	)	
RIER BY MOTOR VEHICLE FOR HIRE.	)	
-----	)	

-----  
October 29, 1956  
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S T A T E M E N T

By the Commission:

The instant application was set for hearing before the Commission at ten o'clock A. M., October 25, 1956, at 330 State Office Building, Denver, Colorado, due notice being given to all parties in interest.

When the application was called up for hearing, applicant did not appear, either in person or by counsel.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed for want of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for want of prosecution.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hobart*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GEORGE C. BACK, BOX 581, IDAHO )	
SPRINGS, COLORADO, FOR A CLASS "B" )	<u>APPLICATION NO. 14792-PP</u>
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
October 29, 1956  
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Appearances: George C. Back, Idaho  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks authority to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insul-rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that his experience in the trucking business has been gained by the transportation of scrap iron from Idaho Springs to Denver under the authority of a commercial permit. He owns a 1949 Ford dump truck, and his net worth is \$3,000, and he has an additional income of \$2,600.00 per year from his father's estate. He wishes to serve any contractor who wishes his services under the proposed permit.

Richard B. Stone appeared in support of the application. He has been working with applicant and will be doing the driving for him, but will have no interest in the permit. He corroborated applicant's testimony as to his equipment and financial status.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That George C. Back, Idaho Springs, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of

said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

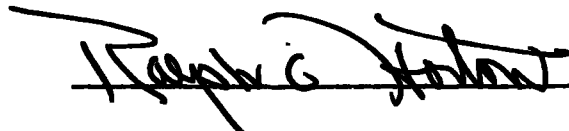


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PHIL STEPHENS, DOING BUSINESS AS )  
"STEPHENS FRUIT COMPANY," 1145 )  
CARTERET AVENUE, PUEBLO, COLORADO )

PERMIT NO. M-5020

-----  
October 29, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Phil Stephens, d/b/a Stephens Fruit Co.,

requesting that Permit No. M-5020 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5020, heretofore issued to \_\_\_\_\_

Phil Stephens, d/b/a Stephens Fruit Co.,

be,

and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 29th day of Oct., 1956.

original

(Decision No. 46751)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF JACK W. KABELLA, IDAHO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE. -----	) ) ) ) )	<u>APPLICATION NO. 14795-PP</u>
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October 31, 1956  
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Appearances: Jack W. Kabella, Idaho Springs, Colorado, pro se;  
 E. J. Trenberth, Idaho Springs, Colorado, for Curnow Livery and Transfer Company;  
 Marion F. Jones, Esq., Denver, Colorado, and  
 Alvin J. Meiklejohn, Jr., Esq., Denver, Colorado, for Fairplay Motor Company and R. B. "Dick" Wilson, Inc., et al.

S T A T E M E N T

By the Commission:

By the instant application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty

miles of said pits and supply points; crude and concentrated ore, from mines in Clear Creek and Gilpin Counties, to and from Idaho Springs and Leadville, Colorado, and to points within a fifty-mile radius of Idaho Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been employed in hauling sand and gravel and road-surfacing materials for the State of Colorado for six months last past. He owns a 1953 Chevrolet, 1952 GMC, and a 1951 International, all 2-ton dump trucks, and operates under lease three additional 1956 Chevrolet tandem dump trucks. His net worth is \$10,000. In his sand and gravel operations, he wishes to serve any contractor who needs his service.

As to the proposed ore hauling, he stated that he had a request about four months ago from the owner of the Crazy Girl Lead Mine in Clear Creek County to haul his ore to Leadville. Also a request from Reynolds Uranium Mine operated by one John Reynolds in Clear Creek County for the transportation of his ore, and an additional request from one Harold Brumbaugh, operating a mica mine in Clear Creek County. The Reynolds' uranium ore is to be hauled to the Front Range Mill of this operator just outside Idaho Springs, Colorado, and concentrates from this mill to Leadville. At the present time, Reynolds is operating by the use of leased trucks. Applicant admitted that Gurnow Livery & Transfer Co. is now doing the transportation work for Brumbaugh from his mica mine and was handling the transportation business of the Crazy Girl mine. Applicant agreed that any authority issued should be restricted against any transportation of liquid petroleum or petroleum products in bulk in tank trucks.

Applicant produced no customer witnesses. One E. B. Bell, Vice President of the Fairplay Motor Company, operating under PUC No. 1179, appeared in protest; testifying that the base area of his company's operations was the area within a 20-mile radius of Alma, Colorado, and that the Company had authority to operate from points in said area to and from other points in the State of Colorado. It has been in operation since 1908 and operated under its present certificate since 1946. The company owns 5 dump trucks and is suffering from lack of business in the past few months. It has a net investment of \$45,000 in its equipment and certificate. Leadville is within the radius of 20 miles of Alma and his company could handle all transportation of ore to and from Leadville. However, he has never hauled ore from Clear Creek County, nor has he ever solicited business in that county and is not at the present time serving any of the three mines referred to. In this connection, it is difficult to believe that his company could suffer from the loss of business which it does not at present enjoy.

E. J. Trenberth, General Manager of Curnow Livery & Transfer Co., operating under PUC No. 49, testified that his company has authority to transport general commodities in the area herein involved, and operates 14 pieces of equipment appropriate for the transportation of ore, and any additional carrier in this area would result in a loss in his own operations. He has been handling the output of the Crazy Girl Mine for the past year, together with the output of other mines in the Clear Creek area, and there have been no complaints as to his service. Reynolds hauled his own ore for two years and later bought a truck and has been hauling his own ore to his mill, but Curnow has handled a large part of the concentrates from the mill to Leadville. Brumbaugh's mine has been closed for the last three months.

Neither of these protestants objected to the grant of the ordinary sand and gravel authority applied for, with the restriction to which applicant agreed at the hearing.

Applicant produced no customer witnesses relative to his application for authority to transport ore and concentrates and, in the absence of customer witnesses and in the face of the protests of common carriers with authority similar to that applied for in the transportation of ore and concentrates, the Commission has no alternative under its policy but to deny the application so far as the ore transportation is concerned.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted so far as the ordinary sand and gravel operation applied for is concerned restricted as agreed upon, and denied as to the proposed transportation of crude oil and concentrates.

#### O R D E R

##### THE COMMISSION ORDERS:

That Jack W. Kabella, Idaho Springs, Colorado, be, and is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways (excepting liquid petroleum and petroleum products in bulk in tank trucks), from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

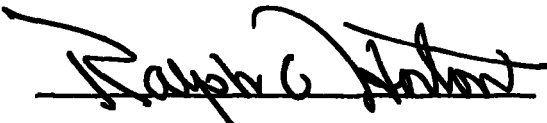

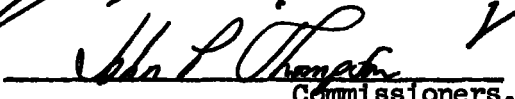
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That the instant application should be, and hereby is, denied in all other particulars.

This Order shall become effective twenty-one days from date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1956.

ea

original

(Decision No. 46752)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RICHARD MOORE, 3324 VINE STREET, )	
DENVER, COLORADO, FOR A CLASS "B" )	
PERMIT TO OPERATE AS A PRIVATE )	APPLICATION NO. 14797-PP
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
October 31, 1956  
-----

Appearances: Richard Moore, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for R. B. "Dick" Wilson,  
Inc., et al.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been hauling sand and gravel for the Northwestern Engineering Company and the Western Paving Construction Company under temporary authority from the Commission, and has been requested by said companies to file the instant application. He owns a 1955 Mack dump truck, 12 yards capacity, and his net worth is between \$10,000 and \$15,000. He wishes to serve any contractor who needs his service. He agreed that any authority issued should be restricted against the transportation of liquid petroleum and petroleum products in bulk in tank trucks.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted, as restricted in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That Richard Moore, 3324 Vine Street, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the



construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; excepting that no authority is hereby granted for the transportation of liquid petroleum and petroleum products in bulk in tank trucks.

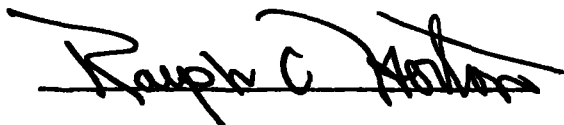
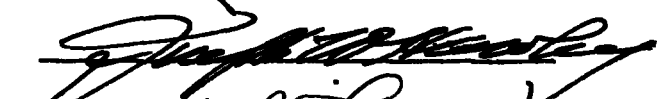

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1956.

original

(Decision No. 46753)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF LOYD H. TEEL, 3800 SOUTH INCA STREET, ENGLEWOOD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CAR- RIER BY MOTOR VEHICLE FOR HIRE. -----	}	APPLICATION NO. <u>14799-PP</u>
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October 31, 1956  
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Appearances: Loyd H. Teel, Englewood,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for R. B. "Dick" Wilson,  
Inc., et al.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the

Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been hauling sand, gravel, and road-surfacing materials under temporary authority from this Commission, since the date of the filing of his application, service being rendered to Western Paving Construction Company and Peter Kiewit & Sons. He had no previous experience in the transportation business. He owns a 1956 Chevrolet 2½-ton dump truck and his net worth is \$10,000. He has been requested to file the instant application by both of his present customers, but wishes to serve any contractor who needs his service. He agreed that any authority issued should be restricted as to transportation of liquid petroleum and petroleum products in bulk in tank trucks.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the authority sought should be granted, as restricted in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That Loyd H. Teel, 3800 South Inca Street, Englewood, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and

supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; excepting that no authority is hereby granted for the transportation of liquid petroleum and petroleum products in bulk in tank trucks.

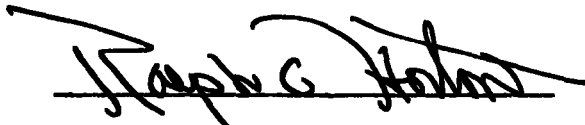
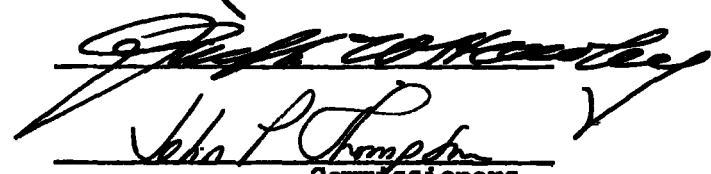
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1956.

ea

original

(Decision No. 46754)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 14800-PP</u>
GEORGE D. TESTA, 4861 VALLEJO STREET,		
DENVER, COLORADO, FOR A CLASS "B"		
PERMIT TO OPERATE AS A PRIVATE		
CARRIER BY MOTOR VEHICLE FOR HIRE.		
-----	)	

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October 31, 1956  
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Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the

Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of evidence, the matter was taken under advisement.

At the outset of the hearing, applicant, through his counsel, asked that the application be amended by restricting any authority to be issued thereunder as against any transportation of liquid petroleum and petroleum products in bulk in tank trucks. The amendment was granted.

Applicant testified that he has been engaged in hauling sand, gravel and road-surfacing materials under temporary authority, from this Commission, since September 17, serving Western Paving Construction Company and the H. & B. Asphalt Company, both of which companies have requested him to file the instant application. He owns a 1953 Ford 3-ton dump truck, and his net worth is \$3,500. Prior to his present occupation he has had a great deal of experience in driving trucks for others.

No one appeared in opposition to the granting of the authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought, as amended, should be granted, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That George D. Testa, 4861 Vallejo Street, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials

used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; excepting that no authority is hereby granted for the transportation of liquid petroleum and petroleum products in bulk in tank trucks.


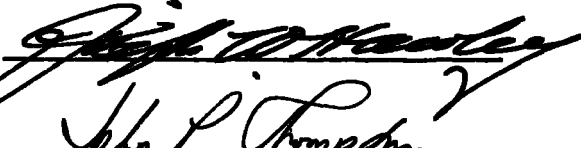
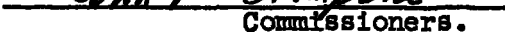
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1956.

ea

original

(Decision No. 46755)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
FLOYD R. ALDRICH, 501 UTICA STREET,	)	
DENVER, COLORADO, FOR AUTHORITY TO	)	<u>APPLICATION NO. 14791-PP-Extension</u>
EXTEND OPERATIONS UNDER PERMIT NO.	)	
B-4811.	)	
-----	)	

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October 31, 1956  
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Appearances: Floyd R. Aldrich, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for R. B. "Dick" Wilson,  
Inc.

S T A T E M E N T

By the Commission:

By Decision No. 45343, of date February 10, 1956,  
Paul J. Collier, Englewood, Colorado, was authorized to transfer  
all his right, title, and interest in and to Permit No. B-4811  
to Floyd R. Aldrich, Denver, Colorado, authorizing transportation  
of:

glass bottles, within a five-mile radius of  
Denver, Colorado, for the Knox Glass Bottle  
Company, only.

By the instant application, said Floyd R. Aldrich,  
Denver, Colorado, seeks authority to extend operations under  
Permit No. B-4811, to include the right to transport sand, gravel,  
and other road-surfacing materials used in the construction of  
roads and highways, from pits and supply points in the State of  
Colorado, to road jobs, mixer and processing plants within a  
radius of fifty miles of said pits and supply points; sand and  
gravel, from pits and supply points in the State of Colorado, to  
railroad loading points, and to homes and small construction jobs



within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is the owner of Private Permit No. B-4811 authorizing the transportation of glass bottles within a five-mile radius of Denver, Colorado, for the Knox Glass Bottle Company, only. He now seeks an extension of his permit as sought by the application because of a request received from Brannon Sand & Gravel Company. He filed the instant application on September 24, 1956, and since that date has been engaged in the transportation of sand, gravel and road-surfacing materials for Brannon Sand & Gravel Company under temporary authority from this Commission. He owns two 1952 Ford dump trucks, each 2-ton capacity, and his net worth is \$12,000.00. He wishes to serve all contractors that may need his service, and agreed that any authority issued should be restricted as against the transportation of liquid petroleum products in bulk in tank trucks.

No one appeared in opposition to the granting of the authority sought.

It did not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which he will compete.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted, as restricted in the Order following.

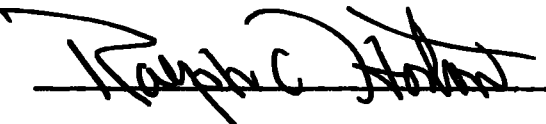


O R D E R

THE COMMISSION ORDERS:

That Floyd R. Aldrich, 501 Utica Street, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4811, to include the transportation of sand, gravel and road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excepting that no authority is hereby granted for the transportation of liquid petroleum and petroleum products in bulk in tank trucks.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1956.

ea

original

(Decision No. 46756)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF	}	INVESTIGATION AND SUSPENSION
COLORADO P. U. C. TARIFF NO. 2 OF		
THE EASTERN SLOPE RURAL TELEPHONE		
ASSOCIATION, INC., LIMON, COLORADO.		
-----	)	<u>DOCKET NO. 389</u>
		<u>SUPPLEMENTAL ORDER</u>

-----  
October 29, 1956  
-----

Appearances: Leon Snyder, Esq., Colorado Springs, Colorado, for Eastern Slope Rural Telephone Association, Inc.; Frances DeLost, Esq., and George J. Francis, Esq., Hugo, Colorado, for Town of Arriba; Thomas E. Creighton, Esq., Flagler, Colorado, for Town of Genoa and certain residents of the Town of Arriba; Charles Kelliher, Arriba, Colorado, pro se; J. M. McNulty, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On October 17, 1956, the Commission entered its Decision No. 46671 in the above-styled matter.

On October 24, 1956, "Petition for Rehearing" was filed by the Town of Genoa and certain residents of the Town of Arriba, Colorado, by Thomas E. Creighton, attorney.

The Commission has carefully reviewed the evidence adduced at the hearing on said matter, and has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion that said Petition should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing, filed October 24, 1956, in the above-styled matter, by the Town of Genoa, Colorado, and

certain residents of the Town of Arriba, Colorado, by Thomas E. Creighton, Attorney, should be denied.

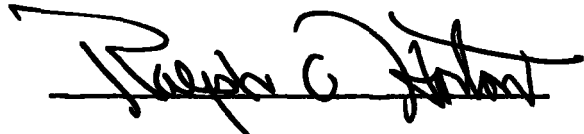
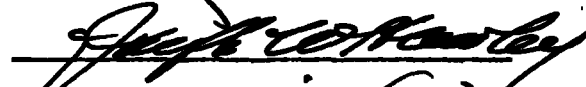

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing, filed herein by the Town of Genoa, Colorado, and certain residents of the Town of Arriba, Colorado, by Thomas E. Creighton, Attorney, on October 24, 1956, should be, and the same hereby is, denied.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of October, 1956.

ea

original

(Decision No. 46757)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BENJAMIN E. SWEET, TRUSTEE, AND )	
HOLLIS E. ROACH AND DUANE D. ZABKA, )	
CO-PARTNERS, DOING BUSINESS AS )	
"EVERGREEN FREIGHT LINE," EVERGREEN, )	APPLICATION NO. 12630-Lease
COLORADO, FOR AUTHORITY TO TRANSFER )	<u>SUPPLEMENTAL ORDER</u>
LEASE OF PUC NO. 287 TO C. R. BRYANT, )	
EVERGREEN, COLORADO. )	
----- )	

-----  
November 1, 1956  
-----

Appearances: Benjamin E. Sweet, Esq.,  
Denver, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

By Decision No. 41433, of date October 30, 1953,  
Benjamin E. Sweet, Trustee, and Hollis E. Roach and Duane D.  
Zabka, co-partners, doing business as "Evergreen Freight Line,"  
Evergreen, Colorado, were authorized to transfer all their  
right, title, and interest in and to lease and option to purchase  
PUC No. 287 to C. R. Bryant, Evergreen, Colorado, subject to  
payment of outstanding indebtedness against said operation,  
whether secured or unsecured.

On August 3, 1956, Benjamin E. Sweet, Trustee herein,  
filed his final report of such Trustee, informing the Commission  
that said C. R. Bryant has fulfilled all requirements of said  
lease and option to purchase, and requesting that an Order be  
entered by the Commission, approving final transfer of PUC No.  
287 to said C. R. Bryant.

F I N D I N G S

THE COMMISSION FINDS:

That, by reason of the facts above stated, the Commission

finds that an Order should be entered, formally transferring  
PUC No. 287.

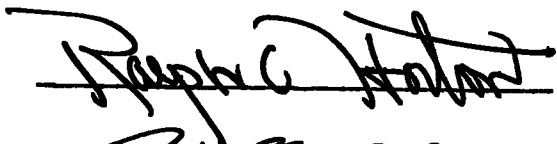
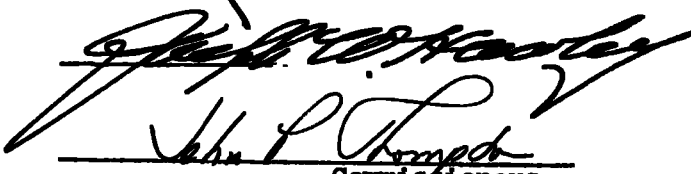

O R D E R

THE COMMISSION ORDERS:

That transfer of PUC No. 287, from Benjamin E. Sweet,  
Trustee, and Hollis E. Roach and Duane D. Zabka, co-partners,  
doing business as "Evergreen Freight Line," Evergreen, Colorado,  
as authorized by Decision No. 41433, of date October 30, 1953,  
should be, and hereby is, declared to be fully effective.

This Order shall become effective as of the day and  
date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of November, 1956.

ea

original

(Decision No. 46758)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PHILLIP BLONDO, 1867 SOUTH JULIAN )  
STREET, DENVER, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PERMIT NO B-4456 ) APPLICATION NO. 14798-PP-Transfer  
TO IVAN NORTHUP, 950 FENTON STREET, )  
LAKEWOOD, COLORADO. )  
----- )

-----  
November 1, 1956  
-----

Appearances: Ivan Northup, Denver, Colorado,  
for Transferor and Transferee.

S T A T E M E N T

By the Commission:

Phillip Blondo, Denver, Colorado, is the owner of  
Private Permit No. B-4456, authorizing the transportation of:

sand, gravel and other road-surfacing materials, from pits and supply points located in the State of Colorado, to road and building construction jobs located within a 75-mile radius of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, but including service in Boulder County for the Boulder Toll Road only; coal from the northern Colorado coal fields to Denver, Colorado, to Valmont Plant of Public Service Company located near Boulder, Colorado, to Great Western Sugar Company plants, and to Kuner-Empson plants located within a 50-mile radius of Denver, Colorado, and to the Denver Arsenal.

sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of 50 miles of said pits and supply points; transportation of sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of 50 miles of said jobs; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 miles of said pits and supply points.

By the instant application, he seeks authority to transfer his operating rights under said permit to Ivan Northup, 950 Fenton Street, Lakewood, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Ivan Northup, the transferee, appeared in support of the application. He testified that he has been hauling sand and gravel for the Brannon Sand & Gravel Company of Denver for the past six weeks and has previous experience in transportation of farm products. The consideration for the transfer, including one 1955 2-ton dump truck, is \$3,000, which has been paid. The net worth of the transferee is \$15,000. There is no indebtedness against said permit or operations thereunder.

No one appeared in opposition to the proposed transfer.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

### O R D E R

#### THE COMMISSION ORDERS:

That Phillip Blondo, 1867 South Julian Street, Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to Permit No. B-4456 -- with authority as set forth in the preceding Statement which is made a part hereof by reference -- to Ivan Northup, 950 Fenton Street, Lakewood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall

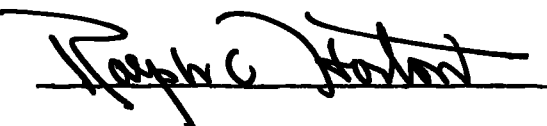
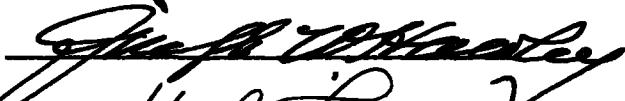



automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of November, 1956.

ea

original

(Decision No. 46759)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)
EUGENE MC CLUNE, 1031 DETROIT STREET,	)
DENVER, COLORADO, FOR A CERTIFICATE	)
OF PUBLIC CONVENIENCE AND NECESSITY	)
TO OPERATE AS A COMMON CARRIER BY	)
MOTOR VEHICLE FOR HIRE.	)
-----	)

APPLICATION NO. 14790

-----  
November 1, 1956  
-----

Appearances: Eugene McClune, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, cans, sod, fertilizer, and junk from point to point within the City and County of Denver, Colorado, from points in the City and County to officially designated and approved dumps and disposal places as now or hereafter designated by the City and County of Denver.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that since June, 1952, he has been engaged on a full-time basis in the transportation of ashes, cans, sod, fertilizer and junk from point to point in the City and County of Denver, and from said points to officially-designated and approved dumps and disposal places, designated by said City

and County of Denver. His operations continued up to January 1, 1955, on which date Constitutional Amendment No. XXV of the State of Colorado became effective, granting to this Commission jurisdiction over public utilities in home-rule cities, including Denver. Applicant wishes to have confirmed his "Grandfather Rights" and be authorized to continue the same operation in the future as he was conducting on the date named.

No one appeared in opposition to the granting of the authority sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service of Eugene McClune, 1031 Detroit Street, Denver, Colorado, for the transportation of ashes, cans, sod, fertilizer, and junk from point to point within the City and County of Denver, Colorado, and from points in the City and County of Denver, Colorado, to officially-designated and approved dumps and disposal places as now or hereafter designated by the City and County of Denver, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

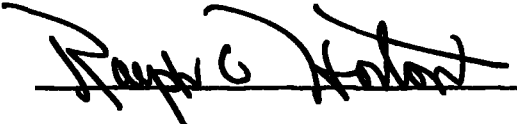


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of November, 1956.

ea

original

(Decision No. 46760)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
B. A. HOLDEN AND B. L. HOLDEN, CO- )  
PARTNERS, DOING BUSINESS AS "HOLDEN )  
& HOLDEN," HUDSON, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 14793-PP

-----  
November 1, 1956  
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Appearances: B. A. Holden, Hudson,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of turbine well pumps, and machinery connected with the water well industry, from point to point within a radius of 150 miles of Hudson, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

B. A. Holden testified that he and his son B. L. Holden, constitute the applicant partnership and are doing business as "Holden & Holden," of Hudson, Colorado. They are distributors for Worthington Corporation, Denver, Colorado, which handles turbine well pumps and machinery connected with the water well industry. In their business of drilling and installing turbine pumps in water wells, applicants also are distributors for various electric supply houses in Denver.

The area in which they operate is extensive. They have had well drilling jobs, including pump installations at Fort Morgan, Colorado; Leadville, Colorado; and other points, and have had jobs in Western Nebraska which involves the transportation of turbine and other equipment to the Nebraska State Line, so are asking for authority in a radius of 150 miles of Hudson, Colorado, their operations in the past having justified their request for such radius. The pumps and other equipment are usually shipped into Denver from which they are now being hauled to Hudson by applicants, but under the authority requested they can transport the same direct from Denver to the well sites. They own an International 2-ton 1950 truck, one 2-ton Ford 1951 truck, one Ford 1954 Truck, and one 1½-ton Ford truck with two Ford pick ups additional. All of this equipment is used in their operations. The net worth of himself and son is \$75,000. Witness has been in this business since 1918 and the partnership since 1945. During the past year, they have drilled between 15 and 20 water wells and installed the necessary pumps and equipment therein.

P. F. Robbins, Salesman for the Worthington Corporation, appeared in support of the application. He stated that applicants' operations were extensive, and during the past six months his company has sold applicants about \$40,000 worth of pumps and equipment at its plant in Denver. He has been acquainted with the operation of applicants for the past 20 years and their service has been satisfactory. The need for their service extends to at least 150 miles in all directions from Denver.

No one appeared in protest to the application.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That B. A. Holden and B. L. Holden, co-partners, doing business as "Holden & Holden," Hudson, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of turbine well pumps, and machinery connected with the water well industry, from point to point within a radius of 150 miles of Hudson, Colorado.

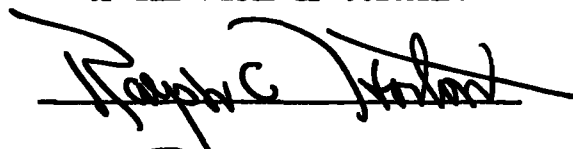
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners,

COMMISSIONER THOMPSON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1956.

original

(Decision No. 46761)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOWELL TURNER, L. H. MILLER, RITA )  
GREENOUGH AND GERALD L. STAPP, PRO )  
SE, WHO ARE ACTING INDIVIDUALLY AND )  
ON BEHALF OF ALL OTHER PERSONS )  
SIMILARLY SITUATED AND ON BEHALF )  
OF THE HARVEY PARK IMPROVEMENT )  
ASSOCIATION, INC., A COLORADO COR- )  
PORATION, RE DENVER TRAMWAY SERVICE. )  
-----)

APPLICATION NO. 14434  
SUPPLEMENTAL ORDER  
(Route No. 60)

-----  
November 2, 1956  
-----

S T A T E M E N T

By the Commission:

Resulting from various requests for extension of public transportation service by The Denver Tramway Corporation into the Harvey Park Area of southwest Denver, Colorado, this Commission, on May 24, 1956, issued its Decision No. 45841 in the above captioned matter.

On Page 4 of that decision, there is, in part, as follows:

"Therefore, on recommendation of our Service Committee, in order to determine the economic feasibility and justification for prescribing permanent transit service for the area, we will herewith authorize the institution and maintenance of a trial operation by The Denver Tramway Corporation, as follows:

1. Route and Extension:

North Harvey Park--Route No. 60: From present terminal at West Jewell and South Wolff, extend the line southward on South Wolff to West Evans, thence to South Xavier, thence to West Harvard, thence to South Yates, thence to West Warren, thence to South Xavier and return."

On October 12, 1956, The Denver Tramway Corporation, by W. A. Baker, General Manager, forwarded certain correspondence to the Commission relative to the above extension of Route No. 60, and proposing to make the temporary extension one of a permanent



nature. Part of that correspondence is as follows:

"The route for North Harvey Park - Route No. 60 - was defined in said decision, and subsequent to the decision the route was extended to Xavier and Harvard Streets. Regular reports showing the operating results of this extension have been provided the Commission pursuant to the provisions of the Order.

"Present operating experience indicates that this extension of Route 60 is presently self-sustaining insofar as the relationship between passenger revenue and operating costs is concerned. Therefore, The Denver Tramway Corporation proposes to make this temporary extension one of a permanent nature effective immediately."

### F I N D I N G S

#### THE COMMISSION FINDS:

That the intention of the Commission's Order of May 24, 1956, to determine rider-habits and patronage has been affirmatively accomplished relative to the extension of Route No. 60, and that permanent authority should be granted for inclusion of said extension as a regularly-approved portion of the tramway route pattern in the City of Denver, Colorado.

### O R D E R

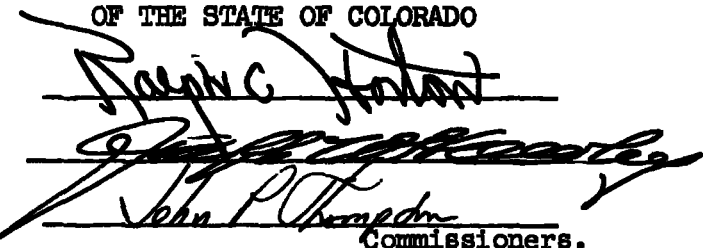
#### THE COMMISSION ORDERS:

That permanent authority be, and hereby is, granted for the inclusion of the following-described extension of Route No. 60 as an approved portion of the route pattern of The Denver Tramway Corporation in the City and County of Denver, Colorado, viz.:

From the terminal at West Jewell and South Wolff, said line extension being southward on South Wolff to West Evans, thence to South Xavier, thence to West Harvard, thence to South Yates, thence to West Warren, thence to South Xavier, and return.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1956.

ea

original

(Decision No. 46762)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE ATCHISON, TOPEKA AND SANTA FE )	
RAILWAY COMPANY FOR PERMISSION TO )	APPLICATION NO. 14477
DISCONTINUE RESIDENT AGENCY AT )	
VILAS, BACA COUNTY, COLORADO. )	
----- )	

-----  
November 2, 1956  
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S T A T E M E N T

By the Commission:

Pursuant to Rule No. 6 of the Rules and Regulations of this Commission Pertaining to Railroads and Express Companies Operating in the State of Colorado, The Atchison, Topeka and Santa Fe Railway Company, by its Attorneys, Grant, Shafroth, Toll and McHendrie, on June 15, 1956, filed an application with this Commission, requesting permission to discontinue its Resident Agency at Vilas, Baca County, Colorado, effective August 1, 1956, and to thereafter retire and remove the car-body depot building.

On June 19, 1956, the Commission received the Affidavit of Posting Notice of the proposed change; in further conformance with the above-mentioned Rule No. 6.

In the course of the Commission's investigation of the instant matter, request was made for added operating information relative to the station and the proposed closing was postponed.

On October 10, 1956, applicant filed the following request to withdraw the closing application:

"Comes now the above-named applicant by its attorneys and withdraws its application, heretofore filed herein, but without prejudice to reinstatement or refiling in the future."

F I N D I N G S

THE COMMISSION FINDS:

That the request of applicant to withdraw its application for discontinuance of the Resident Agency at Vilas, Baca County, should be granted without prejudice to reinstatement or refiling in the future.

O R D E R

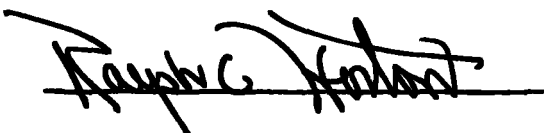
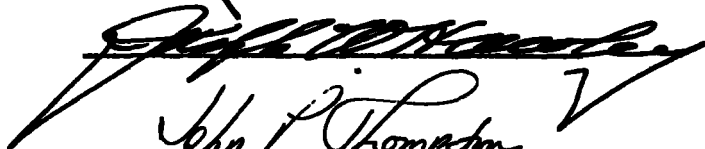
THE COMMISSION ORDERS:

That the request of applicant, The Atchison, Topeka and Santa Fe Railway Company, to withdraw its Application No. 14477, as appearing on the Commission's Docket, be, and is hereby approved.

That the withdrawal of said application is granted without prejudice to reinstatement or refiling in the future.

This Order is effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1956.

ea

original

(Decision No. 46763)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTH ADAMS TRANSIT COMPANY, INC., )  
FOR PERMISSION TO ABANDON THE ) APPLICATION NO. 14736  
THORNTON BUS SERVICE. )  
----- )

-----  
November 2, 1956  
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Appearances: Julius Bussard, Englewood,  
Colorado, for Applicant  
South Adams Transit Co., Inc.;  
Henry Zarlengo, Assistant  
Attorney General, Denver,  
Colorado, and  
J. L. McNeill, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, South Adams Transit Company, Inc., a Colorado corporation, is seeking authority to cease and abandon its operation as a common carrier by motor vehicle, on schedule, for the transportation of passengers between Denver, Colorado, and the new community of Thornton, Colorado. Said operation has been conducted under Certificate No. 2851, as granted by this Commission in Decision No. 42459, dated April 15, 1954.

Pursuant to prior setting, and after appropriate notice to interested parties, including the Mayor and Town Clerk of Thornton, Colorado, and the Town Clerk of Welby, said application was heard by the Commission at its Hearing Room, 330 State Office Building, Denver, Colorado, on September 26, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Testimony was given by Mr. Bussard to the effect that he was president of the applicant firm herein, and that full ownership of the stock of the corporation was held by him and

his family. With reference to paragraph (3) of the instant application, Mr. Bussard explained that F. & S. Construction Company, 900 South Washington Street, Denver, Colorado, was, in 1954, engaged in the construction and development of a residential subdivision known as Thornton, Colorado. Further, that by an agreement dated November 1, 1954, with a termination date of November 1, 1956, an operating subsidy for the bus operations was provided as follows:

"It is anticipated by the parties that during the term of this contract, the gross revenues from the operation of the Transit Company may not be sufficient to maintain its operations, and F. & S. hereby agrees to pay Transit Company a monthly subsidy calculated in accordance with the following terms:

Mr. Bussard reported that the scheduled bus operations were conducted and the necessary subsidy payments made as provided by the contract. In a tabulation of the operations from January 1, 1956, to July 31, 1956, the cost of operation was 15.2 cents per mile, or \$6,257.84 for the period; total revenue collected from passengers was \$3,457.35, being equivalent to 8.4 cents per mile. Total loss for the most recent period of seven months as shown was \$2,800.49, thereby requiring a subsidy payment that ranged from \$297.06 to \$466.03 each month. By the termination date of the two-year operating contract, it is estimated the subsidy payments will amount to approximately \$10,000.

In further testimony, Mr. Bussard stated that F. & S. Construction Company was completing its operations in the Thornton area, and therefore no further extension of the subsidy arrangement was possible. He related that the service consisted of thirteen trips starting from the North Washington terminal at 6:35 A. M. and each hour thereafter, including 6:35 P. M., being the last trip, and operating every day except Sunday. He stated that only one bus was required and that any decrease in schedules would mean somewhat less fuel and operating expense, but the larger item of wages would

still continue; hence, the most efficient and economical pattern of transit service was currently being provided. He reported that the fare was only 15 cents for the nine mile trip, and was purposely not raised to a higher rate in the belief that patronage could be attracted and retained by the low fare. On the basis of \$18 to \$20 revenue per day, he reported some 130 fares were collected, or an average of ten riders per trip. It was his experience that patronage could not be held for the reason that when a group of regular riders became acquainted on the bus they would then organize a car-pool and provide their own transportation.

In questioning regarding public convenience and necessity of the area for his transportation service, Mr. Bussard cited the growth of the community from open farmland to its currently estimated population of some 9,000 people, and that there was no appreciable gain in patronage; that the people evidently moved into the area with their own means of transportation. Further, that if his service were to stop, it was his knowledge that the area was also served by two southbound trips and one northbound trip daily by the Fort Collins line of the Colorado Motorway, Inc. Mr. Bussard also offered a copy of the Notice that was posted in the bus to notify the patrons that the bus service would stop on November 1, 1956.

Other testimony regarding public complaints or protests was given by Mr. Robert B. Richmond, 1061 Clayton Street, Denver, Colorado, who has been the Thornton bus driver for the past five months. He reported a few instances where patrons asked "What can be done?" and they were informed there would be a public hearing before the Public Utilities Commission.

With reference to the Commission's files in this matter and particularly the "Notifications of Hearing" to interested parties, we have the following from the reply of the City Clerk of Thornton, Colorado, dated September 18, 1956, as follows:

"Our next regular Council meeting will be held Monday, September 24.

"If any action is decided upon at this meeting we will appear at the hearing Thursday, September 27."

No other replies were received by the Commission and no one appeared in protest at the hearing. It appears then that the Commission can find no evidence of public necessity requiring continued operation of the route and in the absence of any further contract for payment of the operating losses, we will approve the proposed abandonment.

### F I N D I N G S

#### THE COMMISSION FINDS:

That it is informed in the instant matter and the foregoing Statement, by reference, is made a part of these Findings.

That Applicant, South Adams Transit Company, Inc., does not have sufficient patronage on the Thornton route to pay operating expenses.

That public convenience and necessity has not been sufficiently demonstrated to warrant continuance of the bus service and that permission for abandonment of the Thornton route should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Applicant, South Adams Transit Company, Inc., 3395 South Lincoln Street, Englewood, Colorado, be, and is hereby, authorized to abandon the motor vehicle common carrier transportation service of passengers on schedule in the area and over the route as authorized under certificate of public convenience and necessity No. 2851, and extending between the northern City Limits of Denver, Colorado, and the City of Thornton, Colorado.

That said certificate of public convenience and necessity No. 2851 shall be cancelled and held for naught.

This Order shall become effective twenty-one days  
from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1956.

ea



original

(Decision No. 46764)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ARVADA MERCHANTS TRANSIT COMPANY, )	
c/o CHAMBER OF COMMERCE, ARVADA, )	APPLICATION NO. 13605
COLORADO, FOR A CERTIFICATE OF PUB- )	<u>SUPPLEMENTAL ORDER</u>
LIC CONVENIENCE AND NECESSITY. )	
----- )	

-----  
November 2, 1956  
-----

S T A T E M E N T

By the Commission:

On September 20, 1955, and by Decision No. 44638, as issued in the above-captioned matter, a certificate of public convenience and necessity was granted to Arvada Merchants Transit Company, Arvada, Colorado, for the operation of a scheduled common carrier motor vehicle service, viz.:

" . . . for the transportation of passengers within the corporate limits of the City of Arvada, Colorado, for a one-year period on a temporary basis, upon the condition that unless the Company asks to have its authority terminated, it will at the end of one year automatically become permanent . . ."

In conformance with the above authority and the other applicable regulations of this Commission, scheduled bus operations were started on January 16, 1956 and maintained until August 1, 1956. The Commission is now informed by George M. Graber, Attorney for Arvada Merchants Transit Company as follows:

"That the Company has showed a financial loss throughout said period, and is of the opinion that a common carrier is not necessary in the City of Arvada at the present time."

In a petition filed on October 1, 1956, with the Commission by Arvada Merchants Transit Company, request to discontinue the bus service is made as follows:

". . . that in conformance with the order heretofore set out it be permitted to discontinue its operation as a common carrier, and that it be released from all of the obligations and duties of a common carrier."

F I N D I N G S

THE COMMISSION FINDS:

That as a result of approximately six and one-half months of operation at a continued loss, it appears that sufficient patronage has not been available to justify the continued operation of a scheduled common carrier by motor vehicle in the City of Arvada, Colorado, and that the temporary authority of the Arvada Merchants Transit Company should be terminated.


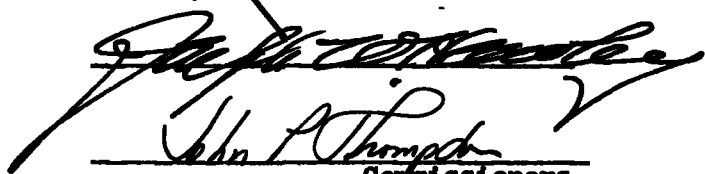
O R D E R

THE COMMISSION ORDERS:

That temporary authority and certificate of public convenience and necessity No. 3242; as granted to Arvada Merchants Transit Company, for operation of a scheduled passenger system by common carrier motor vehicle operation in the City of Arvada, Colorado, be, and the same is hereby cancelled and revoked.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1956.

ea

*original*

(Decision No. 46765)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MOREY TRANSFER COMPANY, 2431 BLAKE )  
STREET, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----)

APPLICATION NO. 14719-PP  
SUPPLEMENTAL ORDER

-----  
October 31, 1956  
-----

Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for Applicant;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Beuhler Transfer Company;  
Howard D. Hicks, Denver,  
Colorado, for Weicker  
Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Under date of September 19, 1956, by Decision No. 46530, Morey Transfer Company, applicant herein, was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of:

New and used furniture, crated and uncrated, from point to point within a radius of fifty miles of Denver, Colorado, limited to the service of two customers, to-wit: Wagner Distributing Company, 1501 - 18th Street, and Sylmor, Inc., 5200 Smith Road, Denver, Colorado, without authority to add any other customers to its customer list without previous authorization from this Commission.

Under date of October 31, 1956, the Commission is in receipt of a letter from applicant's attorney, wherein applicant requests the Commission to reduce the territorial scope of the authority granted in Decision No. 46530.

Inasmuch as the shippers supporting the application are controlled by the owner of the applicant motor vehicle carrier,

and their rights and interests would not be adversely affected, and while certain carriers appeared at the hearing on the original application, no protest was made thereto, the Commission has determined to decide the instant matter without formal hearing.

After consideration, the Commission has determined that the proposed reduction of the territorial scope of the authority as originally authorized should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed reduction in the territorial scope of the authority as originally authorized should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the authority heretofore granted to Morey Transfer Company, 2431 Blake Street, Denver, Colorado, to operate as a Class "B" private carrier by motor vehicle for hire, should be amended to read as follows: "for the transportation of new and used furniture, crated and uncrated, from point to point within the City of Denver, Colorado, and between Denver, Colorado and points within five miles of Denver, Colorado and between points within five miles of the City Limits of Denver, Colorado, limited to the service to two customers, to-wit: Wagner Distributing Company, 1501 - 19th Street, Denver, Colorado, and Sylmor, Inc., 5200 Smith Road, Denver, Colorado, without authority to add any other customer to its customer list without previous authorization from this Commission."

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

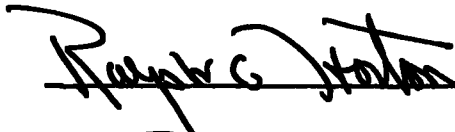
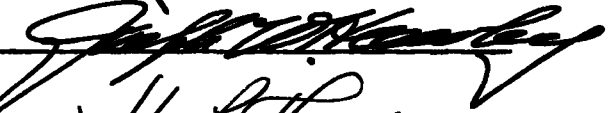

This Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of

their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1956.

ea

*original*

(Decision No. 46766)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE UTAH OIL REFINING COMPANY, A )	
UTAH CORPORATION, TO TRANSFER THE )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 14852-Transfer</u>
AND NECESSITY HELD BY SAID CORPORA- )	
TION TO THE UTAH OIL REFINING COM- )	
PANY, A DELAWARE CORPORATION. )	
----- )	

-----  
November 2, 1956  
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S T A T E M E N T

By the Commission:

The Utah Oil Refining Company, a Utah corporation, filed with this Commission its application to transfer to the Utah Oil Refining Company, a Delaware corporation, a certificate of public convenience and necessity to maintain and operate an oil pipeline in Moffat County, Colorado. This certificate was transferred to Utah from a predecessor company by the Commission in Application No. 1357-AA, Decision No. 22976, under date of December 7, 1944. Since acquiring the certificate, Utah has been operating said pipeline under the tariffs and rules filed with the Commission.

On July 13, 1956, Utah Oil Refining Company, a Utah corporation, assigned to Utah Oil Refining Company, a Delaware corporation, all of its right, title, interest, claims, demands, powers, privileges and benefits in, to and under the certificate of public convenience and necessity it had acquired from this Commission. A copy of this Assignment has been filed in the instant matter, and it states that the Assignment is subject to the approval of this Commission. The Assignment further states that Utah Oil Refining Company, a Delaware corporation, shall assume and occupy to the extent of the rights of the Utah Oil Refining Company, a Utah corporation, the rights, title, interest, claims,

demands, powers, privileges, benefits, and obligations, in, to, and under said certificate of public convenience and necessity, precisely the same position assumed and occupied by Utah Oil Refining Company, a Utah corporation, on the day of this assignment.

Utah Oil Refining Company, a Delaware corporation, has acquired all of the assets and assumed all of the liabilities of Utah Oil Refining Company, a Utah corporation. The officers and business of Utah Oil Refining Company, a Delaware corporation, with offices at 10 West Broadway, Salt Lake City, Utah, are the same as the officers and business of Utah Oil Refining Company, a Utah corporation, which latter corporation has now been dissolved.

The Articles of Incorporation of the Utah Oil Refining Company, a Delaware corporation, have been filed in the instant matter, together with a certified copy of a certificate from the Secretary of State of the State of Colorado, authorizing the Utah Oil Refining Company, a Delaware corporation, to transact business within the State of Colorado.

It is apparent from the foregoing that all that is involved in this application, in effect, is the change in location of the incorporation of the Utah Oil Refining Company. While there is a change in the corporation entity, there has been, in effect, no other change in the corporation. The records of the Commission do not reveal that there is anyone who would be interested in a public hearing in regard to this matter, so the Commission has decided to hear, and has heard, this matter upon the records and files herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the preceding Statement be made a part of these Findings, by reference.

That the Commission is fully informed in the matter.

That the application should be granted.

ORDER

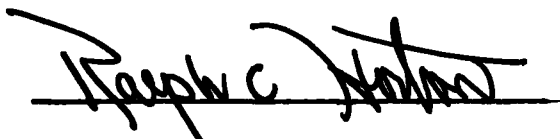
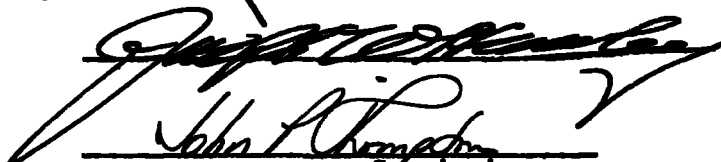
THE COMMISSION ORDERS:

That the certificate of public convenience and necessity granted by the Commission in Application No. 1357-AA, by Decision No. 22976, of December 7, 1944, to the Utah Oil Refining Company, a Utah corporation, be, and it hereby is, transferred to the Utah Oil Refining Company, a Delaware corporation.

That prior to the effective date of the order herein, Utah Oil Refining Company, a Delaware corporation, shall file with this Commission the adoption notice as prescribed by this Commission in Rule 21 of the Rules of Practice and Procedure, adopting the tariffs, rules and regulations of the Utah Oil Refining Company, a Utah corporation, now on file with this Commission.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1956.

ea



original

(Decision No. 46767)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JEMIMA L. WATTERS, DOING BUSINESS )  
AS "WATTERS TRUCK LINE," CHERAW, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. B-859 TO JEMIMA L. WATTERS )  
AND M. R. WATTERS, AS JOINT TENANTS )  
WITH RIGHT OF SURVIVORSHIP AND NOT )  
AS TENANTS IN COMMON, DOING BUSINESS )  
AS "WATTERS TRUCK LINE," CHERAW, )  
COLORADO. )  
-----)

APPLICATION NO. 14645-PP-Transfer  
SUPPLEMENTAL ORDER

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November 5, 1956  
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Appearances: Stockton, Linville & Lewis,  
Esqs., by John H. Lewis,  
Esq., Denver, Colorado,  
for Transferor and Transferee.

S T A T E M E N T

By the Commission:

It is not necessary at this juncture to discuss the present authority of the transferor. On July 12, 1956, the transferor filed application for authority to transfer the permit to M. R. Watters. By Decision No. 46518, the Commission authorized the transfer and restricted the authority thereunder. Petition for Re-hearing was timely filed, and by Decision No. 46614, rehearing was granted.

Upon due notice to interested parties, the matter was set to be reheard in Denver on October 29, 1956,

The matter being called up for hearing, the applicant asked leave to amend the application to read in accordance with the caption of this present decision, and also asked that the matter be continued for hearing at some future time convenient to the Commission, and at some point in the Arkansas Valley convenient to the applicant.

No objection was entered to the request for continuance and no reason appears why it should not be granted. No assurance can be given that the future hearing will be held in the Arkansas Valley, however. The Commission has a busy docket and, if its work is to be scheduled and concluded with fairness to all who appear before it, it must on some occasions regrettably inconvenience some individual applicant out of consideration for others. An effort will be made to accommodate the applicant in this matter, however, consistent with the efficient performance of the other duties of the Commission. An Order will be entered accordingly.

F I N D I N G S

THE COMMISSION FINDS:

That the request for hearing at some future time convenient to the Commission should be granted.

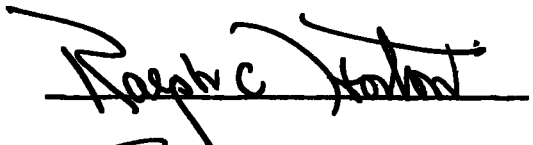
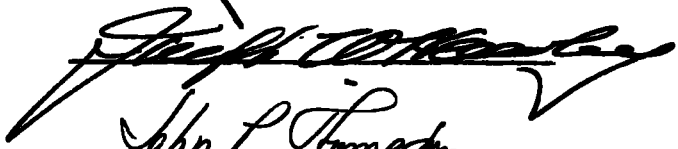

O R D E R

THE COMMISSION ORDERS:

That re-hearing of the instant application should be, and the same hereby is, continued to some future time convenient to the Commission, of which due notice shall be given to interested persons. Due consideration shall be given to the desire of the applicant to have the matter heard at some point in the Arkansas Valley.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of November, 1956.

original

(Decision No. 46768)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOUIS N. ALBRIGHT, BAYFIELD, COLO- )  
RADO, FOR AUTHORITY TO EXTEND OPERA- ) APPLICATION NO. 14467-PP-Extension  
TIONS UNDER PERMIT NO. B-1629. )  
-----)

-----  
November 5, 1956  
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Appearances: Louis N. Albright, Bayfield,  
Colorado, pro se;  
McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
David Baker and Montezuma  
Truck Line.

S T A T E M E N T

By the Commission:

Louis N. Albright, Bayfield, Colorado, is the owner of  
Private Permit No. B-1629, authorizing:

Transportation of farm products, including  
livestock, from point to point within a  
radius of 25 miles of Durango, Colorado.

Transportation of farm products, including  
livestock, from point to point within a 25-  
mile radius of Durango, Colorado, and live-  
stock, only, from points within the said 25-  
mile radius of Durango, Colorado, from and to  
other points in Colorado, PROVIDED, HOWEVER,  
that no livestock load exceeding 7,500 pounds  
per truck shall be hauled by the permit-holder  
outside the 25-mile radius described above.

Interstate authority: Between all points in  
Colorado and the Colorado state boundary lines  
where all highways cross same in interstate  
commerce only, subject to the provisions of  
the Federal Motor Carrier Act of 1935, as amended.

By the instant application, he seeks to extend operations  
under said permit to include the right to transport livestock,  
farm produce, livestock feed, and poultry feed from and to Bayfield,  
Colorado, to and from other points in the State of Colorado, maxi-  
mum load to be 23,000 pounds.

Said application was regularly set for hearing at the Court House in Durango, Colorado, for October 16, 1956, with due notice to all interested parties.

When the matter was called up for hearing, applicant requested an amendment of his application so that any extended operations under his permit should consist of the transportation of farm products and livestock from point to point within a 25-mile radius of Durango, Colorado, to and from all other points in the State of Colorado, provided that as to livestock, the maximum load should be 23,000 pounds. The amendment was allowed.

It appeared from the records and files of the Commission that on June 15, 1956, the Commission granted temporary authority to applicant to transport livestock only from points within the 25-mile radius of Durango, Colorado, to and from other points in Colorado, provided that no livestock should be transported in any other type of equipment than a stake truck with a bed not exceeding 16 feet in length. This temporary authority was to be in full force and effect until such time as the Commission could re-hear the application then pending. Under the present authority, farm produce may be transported point to point within a radius of 25 miles of Durango.

Applicant stated that there is no present demand for an extension of his authority covering transportation of farm products. Because of the amendment of his application, it was agreed that the setting of the instant application for hearing should be vacated and same should be re-set at some future date convenient to the Commission. It was agreed further that in the meantime, applicant should be permitted to transport livestock only under the terms of the temporary authority referred to, which authority should remain in full force and effect until such time as the Commission determines final action upon the instant application.

F I N D I N G S

THE COMMISSION FINDS:

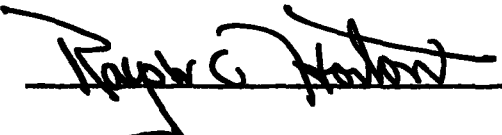
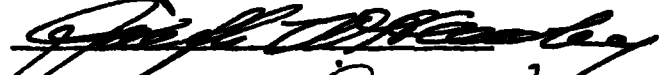

That the setting of the instant application (No. 14467-PP-Extension) for hearing should be vacated, and the instant application, as amended, set for re-hearing at some future date convenient to the Commission.

O R D E R

THE COMMISSION ORDERS:

That the setting of the instant application (No. 14467-PP-Extension), should be, and hereby is, vacated, and the instant application, as amended, set for re-hearing at some future date convenient to the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 5 th day of November, 1956.

ea

*original*

(Decision No. 46769)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JAKE R. FRAZIER, CORTEZ, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE )	<u>APPLICATION NO. 14773-PP</u>
AS A PRIVATE CARRIER BY MOTOR VE- )	
HICLE FOR HIRE. )	
----- )	

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November 5, 1956  
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Appearances: Armstrong & Thompson, Esqs.,  
Cortez, Colorado, for  
applicant.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of houses, buildings, and other structures, from points within the Counties of Montezuma, Dolores, and San Juan, to points within and without said area, in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Durango, Colorado, on October 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has had 13 years experience in the transportation business, and formerly owned PUC No. 1922, covering operations similar to that he is now applying for and in the same area. Recently he has had requests from seven or eight prospective customers for service in moving buildings, and decided to re-enter the business. The prospective customers include the State Highway Department, and most of the prospective movements are off-highway movements, sometimes requiring applicant's service for three or four days. Applicant has a son who

will assist him in the operations who has had experience in similar operations. Applicant owns a 1942 GMC 2 $\frac{1}{4}$ -ton tractor and a 1946 house-moving trailer, equipped with the necessary timbers and other small equipment necessary in moving operations. His net worth is \$5,000.

The reason for his loss of his former certificate was the fact that the company which carried his insurance became bankrupt, and applicant could not obtain new insurance at that time, and because of lack of business, he permitted the certificate to lapse.

Applicant requested an amendment of his application so that the same might show his request for the transportation of houses, buildings, and other structures from point to point within a radius of 75 miles of Cortez, Colorado, and from and to points within said area to and from other points in the State of Colorado, which amendment was allowed. He stated that the average distance over which the houses were moved within said radius over public highways was from ten to thirty miles.

Amos Frazier, son of applicant, testified that he has had 12 years experience in the transportation business and has had requests for the service now requested by his father, from several parties within the 75-mile radius applied for. He identified Exhibits Nos. 1 and 2, being photographs of his father's equipment. He will assist his father in the conduct of operations under any certificate issued.

There were no protests to favorable action on the instant application, and it does not appear that the granting of said permit and operations by applicant thereunder will impair the service of common carriers operating in the territory sought.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jake R. Frazier, Cortez, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of houses, buildings, and other structures, from point to point within a radius of 75 miles of Cortez, Colorado, and from and to points within said area to and from other points in the State of Colorado.

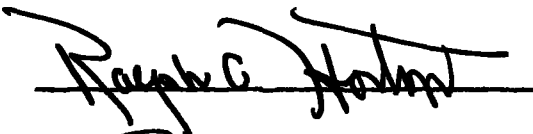
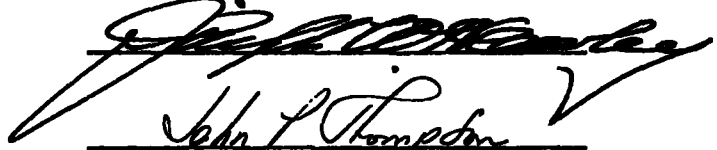
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners,

Dated at Denver, Colorado,

this 5th day of November, 1956.

ea



original

(Decision No. 46770)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JAMES ROMERO, BOX 312, IGNACIO, )	
COLORADO, FOR A CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY )	<u>APPLICATION NO. 14775</u>
TO OPERATE AS A COMMON CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
November 5, 1956  
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Appearances: James Romero, Ignacio,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks a certificate of public convenience and necessity, authorizing transportation of ashes, trash and garbage within the Town of Ignacio, Colorado, and a 25-mile radius thereof.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Durango, Colorado, on October 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has had four years experience in the transportation business, owns a 1955 Studebaker 3/4-ton pickup truck, a 1944 GMC dump truck, and a 1953 Dodge 2 1/2-ton truck with dump body, and his net worth is \$6,000.

He further testified that in the month of August, 1956, the Town Council of the Town of Ignacio, Colorado, adopted an ordinance requiring the residents of the town to dispose of their garbage, trash, ashes and waste materials. There is at present no one certificated to dispose of such waste, and the residents of the town have requested applicant to file the instant application. At present he has 160 customers in the town

of Ignacio and has asked for the 25-mile radius so as to include the town of Bayfield, Colorado, which is not presently served by any other carrier, the residents of that town having indicated their desire to have applicant obtain the authority to serve them.

There were no protests to favorable action on the instant application, and it does not appear that the granting of said certificate and applicant's operations thereunder will impair the services of common carriers operating in the territory sought. Applicant's equipment and financial responsibility were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of James Romero, Box 321, Ignacio, Colorado, for the transportation of ashes, trash and garbage from point to point in the Town of Ignacio, Colorado, and a 25-mile radius thereof, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

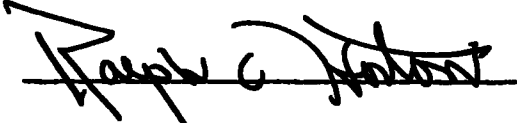
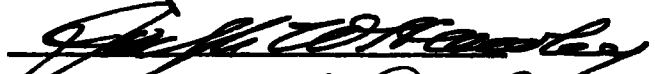

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of November, 1956.

ea

original

(Decision No. 46771)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
L. B. PETTY, DOING BUSINESS AS	)	
"PETTY TRUCK SERVICE," P. O. BOX	)	
65, FARMINGTON, NEW MEXICO, FOR	)	<u>APPLICATION NO. 14774-Transfer</u>
AUTHORITY TO TRANSFER PUC NO. 3263	)	
TO L. B. PETTY, INC., P. O. BOX 65,	)	
FARMINGTON, NEW MEXICO.	)	
-----	)	

-----  
November 5, 1956  
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Appearances: Brown & Wood, Esqs.,  
Farmington, New Mexico,  
for Transferor and  
Transferee.

S T A T E M E N T

By the Commission:

L. B. Petty, doing business as "Petty Truck Service,"  
Farmington, New Mexico, is the owner of PUC No. 3263, authorizing:

Transportation of water from point to point with-  
in a radius of 100 miles of Durango, Colorado.

By the instant application, said certificate-owner seeks  
authority to transfer his operating rights under said certificate  
to L. B. Petty, Inc., P. O. Box 65, Farmington, New Mexico, a New  
Mexico corporation.

Said application, pursuant to prior setting, after  
appropriate notice to all interested parties, was heard at the  
Court House in Durango, Colorado, on October 16, 1956, and at  
the conclusion of the evidence, the matter was taken under  
advisement.

L. B. Petty testified that he decided to incorporate  
the company to which he wishes to assign this certificate, largely  
for tax purposes. He is Secretary-Treasurer of the new corporation,  
and furnished certificate from the Secretary of State, showing  
authority to operate in Colorado. There will be no change in

the operations under said certificate, and there is no indebtedness against the certificate or operations thereunder, and all of his personal assets will be transferred to the new corporation. A copy of this Certificate of Incorporation is on file with the Commission. He identified Exhibit No. 1, a balance sheet of the new corporation, showing net assets of \$410,395.62, and Exhibit No. 2, a list of his equipment which has been transferred to the corporation, said equipment consisting of 9 owned units and 8 leased units. The insurance carried by transferor has been transferred to transferee.

There were no protests to favorable action on the instant application for transfer, and it appears that the transfer would be in the public interest.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is in the public interest and should be authorized, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That L. B. Petty, doing business as "Petty Truck Service," P. O. Box 65, Farmington, New Mexico, be, and is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 3263 -- being the operating rights set forth in the above and foregoing Statement which, by reference, is made a part hereof -- to L. B. Petty, Inc., P. O. Box 65, Farmington, New Mexico, a New Mexico corporation, subject to outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure

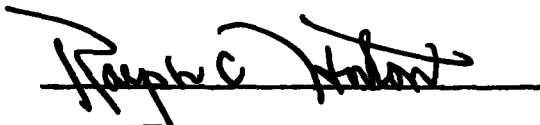


to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of November, 1956.

ea

original

(Decision No. 46772)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CARL DUNHAM, CORTEZ, COLORADO, FOR )	
AUTHORITY TO TRANSFER PERMIT NO. )	<u>APPLICATION NO. 14771-PP-Transfer</u>
B-3987 TO VERL HAMILTON, CORTEZ, )	
COLORADO. )	
----- )	

-----  
November 5, 1956  
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Appearances: Garrison, Dilts & Hancock,  
Esqs., by Julian P. Hancock,  
Esq., Cortez, Colorado, for  
Transferor and Transferee.

S T A T E M E N T

By the Commission:

Carl Dunham is the owner and operator of Private Permit  
No. B-3987, authorizing:

Transportation of vanadium and uranium ores,  
and concentrates thereof, from mines, pot holes,  
claims, and stock piles in that part of the  
State of Colorado west of the Continental  
Divide, and from points where all highways  
intersect the Colorado-Utah and Colorado-  
New Mexico State Lines, to ore reduction  
plants, mills and smelters in the states of  
Colorado, Utah and New Mexico, in intrastate  
and interstate commerce, with back-haul of  
mining supplies, including hand tools, powder,  
etc., to said mines, pot holes, claims and  
stock piles, from warehouses and mills of  
U. S. Vanadium Corporation and Vanadium Corp-  
oration of America, or any agency or sub-  
agency of the United States Government; sand,  
gravel and other road-surfacing materials from  
pits and supply points in the State of Colo-  
rado, to road construction jobs in the State  
of Colorado, excluding service in Boulder,  
Clear Creek and Gilpin Counties.

By the instant application, the permit-holder seeks  
authority to transfer his operating rights under said permit to  
Verl Hamilton, Cortez, Colorado.

Said application, pursuant to prior setting, after  
appropriate notice to all interested parties, was heard at the

Court House in Durango, Colorado, on October 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Carl Dunham testified that he has been actively operating under said permit since the issuance thereof; that recently there has been developed a great demand for service under said permit which requires more equipment than he is able to obtain. While there is no indebtedness against the permit or operations thereunder, he does not feel able financially to purchase additional equipment and his present equipment is not adequate.

Mr. Dunham has contracted to sell said authority to Verl Hamilton for the consideration of \$500.00, payable at the time the transfer is authorized, and the transfer is advisable so that the public can be properly served by transferee who has more adequate equipment, and is more financially responsible than is transferor.

The transferee, Verl Hamilton, testified that he has had sixteen years experience, particularly in hauling sulphuric acid. He owns and operates Private Permit No. B-2985 and PUC No. 3240, and also has interstate authority. The demand for transportation authorized by the Dunham permit has been increasing, and transferee has adequate equipment and drivers to properly handle transportation under the permit. His net worth is \$150,000. He identified Exhibit No. 1, being a list of his trucks and tractors consisting of 14 tractors and 15 trailers. He corroborated the testimony of transferor as to the terms of the Contract of Purchase.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is in the public interest and should be authorized, subject to any outstanding indebtedness against said operation, if any there be.



O R D E R

THE COMMISSION ORDERS:

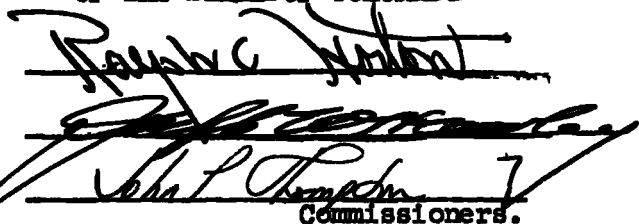
That Carl Dunham, Cortez, Colorado, should be, and hereby is, authorized to transfer all his right, title and interest in and to Private Carrier Permit No. B-3987 -- being the operating rights set forth in the above and foregoing Statement which, by reference, is made a part hereof -- to Verl Hamilton, Cortez, Colorado, subject to payment of outstanding indebtedness against said operation if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of November, 1956.  
ea

original

(Decision No. 46773)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
J. FLOYD GREGG AND GLEN W. MC FALL,  
CO-PARTNERS, DOING BUSINESS AS  
"VALLEY AIR SERVICE," DURANGO, COLO-  
RADO, FOR AUTHORITY TO TRANSFER CER-  
TIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY AUTHORIZING AIRPLANE SER-  
VICE IN THE STATE OF COLORADO, TO J.  
FLOYD GREGG, DOING BUSINESS AS "THE  
GREGG FLYING SERVICE," P. O. BOX 866,  
DURANGO, COLORADO.

APPLICATION NO. 14770-Transfer

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November 7, 1956  
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Appearances: J. Floyd Gregg, Durango,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

J. Floyd Gregg and Glen W. McFall, doing business as "Valley Air Service," Durango, Colorado, by Decision No. 34623, of date April 21, 1950, were granted a certificate of public convenience and necessity authorizing the transportation by airplane of passengers and property in intrastate commerce, not on schedule, from, to and between all points in the State of Colorado, with Durango, Colorado, as their base of operations, no office or branch for the purpose of developing business being authorized at any town, place or city other than Durango, Colorado, and nearby airports.

By the instant application, said certificate-holders seek an order authorizing them to transfer their operating rights under said certificate to J. Floyd Gregg, doing business as "The Gregg Flying Service," P. O. Box 866, Durango, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House

in Durango, Colorado, on October 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

There is of record an affidavit of said Glen W. McFall, of date August 16, 1956, to the effect that the partnership was dissolved in 1950, and since said date he has had no interest in said certificate or operations thereunder.

At the hearing, the surviving partner, J. Floyd Gregg, testified that since 1950 he has conducted operations under the certificate, thereafter serving, among others, the Vanadium Corporation of America and the United States Forest Service. A list of his equipment and a satisfactory financial statement are on file with the Commission.

There were no protests to favorable action on the instant application, and transferee's operating experience and financial responsibility were established to the satisfaction of the Commission, there being no indebtedness against said operation.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That J. Floyd Gregg and Glen W. McFall, co-partners, doing business as "Valley Air Service," Durango, Colorado, should be, and are hereby, authorized to transfer all their right, title and interest in and to the certificate of public convenience and necessity granted by this Commission by Decision No. 34623, dated April 21, 1950, to J. Floyd Gregg, doing business as "The Gregg Flying Service," Durango, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

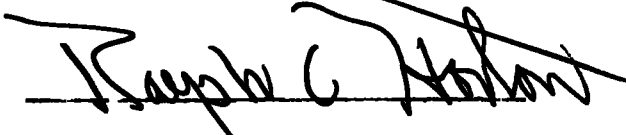


That said transfer shall become effective only if and when,

but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALFRED J. DI FERDINANDO AND SAMUEL )  
DI FERDINANDO, CO-PARTNERS, 144 EAST )  
EIGHTH STREET, DURANGO, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 1169. )

APPLICATION NO. 14772-Extension

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November 7, 1956  
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Appearances: Hatfield and Horther, Esqs.,  
Durango, Colorado, for  
applicants.

S T A T E M E N T

By the Commission:

Applicants are the owners and operators of PUC No. 1169,  
authorizing:

Transportation of passengers from point  
to point within a radius of twenty-miles  
of Durango, Colorado, and from said area  
to other points in the State of Colorado,  
PROVIDED, HOWEVER, that the applicant  
shall maintain a rate of service of 10  
cents per mile actual mileage both ways  
for each car carrying from one to four  
passengers and make no change in this  
rate without obtaining authority from  
the Commission after a hearing.

By the instant application, they seek authority to extend  
and enlarge the territory they are authorized to serve under said  
certificate to include the transportation of passengers and their  
baggage from point to point within the City of Durango, Colorado, a  
home-rule city.

Said application, pursuant to prior setting, after appro-  
priate notice to all interested parties, was heard at the Court  
House in Durango, Colorado, on October 16, 1956, and at the conclu-

sion of the evidence, the matter was taken under advisement.

Alfred J. Di Ferdinando, one of applicants, testified that the partnership acquired the certificate by purchase under the provisions of Decision No. 31001 of this Commission, of date August 10, 1948, and since said date have been engaged in the transportation of passengers and their baggage from point to point within the City of Durango, Colorado, a home-rule city; that they have been so engaged continuously and uninterruptedly to date of hearing and were so engaged prior to and on January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting to this Commission jurisdiction of public utilities operating in the home-rule cities; that they have been conducting said operations under appropriate licenses from the City of Durango.

In support of the application, Edith C. Kiel testified that she has used applicants' taxicab service twice daily within the city limits of Durango since 1952. Ruth D. Stephenson testified that she had used the Durango service three or four times per week since 1954, and William J. Horton, City Clerk of Durango, testified that applicants were licensed by said city to conduct the operation in 1954, 1955 and 1956.

A satisfactory list of equipment and financial statement of applicants are on file with the Commission.

No one appeared to protest favorable action on the instant application for extension, and it does not appear that the granting of said application or applicants' operations thereunder will impair the services of other common carriers operating in the territory sought.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require the proposed

extended service of applicants, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed motor vehicle common carrier extended service under PUC No. 1169 of applicants Alfred J. Di Ferdinando and Samuel Di Ferdinando, co-partners, Durango, Colorado, to include the transportation of passengers and their baggage from point to point within the City of Durango, Colorado, a home-rule city, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

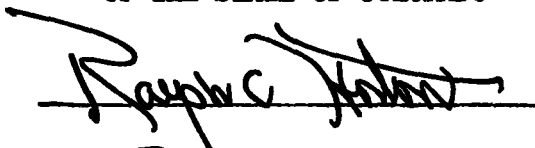
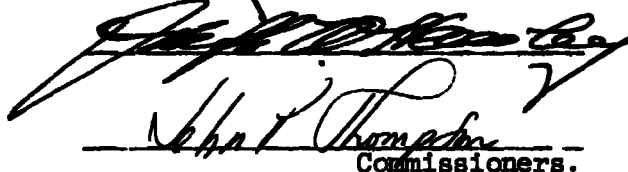
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of November, 1956.

mls

original

(Decision No. 46775)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
A. T. BURBRIDGE TRUCK, INC., 1212 )	
TENTH STREET, GREELEY, COLORADO, FOR )	APPLICATION NO. 14754-Extension
AUTHORITY TO EXTEND OPERATIONS UNDER )	
PERMIT NO. A-20. )	
----- )	

-----  
November 7, 1956  
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Appearances: Southard and Southard, Esqs.,  
Greeley, Colorado, for  
Applicant;  
E. B. Evans, Esq., Denver,  
Colorado, for Capron  
Truck Company;  
Ross B. Collins, Denver,  
Colorado, for North  
Eastern Motor Freight, Inc.

S T A T E M E N T

By the Commission:

A. T. Burbridge Truck, Inc., is the owner of Private Permit No. A-20, authorizing the transportation of freight between Denver, Colorado and Eaton, Colorado, and intermediate points, over U. S. Highway No. 85. Clifford M. Burbridge is conducting operations under this permit, as lessee.

By the instant application, the permit-holder seeks an order authorizing it to extend operations under said permit by expanding the area to be served to include the territory lying within a radius of five miles of the municipal limits of Denver, and of Eaton, Colorado, and the intermediate points and, further, to include the transportation of water well supplies and equipment and pipeline materials from Denver and the intermediate points between Denver and Eaton, north on U. S. Highway No. 85 to points in Weld, Morgan and Adams Counties, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the



District Court Room, Greeley, Colorado, October 2, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Clifford M. Burbridge, lessee of the permit, testified that the company and its predecessors in interest have conducted operations under the permit since 1923. Its present equipment consists of three straight trucks and one pickup truck. The list of equipment and financial statement of the company on file with the Commission were made a part of the record by reference.

Mr. Burbridge stated that because of the rapidly expanding suburban growth of Denver, Greeley and Eaton, some of the freight handled by applicant now must be picked up at new locations of the suppliers outside the city limits of Denver and delivered to points outside Greeley and Eaton. Referring particularly to the new commodities he wishes to transport, he stated that with his present equipment he can handle pipe in 30-foot lengths, but no longer. If a customer has need of longer pipe, he must resort to the service of qualified common carriers. All these commodities originate at Denver. He has had requests for the delivery of well supplies and pipe to points outside Greeley from Witnesses Repp and Cummins, whose testimony is hereinafter reviewed, and one Oliver Wentworth, the requests of Cummins averaging two per month and the total requests for such service averaging 30 per year. If his terminal area is enlarged to cover the 5-mile radius around Denver, Greeley and Eaton, he will serve the same customers as at present, but in a more satisfactory manner. He has ample and proper equipment to handle all business offered him except for the larger units of some of the water well equipment and of pipe longer than 30 feet. He admitted that all the additional commodities he now wishes to handle can be handled by common carriers with proper authority now certificated to serve the area affected.

In support of the application, Eugene Kobel, Jr., a plumbing contractor in Greeley, has been using applicant's service

since January 1, 1950, and found same satisfactory. However, his place of business is located three blocks outside the Greeley city limits and his services extend over the 5-mile radius to which applicant wishes his authority extended. Witness supported the application only so far as this extension is involved.

Walter Ward operates a planing mill three blocks outside the Greeley city limits and also is engaged in the development of suburban tracts. Applicant has given satisfactory service when called upon for the past twenty years. The work of witness requires the delivery of freight from Denver to points within a 5-mile radius of Greeley. Much of his freight has been delivered by Capron Truck Company, protestant herein, and that service also has been satisfactory.

Edward P. Repp, another Greeley businessman, in charge of the appliance, well and pumping equipment departments of his employer, testified that his area of service is largely confined to Weld County, with occasional service in Morgan and Adams Counties. It furnishes pumps and well drilling and pipeline equipment for water well drillers, the suppliers being in Denver. These commodities are transported from Denver to Greeley by either Capron Truck Company, Bethke Truck Line, or applicant, the service being satisfactory. Under his present authority, applicant can bring in these commodities from Denver but should have authority to deliver them from the place of business of witness and other places of business in Greeley to points within a 5-mile radius of that city. Well casing is now brought to Greeley by applicant or some other certificated carrier and delivered to the field by the company of witness. His suppliers are in Denver proper, none having moved beyond the city limits, and witness supported the application for extension only so far as it applied to the 5-mile radius of Greeley and to the 3 counties named. He admitted that applicant could not render him any service if the application is allowed additional to the service now rendered by Capron, which has been satisfactory.

Witness Wayne Cummins is engaged in well drilling and pumping operations in the Greeley area, and also operates to some extent in Weld, Morgan and Adams Counties. He drills the wells and installs the pumps and pipelines. His suppliers are all located within the city limits of Denver. The commodities are delivered by common carriers either to Greeley or to the job. Applicant should be authorized to deliver these commodities to points within the 5-mile radius of Greeley. His service since 1945 has been satisfactory. Capron has authority similar to that now applied for by Burbridge, and has rendered satisfactory service to the witness whenever called upon, delivering the commodities either to Greeley or to the well site. Witness feels, however, that the service of applicant is more personalized than that of his competing carriers.

At the close of applicant's testimony, protestants advised the presiding Commissioner that they would not oppose an extension of applicant's authority to include points within a 5-mile radius of Denver, Greeley and Eaton.

Capron Truck Company, of Greeley, Colorado, owns PUC No. 336, authorizing:

"A transfer, moving and general cartage business in the City and County of Denver, and in the Counties of Adams, Arapahoe and Jefferson, and for occasional service throughout the State of Colorado, and each of the counties thereof, restricted to an office in Denver, no scheduled operations permitted, and required to charge 20% over the rates of a competing scheduled common carrier."

This company also owns Private Permit No. A-454, authorizing the transportation of freight between Denver and Ault and intermediate points, and Denver and Kersey and intermediate points; also, Permit No. A-673, authorizing the transportation of freight between Denver and Nunn and intermediate points.

Rodney Capron, President of Capron Truck Company, testified in protest to the effect that he provides daily service between Denver and Nunn, and Denver and Kersey, operating seven tractors and seven trailers, and smaller equipment. He could

handle more heavy equipment, such as pumps and could give emergency service wherever drilling operations are carried on. He has equipment to load and unload heavy pipe and drag lines, up to 10,000 pounds. He can handle all the transportation business of Witnesses Cummins and Repp, and has been handling such business for these witnesses, and others, in Weld, Morgan and Adams Counties. From 25 to 40 carriers serve the three counties named, from Denver, in addition to 6 or 7 local carriers, none, with the exception of Weicker's having an office in Greeley. His balance sheet, identified as Exhibit No. 1, shows a net worth of \$65,000, and net profit of \$4,211.21 for the period September 1, 1955 to June 30, 1956.

Mr. Capron testified that the additional service proposed by applicant would be no different than that now offered by himself, and any extension of authority to the counties named would reduce Capron's revenue and result in the necessity of laying off some of his employees, and rendering part of his equipment idle. Particularly, he has been hauling pipe extensively since 1941, and further competition would impair his ability to serve the public.

In reviewing the testimony of this witness, and the authorities under which he operates, we find that under PUC No. 336 he has general cartage authority in Adams County (to which the instant application applies) and "occasional service" throughout the state, with restrictions. To serve Greeley or Eaton from Denver under his certificate, he must rely upon his "occasional" authority only, and must charge 20% above the rates of other scheduled common carriers between Denver and either of these points. We are not justified in accepting as a valid protest that of a carrier with such "occasional" authority. True, he can serve Greeley as an intermediate point between Denver and Ault, Kersey or Nunn, but only under the A-permits, and a permit-holder cannot be heard to protest the granting of private carrier authority or extension thereof such as is involved in this case. It would appear that he is attempting

to protect his operations under his private carrier permits by protesting as a common carrier, without justification save in the operations proposed in Adams County, and his testimony can be accepted as a valid protest only as to the proposed application of Burbridge to extend service into that county. Moreover, the evidence would indicate that Capron has been continuously operating beyond his authorities, particularly in serving off-route points under his "A" permits, but such operations are not the subject of investigation in the instant case.

Another protestant was North Eastern Motor Freight, Inc., operating under PUC-374. This certificate does not authorize service between Denver and Greeley, or Denver and Wiggins, and intermediate points. It authorizes no service to any points in Adams, Weld or Morgan Counties except to Fort Morgan, Brush and Wiggins in Morgan County, so its protest can be directed only to the proposed extension into Morgan County, except under PUC-407 recently acquired from Prucka Transportation, Inc., by reason of a decision of the Commission of date September 14, 1956. This certificate has been consolidated with the original PUC-374 of North Eastern. It authorizes the transportation of freight between Denver and Greeley on the one hand, and on the other, points north of Greeley as far as the Colorado-Wyoming state line, with no service to intermediate points between Denver and Greeley. From the evidence at the hearing on the proposed transfer from Prucka to North Eastern, it appeared that this segment of Prucka's operations was a "losing proposition" and but a minor part of Prucka's authority. Moreover, by itself, it does not tie in with the operations of North Eastern, which are largely conducted over U. S. Highway No. 6 between Denver and Sterling and intermediate points.

In connection with this protest, Ross B. Collins, representing protestant, testified that his company operates 47 pieces of equipment over the main route from Denver to Sterling, providing

daily service. He admitted that the granting of the instant application would not affect operations under original PUC-374, but was of the opinion that it might possibly impair the service of North Eastern under PUC-407.

Capron, having no standing as a protestant, by virtue of his competing operations under A-permits or by virtue of his "occasional operations" under his common carrier certificate (except as to Adams County), and North Eastern having produced no witnesses showing adequacy of service or any particular interest in the area applicant seeks to serve under the proposed extension, we will revert to the testimony of applicant and his witnesses.

Applicant seeks an extension of an A-permit. The Public Utilities Act (Chapter 115-11-1 C. R. S. 1953) divides private carriers by motor vehicle into two classes, and defines Class "A" private carriers as follows:

"Class A private carriers shall embrace all private carriers by motor vehicle operating over substantially regular or established routes or between substantially fixed termini or to a fixed terminus or termini."

Chapter 115-9-1 (7) of the same revision, furnishes additional definitions, as follows:

"(7) The words 'fixed points' and 'established route' when used in the Article, means points or route between or over which any motor vehicle carrier usually or ordinarily operates or holds out to operate any motor vehicle, even though there may be departures from such points or route, whether such departure be periodic or irregular."

When application is filed for extension of these established routes, there is a presumption that there is no present need for motor vehicle service in the area involved in the extension. The burden is upon applicant to prove a need for his proposed extended service, or that the service presently available is inadequate to meet the shippers' reasonable need for transportation service, and this burden must be borne by producing shipper-witnesses to show such need or inadequacy.

Applicant seeks first that it be authorized to extend operations under the permit by expanding the area to be served to include the territory lying within a radius of five miles of Denver. Witnesses Repp and Cummins testified that their suppliers are in Denver proper. Applicant testified that all the new commodities he seeks to transport originate in Denver. No shipper-witnesses are produced to show the necessity of a pickup of their supplies outside of Denver, and the application, so far as that extension is concerned, must be denied. This is also true so far as the extension is requested to include the territory lying within a five-mile radius of Eaton and a five-mile radius of intermediate points between Denver and Eaton, except Greeley. The only admissible evidence as to the need of service to a five-mile radius of any intermediate points between Denver and Eaton relates to the five-mile radius of Greeley. In this connection, the places of business of witnesses Kobel and Ward are outside the city limits of Greeley, and these witnesses, as well as Witnesses Cummins and Repp, all testified that delivery of freight from Denver or Greeley to points within the radius are necessary in connection with their operations. While the Commission feels that it cannot designate an area described as a five-mile radius as a "fixed point" or that the proposed operations in this radius could be over "established routes," yet it is of the opinion that the public interest requires the extension requested to expand the area to be served to include the area within a five-mile radius of Greeley, limited to the transportation of freight involving a prior or subsequent movement over applicant's presently established routes.

Further extension is requested to include water well supplies and equipment and pipeline materials from Denver and the intermediate points between Denver and Eaton north of U. S. Highway 35 to points in Weld, Morgan and Adams Counties, Colorado. In the first place, we must eliminate Adams County as the evidence shows

that said county is now adequately served by Capron Truck Company, a common carrier having general cartage authority, with both Denver and Adams Counties in his base area. Further, we must eliminate the intermediate points between Denver and Eaton as originating points as no need for service from any of these points is shown. We must further eliminate the points in Weld and Morgan Counties as we do not recognize the area of an entire county as a "fixed point" in contemplation of the Private Carrier Act, and no need is shown for service to any "fixed point" in either county or over any "established route" through either county. Moreover, it would appear that North Eastern has authority to serve the larger points in Morgan County under its authority acquired from Prucka.

This leaves to be considered the proposed extension to include the transportation of the new commodities from Denver to Greeley. In this connection, the evidence shows the necessity of applicant's proposed service by the testimony of qualified shipper-witnesses, with no competent testimony in opposition, and we are of the opinion that this portion of the extension requested should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part of these Findings, by reference.

That the instant application for extension should be granted, as limited in the following Order, and denied in all other particulars.

### O R D E R

#### THE COMMISSION ORDERS:

That A, T. Burbridge Truck, Inc., Greeley, Colorado, be, and is hereby, authorized to extend operations under Private Permit No. A-20 to include:

1. The transportation of water well supplies and equipment and pipeline materials from Denver, Colorado, to Greeley, Colorado.

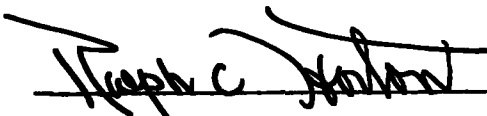
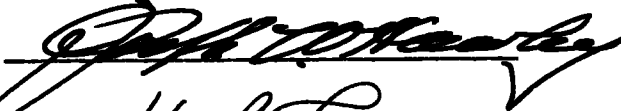



2. That the area to be served by applicant under said Private Permit No. A-20 be expanded and enlarged to include all points within a five-mile radius of Greeley, Colorado, service in said area to be limited to the transportation of freight involving a prior or subsequent movement over applicant's presently established routes.

That in all other respects said application for extension should be, and is hereby, denied.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
JOHN L. MATKIN, 648 WELCH  
AVENUE, BERTHOUD, COLORADO.

PERMIT NO. B-5108

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November 9, 1956  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5108 be suspended for six months from September 27, 1956.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

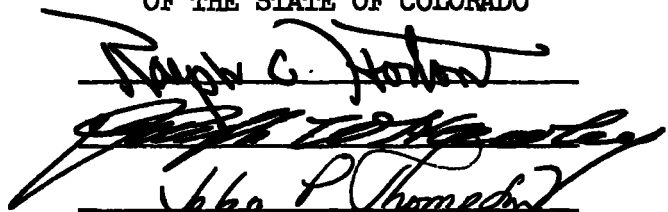
O R D E R

THE COMMISSION ORDERS:

That John L. Matkin, Berthoud, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5108 until March 27, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ORVALE J. WIDICK, FARNAM, )  
NEBRASKA. )  
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PUC NO. 3185-I

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November 9, 1956  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Orvale J. Widick, Farnam, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 3185-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

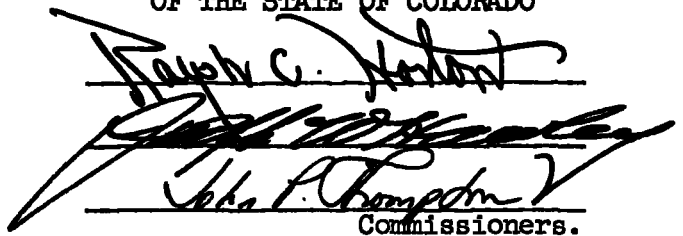
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3185-I, heretofore issued to Orvale J. Widick, Farnam, Nebraska, be, and the same is hereby, declared cancelled effective November 2, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES E. DUNN, 126 LAURA )  
AVENUE, CLIFTON, COLORADO. ) PUC No. 3474  
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November 9, 1956  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles E. Dunn, Clifton, Colorado, requesting that Certificate of Public Convenience and Necessity No. 3474 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

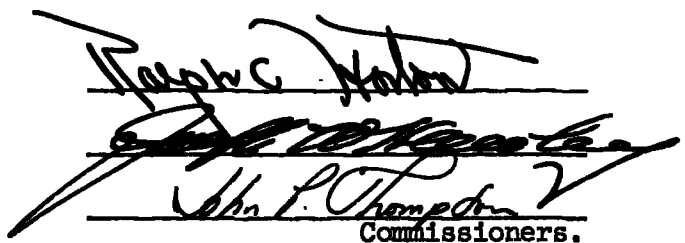
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3474, heretofore issued to Charles E. Dunn, Clifton, Colorado, be, and the same is hereby, declared cancelled effective October 9, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JUDSON F. THIELE, DOING BUSINESS AS  
"THE PAGOSA SPRINGS TELEPHONE COMPANY,"  
PAGOSA SPRINGS, COLORADO, AND CHAMA-  
ARRIBA TELEPHONE COMPANY, CHAMA, NEW  
MEXICO, ASSIGNEE OF OSWALD REEVES,  
PAGOSA SPRINGS, COLORADO, FOR APPROVAL  
OF THE TRANSFER OF CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY TO  
OPERATE A TELEPHONE UTILITY AND EXER-  
CISE FRANCHISE RIGHTS TO OPERATE SUCH  
TELEPHONE UTILITY IN THE TOWN OF PAGOSA  
SPRINGS, COLORADO, AND IN THE COUNTIES  
OF ARCHULETA, MINERAL AND HINSDALE,  
WITHIN A PORTION OF THE TERRITORY  
HERETOFORE GRANTED TO THE APPLICANT,  
JUDSON F. THIELE.

APPLICATION NO. 14769-Transfer  
AMENDED

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November 8, 1956  
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Appearances: Conour and Conour, Esqs.,  
Del Norte, Colorado, for  
Transferor and Transferee.

S T A T E M E N T

By the Commission:

Judson F. Thiele, doing business as "The Pagosa Springs Telephone Company," Pagosa Springs, Colorado, is rendering and, with his predecessors in interest, for many years last past has been rendering, local and long distance telephone service to the general public within the limits of the Town of Pagosa Springs, Colorado, and in the Counties of Archuleta, Mineral, Hinsdale and La Plata, within the territory and area described and defined by this Commission in its Decision No. 46020, dated June 20, 1956, under and by virtue of certificate of public convenience and necessity issued to the applicant and his predecessors in interest, to-wit: Decision No. 11244, dated January 13, 1938; Decision No. 24199, dated February 16, 1945; Decision No. 24819, dated

August 10, 1945; and Decision No. 46020, dated June 20, 1956.

By the instant application, as amended, said Judson F. Thiele seeks authority to transfer to Chama-Arriba Telephone Company, Chama, New Mexico, a New Mexico corporation, a portion of said certificate of public convenience and necessity heretofore granted by the Commission by the decisions referred to.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House, in Durango, Colorado, on October 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Judson F. Thiele testified as to his ownership of the certificate and his operations thereunder. He owns and operates the telephone exchange at Pagosa Springs, and also the exchange at Allison, Colorado, the area certificated for his service being described by metes and bounds in our Decision No. 46020 above referred to. He has contracted to sell the Pagosa Springs Exchange and the certificated area served thereby, and will retain the Allison Exchange and the certificated area served thereby.

The exact description by metes and bounds of the certificated area to be retained is set forth in the Amended Application, while the exact description by metes and bounds of the certificated area to be transferred is obtained by eliminating from the certificated area described in Decision No. 46020 that part thereof which is to be retained, as aforesaid.

Mr. Thiele testified that the consideration for the transfer is \$70,000. Of this amount, the sum of \$10,000 was paid on October 1, 1956, and the balance of \$60,000 is represented by an installment promissory note of the purchaser for said principal sum, bearing date October 1, 1956, payable to the order of Thiele in quarter-annual installments of \$1,000 or more, commencing on or before January 1, 1957, and payable on or before the first days of January, April, July and October of each year (including the Year 1947), after date, until twenty such quarter-annual installments

have been paid, and thereafter commencing on or before January 1, 1962, in quarter-annual installments of not less than \$1,500, payable on like dates and under like conditions, until the full sum of said note shall be paid, together with quarter-annual installments of interest in addition thereto at the rate of 5% per annum on the unpaid balances of the principal, interest payments to commence on October 1, 1956, and be payable thereafter at the time of payment of the installments on principal.

It is proposed by the parties that the payment of the promissory note for the \$60,000 balance be secured by Mortgage Deed, and they request that the execution of such deed be authorized by the Commission. Mr. Thiele offered as Exhibit 2, a copy of the proposed Mortgage Deed, by the terms of which the Chama-Arriba Telephone Company conveys to Thiele, to secure the payment of the note referred to, not only the certificate of public convenience and necessity to be acquired by Chama, but also certain rights of way and easements used in connection with the telephone operations; all telephone poles, cross-arms, wires, insulators, cables, and other outside telephone property affixed to said poles or set in the earth and used in connection with the Pagosa Springs Telephone Exchange; certain real estate in Pagosa Springs, and the personal property connected with the Pagosa Springs Exchange.

Mr. Thiele further identified Exhibit 1, a map of the certificated area served by the Allison Exchange. He stated that 425 stations are now being served by the Pagosa Springs Exchange, and 42 stations by the Allison Exchange, which he retains. There is no indebtedness against that part of the certificates to be assigned or operations thereunder, or other property covered by the Mortgage Deed. The Mountain States Telephone and Telegraph Company has been contacted and approved the proposed sale and transfer.

The original contract for sale was executed between Thiele and Oswald Reeves, the interest of the latter having been later assigned to the Chama-Arriba Telephone Company which has assumed all

obligations thereunder. Mr. Reeves testified that he caused this company to be incorporated and is the president thereof. He identified the Articles of Incorporation and Certificate of the Secretary of State of the State of Colorado, showing that said corporation is qualified and authorized to transact business within the State of Colorado as a foreign corporation. He corroborated Thiele as to the terms of the contract for sale and proposed Mortgage Deed, and identified as Exhibit 3 the financial statement of the transferee corporation, of date August 31, 1956, showing: (1) Assets and Liabilities, with capital and surplus of \$32,548.62; (2) Statement of Operations, September 1, 1955 to August 31, 1956; (3) Depreciation schedule, and (4) Reconciliation of Surplus. He stated he has had 12 years experience in telephone operations and will manage the transferee corporation in all operations connected with the Pagosa Springs Exchange.

No one appeared in protest, and no reason is shown why the transfer should not be approved and the mortgage referred to authorized.

It has been called to the attention of the Commission that inadvertently there was an error made in the description of territory in the certificate granted to The Pagosa Springs Telephone Company by Decision No. 46020 of June 20, 1956. This same error was carried forward in the Amended Application in the instant matter. In the Order herein the error has been corrected, and the description of territories setting the boundaries for the certificates herein are correct, and shall supersede the boundaries as previously defined.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is made a part of these Findings, by reference.

That the proposed transfer is in the public interest and should be authorized, and the execution of the Mortgage Deed referred to in the above and foregoing Statement should be authorized.



O R D E R

THE COMMISSION ORDERS:

That Judson F. Thiele, doing business as "The Pagosa Springs Telephone Company," Pagosa Springs, Colorado, be, and is hereby, authorized to transfer to Chama-Arriba Telephone Company, a New Mexico corporation, the Pagosa Springs Telephone Exchange, and that said Chama-Arriba Telephone Company be, and is hereby, authorized to furnish local and long distance telephone service in the following described area, to-wit:

Starting at a point on the Hinsdale-Mineral County Line where the Continental Divide crosses at mid-point; thence in a southeasterly direction along the Continental Divide to the point where said Continental Divide intersects the Colorado-New Mexico State Line; thence west along the Colorado-New Mexico State Line to a point where the east boundary of Range 4-West of the New Mexico Principal Meridian intersects the Colorado-New Mexico State Line; thence north along said Range line to the East Quarter ( $\frac{1}{4}$ ) corner of Section 25, Township 34-North, Range 4-West; thence west  $11\frac{1}{2}$  miles to approximately the center of Section 30, Township 34-North, Range 5-West; thence north to a point on the south boundary line of Hinsdale County, said point being  $2\frac{1}{2}$  miles east of the west boundary of Hinsdale County; thence east along the County Line to the Range line common to Range 4-West and Range 5-West; thence north to the intersection of said Range line with the Continental Divide; thence in a southeasterly direction along the Continental Divide to the point of beginning,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Judson F. Thiele, doing business as "The Allison Telephone Company," be, and is hereby, authorized to continue the operations of the Allison Telephone Exchange in furnishing local and long distance telephone service within the following-described area, to-wit:

Commencing at the East Quarter corner of Section Twenty-five (25), in Township Thirty-four (34) North, Range Four (4) West of the New Mexico Principal Meridian; thence south along the Township line to a point where the Township line intersects the Colorado-New Mexico State Line; thence westerly along the Colorado-New Mexico State Line to a point one-half ( $\frac{1}{2}$ ) mile west of The Range Six (6) West line on the Colorado-

New Mexico State Line; thence North to the center of Section Twenty-five (25), Township Thirty-four (34) North, Range Seven (7) West of the New Mexico Principal Meridian, thence East approximately  $18\frac{1}{2}$  miles to the place of beginning,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That transferee, Chama-Arriba Telephone Company, be, and is hereby, authorized to execute and deliver to transferor, Judson F. Thiele, the Mortgage Deed referred to in the above and foregoing Statement, a copy of which was identified as Exhibit 2 at the hearing referred to, and as filed herein.

That transferee shall, within thirty (30) days of the effective date of this Order, file with this Commission its adoption notice, in accordance with Rule 21 of the Rules of Practice and Procedure, adopting the tariffs, rates, rules and regulations of The Pagosa Springs Telephone Company now on file with this Commission and said rates, rules and regulations shall thereby become and remain those of Chama-Arriba Telephone Company until changed according to law and the rules and regulations of this Commission.

That Judson F. Thiele, doing business as Allison Telephone Exchange shall file with this Commission within thirty (30) days of the effective date of this Order, the rates, rules and regulations under which he proposes to operate in the territory assigned to him by this Order.

That Judson F. Thiele shall furnish to the Commission within sixty (60) days after the execution of the sale contemplated herein, the amount of plant and the depreciation reserve accrued on said plant to be transferred to the Chama-Arriba Telephone Company.

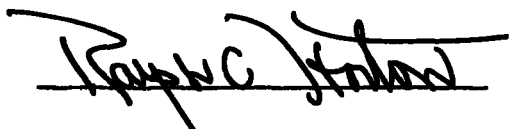
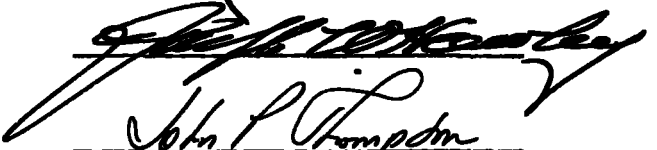

That the Chama-Arriba Telephone Company shall furnish to the Commission within sixty (60) days of its acquisition of the Pagosa Springs Telephone Exchange the opening entries which it proposes to place upon its books as regards plant acquired, depreciation reserve and acquisition adjustment as a result of the purchase authorized herein.

That both the transferor and transferee shall keep their books and records in accordance with the Uniform System of Accounts as prescribed by this Commission and it shall at all times comply with the rules and regulations of this Commission.

That transferee shall keep separate as to its plant, equipment, income and expenses that portion of its service rendered in Colorado from its business conducted in the State of New Mexico, so that in the filing of its Annual Report with this Commission that portion of its business conducted in Colorado shall be shown separate and distinct from its New Mexico operations.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of November, 1956.

*original*

(Decision No. 46780)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HARVEY C. EVERETT, JOE LIONELLE, )	
AND CLARK K. WICKERS, DOING BUSINESS )	
AS "E. L. W. COMPANY," SALIDA, COLO- )	<u>APPLICATION NO. 14781-Transfer</u>
RADO, FOR AUTHORITY TO TRANSFER PUC )	
NO. 2783 TO JOE LIONELLE, DOING )	
BUSINESS AS "E. L. W. COMPANY," )	
SALIDA, COLORADO. )	
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November 9, 1956  
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Appearances: John M. Boyle, Esq., Salida,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Harvey C. Everett, Joe Lionelle, and Clark K. Wickers, co-partners, doing business as "E. L. W. Company," Salida, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation, over irregular routes, of:

calcium, granite, sand, gravel, ready-mixed concrete, manganese, trash and rubbish, including dead animals, in dump trucks only, between points in Chaffee and Fremont Counties, provided that applicants shall maintain their office at Salida, Colorado, only, for the solicitation of business, with no competition with line-haul common carriers by motor vehicle between towns served by them.

By the above-styled application, said certificate-holders seek authority to transfer said operating rights to Joe Lionelle, doing business as "E. L. W. Company," Salida, Colorado, said Harvey C. Everett and Clark K. Wickers being desirous of withdrawing from said partnership.

Said application was regularly set for hearing, and heard, at the City Hall, Salida, Colorado, October 30, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that transferee herein is well qualified to carry on the operation, he being one of transferors; that there is no outstanding unpaid operating indebtedness against said operating rights; that good and valuable consideration is being paid for said certificate.

No one appeared in opposition to the granting of the authority sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness against said certificate, if any there be.

### O R D E R

#### THE COMMISSION ORDERS:

That Harvey C. Everett, Joe Lionelle, and Clark K. Wickers, co-partners, doing business as "E. L. W. Company," Salida, Colorado, should be, and hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2783 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Joe Lionelle, doing business as "E. L. W. Company," Salida, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, said Harvey C. Everett and Clark K. Wickers being hereby authorized to withdraw from said co-partnership.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within

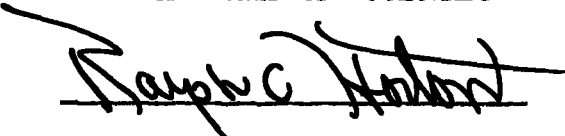
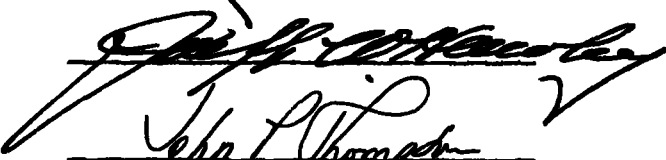
thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DWIGHT WILLIAMS, P. O. BOX 893, )  
CLIMAX, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 14783

-----  
November 9, 1956  
-----

Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Applicant;  
John M. Boyle, Esq., Salida,  
Colorado, for Industrial  
Transportation Company;  
Rush and Rush, Esqs., Salida,  
Colorado, for Cecil J. Watson;  
John R. Barry, Esq., Denver,  
Colorado, for Continental  
Bus Company.

S T A T E M E N T

By the Commission:

On September 18, 1956, the above-styled application  
was filed with the Commission.

Said application was regularly set for hearing, at the  
City Hall, Salida, Colorado, October 30, 1956, at ten o'clock  
A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, Attorney  
for Applicant stated that Applicant no longer desires to prosecute  
said application, and requested dismissal thereof.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, and said application  
dismissed, at request of Applicant herein.

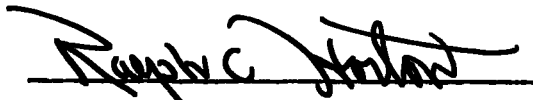
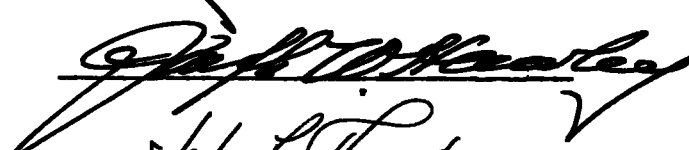
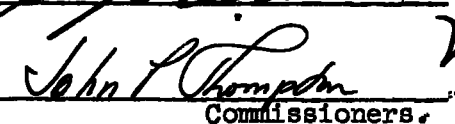
O R D E R

THE COMMISSION ORDERS:

That Application No. 14783 should be, and hereby is,  
dismissed, at request of Attorney for Applicant.

That this Order shall become effective as of the day  
and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
R. E. GROGAN, DOING BUSINESS	)	PERMIT NO. M-1486
AS "GROGAN SALES COMPANY," BOX	)	<u>CASE NO. 77945-INS.</u>
401, GRAND JUNCTION, COLORADO.	)	
-----	)	

-----  
November 9, 1956  
-----

S T A T E M E N T

By the Commission:

On September 26, 1956, in Case No. 77945-Ins., the Commission entered its Order, revoking Permit No. M-1486 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1486 should be, and hereby is, reinstated, as of September 26, 1956, revocation order entered by the Commission on said date in Case No. 77945-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hest*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE GEISINGER, 2125 WEST )  
STREET, PUEBLO, COLORADO, )  
-----

PUC NO. 2420

-----  
November 9, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Geisinger, Pueblo, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2420 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2420, heretofore issued to George Geisinger, Pueblo, Colorado, be, and the same is hereby, declared cancelled effective November 7, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Johnson*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
FRANCIS L. FOLSOM, 452 KNOX  
COURT, DENVER, COLORADO.

PERMIT NO. B-3645

November 9, 1956

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3645 be suspended for six months from November 5, 1956.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Francis L. Folsom, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3645 until May 5, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Harold C. Nelson*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE GEISINGER, 2125 WEST STREET,  
PUEBLO, COLORADO.

PERMIT NO. M-2420

November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

George Geisinger

requesting that Permit No. M-2420 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2420, heretofore issued to \_\_\_\_\_

George Geisinger

be,

and the same is hereby, declared cancelled effective November 5, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*John P. Thompson*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JAY J. BRINKLEY, DOING BUSINESS AS )  
"BRINKLEY'S HARDWARE," CRAIG, )  
COLORADO. )

PERMIT NO. M-6589

November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Jay J. Brinkley, dba "Brinkley's Hardware," \_\_\_\_\_

requesting that Permit No. M-6589 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6589, heretofore issued to \_\_\_\_\_

Jay J. Brinkley, dba "Brinkley's Hardware," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 15, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*[Signature]*  
*[Signature]*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN S. NELSON, DOING BUSINESS AS )  
"JACK NELSON MOTORS," GRAND JUNCTION, )  
COLORADO. )  
-----

PERMIT NO. M-7072

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

John S. Nelson, dba "Jack Nelson Motors,"

requesting that Permit No. M-7072 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7072, heretofore issued to \_\_\_\_\_

John S. Nelson, dba "Jack Nelson Motors," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 19, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Reginald C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOE M. ROGERS, DOING BUSINESS AS )  
"SUNLIGHT COAL COMPANY," 712 )  
BLAKE STREET, GLENWOOD SPRINGS, )  
COLORADO. )

PERMIT NO. M-7575

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Joe M. Rogers, dba "Sunlight Coal Company,"

requesting that Permit No. M-7575 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7575, heretofore issued to \_\_\_\_\_  
Joe M. Rogers, dba "Sunlight Coal Company," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective February 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 16th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
INTERMOUNTAIN SALES CORPORATION, )  
150 TEJON STREET, DENVER, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-7686

\_\_\_\_\_  
November 16, 1956  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Intermountain Sales Corporation

requesting that Permit No. M-7686 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7686, heretofore issued to \_\_\_\_\_  
Intermountain Sales Corporation be,

and the same is hereby, declared cancelled effective October 13, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John W. Gardner*  
*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RUBEN MAGDALENO, ROCKY FORD,  
COLORADO. )

PERMIT NO. M-11421

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ruben Magdaleno

requesting that Permit No. M-11421 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11421, heretofore issued to \_\_\_\_\_

Ruben Magdaleno

be,

and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*[Handwritten signatures]*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. K. KESEY, P. O. BOX 382, LA )  
JUNTA, COLORADO. )

PERMIT NO. M-2370

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

J. K. Kesey

requesting that Permit No. M-2370 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted. .

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2370, heretofore issued to \_\_\_\_\_

J. K. Kesey

be,

and the same is hereby, declared cancelled effective August 24, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NEAL COLEMAN, 7033 W. COLFAX AVENUE, )  
LAKEWOOD, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-7050

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Neal Coleman

requesting that Permit No. M-7050 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7050, heretofore issued to \_\_\_\_\_

Neal Coleman

be,

and the same is hereby, declared cancelled effective October 8, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM A. JONES, 2165 GRAY STREET, )  
DENVER, COLORADO. )

PERMIT NO. M-7783

November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

William A. Jones

requesting that Permit No. M-7783 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7783, heretofore issued to \_\_\_\_\_

William A. Jones

be,

and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*[Signature]*  
*[Signature]*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MALCOLM & BARBARA LA BELLE, DOING )  
BUSINESS AS "LA BELLE STUDIOS," )  
1451 S. BROADWAY, DENVER, COLORADO. )

PERMIT NO. M-3612

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Malcolm & Barbara LaBelle, dba "LaBelle Studios,"  
requesting that Permit No. M-3612 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3612, heretofore issued to \_\_\_\_\_  
Malcolm & Barbara LaBelle, dba "LaBelle Studios," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective October 18, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 16th day of November, 195 6.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SHURTZ-MEEKER BEVERAGES, INC., 102 )  
NORTH 11TH, GARDEN CITY, KANSAS. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-5988

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Shurtz-Meeker Beverages, Inc.

requesting that Permit No. M-5988 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5988, heretofore issued to \_\_\_\_\_  
Shurtz-Meeker Beverages, Inc. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. ...*  
\_\_\_\_\_  
*John P. ...*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 16th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
E. F. RUDOLPH, 1530 ROSELAWN ROAD, )  
PUEBLO, COLORADO. )

PERMIT NO. M-1705

November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

E. F. Rudolph

requesting that Permit No. M--1705 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1705, heretofore issued to \_\_\_\_\_

E. F. Rudolph \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Nelson*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
OTTO H. VOSS, DOING BUSINESS AS )  
"VOSS SERVICE STATION," WESTCLIFFE, )  
COLORADO. )  
-----)

PERMIT NO. M-3117

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Otto H. Voss, dba "Voss Service Station,"

requesting that Permit No. M-3117 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3117, heretofore issued to \_\_\_\_\_

Otto H. Voss, dba "Voss Service Station," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 20, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 195 6.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SHELBY M. DANNELS, BOX 120, MEAD, )  
COLORADO. )

PERMIT NO. M-3945

-----  
November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Shelby M. Dannels

requesting that Permit No. M-3945 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3945, heretofore issued to \_\_\_\_\_

Shelby M. Dannels

be,

and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*John P. Thompson*  
*John P. Thompson*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LEWIS DURNAL, BAYARD, NEBRASKA. )

PERMIT NO. M-9348

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Lewis Durnal

requesting that Permit No. M-9348 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9348, heretofore issued to \_\_\_\_\_

Lewis Durnal

be,

and the same is hereby, declared cancelled effective October 12, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thomas*  
*John P. Thomas*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DANIEL G. GARCIA, 2411 LAWRENCE )  
STREET, DENVER, COLORADO. )  
 )  
 )  
 )  
 )  
 )  
 )

PERMIT NO. M-11162

November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Daniel G. Garcia

requesting that Permit No. M-11162 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11162, heretofore issued to \_\_\_\_\_

Daniel G. Garcia

be,

and the same is hereby, declared cancelled effective November 2, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hinton*

*[Signature]*  
*[Signature]*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
T. J. RUSK, ROUTE 1, BENTONVILLE, )  
ARKANSAS. )

PERMIT NO. M-11324

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

T. J. Rusk

requesting that Permit No. ~~M-11324~~ be cancelled.  
M-11324

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11324, heretofore issued to \_\_\_\_\_

T. J. Rusk

be,

and the same is hereby, declared cancelled effective October 30, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ELWOOD R. RIVER & THOMAS B. OSBORNE, )  
DOING BUSINESS AS "OURAY SPOT CASH," )  
OURAY, COLORADO. )  
-----)

PERMIT NO. M-6431

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Elwood R. River & Thomas B. Osborne, dba "Ouray Spot Cash,"  
requesting that Permit No. M-6431 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6431, heretofore issued to \_\_\_\_\_  
Elwood R. River & Thomas B. Osborne, dba "Ouray Spot Cash," be,  
and the same is hereby, declared cancelled effective October 16, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Weston*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,  
this 16th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BEN A. ROWELL, PAONIA, COLORADO. )

PERMIT NO. M-8740

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ben A. Rowell

requesting that Permit No. M-8740 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8740, heretofore issued to \_\_\_\_\_

Ben A. Rowell

be,

and the same is hereby, declared cancelled effective October 11, 1956..

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.  
mls

original

(Decision No. 46804)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

BOARD OF COUNTY COMMISSIONERS OF )  
 THE COUNTY OF ADAMS, STATE OF )  
 COLORADO, )  
 Complainant, )  
 vs. )  
 UNION PACIFIC RAILROAD COMPANY, )  
 560 DENVER CLUB BUILDING, DENVER, )  
 COLORADO; CHICAGO, BURLINGTON )  
 AND QUINCY RAILROAD COMPANY, )  
 C. A. JOHNSON BUILDING, DENVER, )  
 COLORADO, )  
 Defendant. )  
 ----- )

CASE NO. 5127  
SUPPLEMENTAL ORDER

-----  
November 8, 1956  
-----

S T A T E M E N T

By the Commission:

On October 17, 1956, a complaint was filed with the Commission by the Chairman of the Board of County Commissioners, Adams County, Colorado, regarding lack of warning bell and flashing light signals at the crossing at grade at East 80th Avenue, over the Chicago, Burlington and Quincy and Union Pacific Railroad tracks in Adams County.

An Order to Satisfy or Answer within twenty (20) days was issued by the Commission on October 19, 1956. Answer was timely filed with the Commission November 7, 1956, stating that the East 80th Avenue crossing over the Union Pacific Railroad tracks is not presently open to traffic due to construction work; that further investigation and study must be made to determine the need for the safety devices requested by the complainant; that such study and investigation is now being conducted by the Chicago, Burlington and Quincy Railroad Company.

The respondents request that this matter be held in abeyance thirty (30) days during which time further investigation will be made and conferences will be held.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings, by reference.

That additional time to make investigation and study in the matter is required.

O R D E R

THE COMMISSION ORDERS:

That the respondents continue investigation and study of the subject crossings and make a final report and answer to this Commission not later than thirty (30) days after this date.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Hoban*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of November, 1956.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES IN RATES, RULES )  
AND REGULATIONS IN THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, AGENT, )  
FREIGHT TARIFF NO. 12, COLORADO )  
P.U.C. NO. 6, ISSUED BY J. R. SMITH, )  
CHIEF OF TARIFF BUREAU, 4060 ELATI, )  
DENVER 16, COLORADO. )

CASE NO. 1585

-----  
November 8, 1956  
-----

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective November 15, 1956, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

That the publication adjustments in Section 1 (Class Rates) as listed on 32nd Revised Page No. 109, 28th Revised Page No. 112, 30th Revised Page No. 113, 31st Revised Page No. 114, 18th Revised Page No. 114-A, 29th Revised Page No. 116, 16th Revised Page No. 126 and 12th Revised Page No. 126-A are due to a transfer of Certificate and Convenience No. 407, from Prucka Transportation, Inc., to North Eastern Motor Freight, Inc., under Decision No. 45602, dated September 14, 1956,

wherein the authority is incorporated under Certificate of Convenience No. 374, the present authority number retained by North Eastern Motor Freight, Inc. There are no changes in the specific class rates involved, which points are between Denver on the one hand, and on the other, Buckingham, Grover, Keota, New Raymer, Padroni, Peetz and Stoneham; also between Sterling on the one hand, and on the other, Buckingham, Grover, Hereford, Keota, New Raymer, Padroni, Peetz and Stoneham.

That the specific publication of Slick Rock in Section No. 1 (Class Rates) between Montrose, Durango, Pueblo, Grand Junction and Delta are all based on the mileage scale of rates with the exception of Pueblo being published on a parity with rates between Denver and Slick Rock. The Commission in past decisions covering movements from Denver, Colorado Springs, Pueblo and other points, to points on the western slope has prescribed the same rates from Denver, Colorado Springs and Pueblo to these points wherein the major cities vying for business will be on an equal competitive basis.

That the cancellation of Item No. 2930 was brought about due to transfer of authority of Bert Hall, d/b/a Hall Truck Company, P.U.C. No. 491, and portions transferred to the following: Hubert Hall, d/b/a Denver-Parker Truck Line, P.U.C. 1556; Raymond E. Biederman, d/b/a Franktown Truck Line, P.U.C. 2470; S. L. Musgrave, P.U.C. 2496 (subsequently transferred and consolidated with Raymond E. Biederman, d/b/a Franktown Truck Line, P.U.C. 2470); and to Jess McKinster and Ted H. Steele, P.U.C. 491.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

### O R D E R

#### THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.

2. This order shall become effective forthwith.

3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on November 15, 1956, be the prescribed rates, rules, regulations and provisions of the Commission.

4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. On and after November 15, 1956, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.

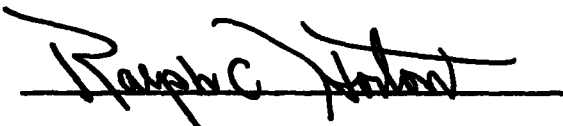

6. On and after November 15, 1956, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 8th day of November, 1956.

APPENDIX "A"

For the account of North Eastern Motor Freight, Inc.

To publish a change in routings to reflect transfer of P.U.C. 407 from Prucka Transportation, Inc., to North Eastern Motor Freight, Inc., and consolidate with P.U.C. 374 for the following in Section 1 (Class Rates):

Between Denver, on the one hand, and on the other, Buckingham, Grover, Keota, New Raymer, Padroni, Peetz and Stoneham; also, between Sterling, on the one hand, and on the other, Buckingham, Grover, Hereford, Keota, New Raymer, Padroni, Peetz and Stoneham.

For the account of Rio Grande Motor Way, Inc., and Orville Dunlap & Son.

To publish the following specific class rates in cents per 100 pounds in Section 1 between Slick Rock, on the one hand, and on the other, Delta, Grand Junction, Pueblo, Durango and Montrose, viz:

AND BETWEEN	SLICK ROCK, COLORADO													Route No.
	Minimum Weight													
	L. T. L.				5,000 Pounds				10,000 Pounds					
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th		
Delta, Colo.	219	186	152	120	166	143	114	91	120	102	85	66	41	
Durango, Colo.	124	105	86	67	89	76	62	50	57	50	40	32	41	
Montrose, Colo.	204	176	144	114	157	133	111	86	114	98	81	64	162	
Grand Junction, Colorado	243	208	171	134	191	162	133	108	146	125	102	81	41	
Pueblo, Colo.	392	332	273	217	322	270	223	175	256	216	188	141	41	
Route 41 - Rio Grande Motorway, Montrose, Orville Dunlap & Son														
Route 162- Orville Dunlap & Son - Direct.														

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH W. LANCE, 113 W. 6TH, )  
FLORENCE, COLORADO. )

) PERMIT NO. M-8001  
)  
)  
)  
)

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ralph W. Lance

requesting that Permit No. M-8001 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8001, heretofore issued to \_\_\_\_\_

Ralph W. Lance

be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
G. W. WELLS, BOX 11, LA JUNTA,  
COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-8714

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

G. W. Wells

requesting that Permit No. M-8714 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8714, heretofore issued to \_\_\_\_\_

G. W. Wells

be,

and the same is hereby, declared cancelled effective September 28, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John W. Harty*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
T. H. O'LEARY, 311 CURTIS STREET, )  
BRUSH, COLORADO. )

PERMIT NO. M-9142

November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

T. H. O'Leary

requesting that Permit No. M-9142 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9142, heretofore issued to \_\_\_\_\_

T. H. O'Leary \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thompson*  
*John P. Thompson*  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GENE C. ARMSTRONG, DOING BUSINESS )  
AS "GENE'S GROCERY," BOX 73, )  
MORRISON, COLORADO. )

PERMIT NO. M-10990

-----  
November 16, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Gene C. Armstrong, dba "Gene's Grocery,"

requesting that Permit No. M-10990 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10990, heretofore issued to \_\_\_\_\_

Gene C. Armstrong, dba "Gene's Grocery," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 8, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holman*

\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
*John P. Thomas*

Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD CARPENTER, ALTA, IOWA. )      PUC NO. 3041-I  
-----

-----  
November 16, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harold Carpenter, Alta, Iowa, requesting that Certificate of Public Convenience and Necessity No. 3041-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3041-I, heretofore issued to Harold Carpenter, Alta, Iowa, be, and the same is hereby, declared cancelled effective November 8, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thomas*  
*John P. Thomas*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
FRANCIS B. KALIN, PAWNEE CITY,  
NEBRASKA.

PUC NO. 3421-I

-----  
November 16, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Francis B. Kalin, Pawnee City, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 3421-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3421-I, heretofore issued to Francis B. Kalin, Pawnee City, Nebraska, be, and the same is hereby, declared cancelled effective November 8, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
James W. Hawley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1956.

mls

original

(Decision No. 46812)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
THE DENVER AND RIO GRANDE WESTERN	)	
RAILROAD COMPANY, 1531 STOUT STREET,	)	<u>INVESTIGATION AND SUSPENSION</u>
DENVER, COLORADO, FOR AUTHORITY TO	)	<u>DOCKET NO. 390</u>
WITHDRAW ITS AGENT FROM ITS STATION	)	
AT WOLCOTT, COLORADO.	)	
-----	)	

-----  
November 15, 1956  
-----

Appearances: T. A. White, Esq., Denver,  
Colorado, for applicant;  
R. B. Halston, Wolcott,  
Colorado, pro se;  
Leonard Horn, Wolcott,  
Colorado, pro se;  
Peter Dodo, Avon, Colorado,  
pro se;  
Dan Koprnikar, Edwards,  
Colorado, pro se;  
Dale Williams, Edwards,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On July 31, 1956, The Denver and Rio Grande Western Railroad Company, by L. H. Hale, its Vice-President and General Manager, filed its application, under Rule 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado, requesting authority to withdraw its agent from its station at Wolcott, Eagle County, Colorado, effective September 3, 1956.

Notice of such proposal was posted on the Bulletin Board in the Wolcott station on August 1, 1956, proof of such posting being filed herein. The Commission received protests from present and prospective shippers in the area and from the Order of Railroad Telegraphers, indicating that there is a need for the services of the agent at the Wolcott station, and that great inconvenience

and hardship would result if his services were withdrawn, and by Decision No. 46484, dated September 10, 1956, the Commission suspended the effective date of such withdrawal until January 1, 1957, unless otherwise ordered, copy of said decision being forwarded to all protestants of record.

Hearing on said application was set at the Court House in Glenwood Springs, Colorado, for November 1, 1956, due notice being given to all persons interested, so far as the records of the Commission disclosed such interest, and the matter was there heard and taken under advisement.

At the outset of the hearing, counsel for applicant requested an amendment of the application to provide that the agent be withdrawn only for the period November 15th of each year to September 15th of each following year, his services being retained during the remainder of each year. The amendment was allowed.

Although protest had been filed by W. M. Epstein, General Chairman of the Order of Railroad Telegraphers, he did not appear at the hearing. In this regard, the evidence shows that there is a shortage of agency telegraphers on applicant's system. At present there are four such positions available, not filled because of such shortage, at DeBeque, Silt, and Rifle, Colorado and Cisco, Utah. Applicant has instituted a program for the training of such men, paying all costs during the training period, has induced some young men to enroll, but has not been able to overcome the shortage. The Brotherhood is advised of all vacancies, and in the instant case, the agency telegrapher will be transferred to one of the vacancies if the application is granted.

The following is a resume of the testimony given at the hearing by C. E. McEnany, Superintendent of the Grand Junction Division of applicant (which includes Wolcott), with thirty years experience in the Operating Department of applicant, and by M. E. Eskildson, Auditor of Freight and Station Accounting, with thirty-three years experience, and also a resume of Exhibit No. 1,

identified by the latter:

Wolcott is located on Applicant's railroad approximately eleven miles west of the agency station at Avon, and approximately ten miles east of the agency station at Eagle. Avon is a full-time agency, open from May 1 through November 1 of each year, seven days per week, from 7:15 A. M. to 4:15 P. M., the agent being subject to call on off hours to meet any requirements for service. Eagle is a similar station open the year round. The next station east of Avon is Minturn, a full-time agency station seventeen miles east of Wolcott, open seven days per week, twenty-four hours per day. At present, Wolcott is open from 7:15 A. M. to 4:15 P. M., five days per week except Saturdays and Sundays. Avon, Eagle and Wolcott are located on U. S. Highway 6-24, a paved, all-weather, transcontinental highway. The Continental Bus System operates three schedules per day, each way, through Wolcott, carrying passengers and bus express. The schedules provide service westbound at 3:39 A. M., 8:09 P. M., and 12:59 A. M., and eastbound at 3:07 A. M., 11:38 A. M., and 7:52 P. M., but the bus company carries no local passengers between Colorado points.

Applicant operates one passenger train per day in each direction, Wolcott being a flag station. Rio Grande Motor Way serves Wolcott on its scheduled service in substituted truck-for-rail service, handling all less-than-carload shipments of freight for the railroad, and also furnishes independent truck service to and from Wolcott. If the agent is withdrawn, store-door deliveries of l. c. l. freight will be continued by Motor Way as at present, and in the case of freight consigned to a customer living at a distance, it will be left at the station or a designated store and notice given the consignee by telephone or mail to call for his shipment. The revenue from l. c. l. shipments inbound and outbound, by rail, were but \$39.58 in 1954, \$3.39 in 1955, and \$3.54 in the first four months of 1956.

Express shipments are now handled by the Wolcott agent on a commission basis. If the agent is withdrawn, the express not

handled by bus will be consigned either to Avon or Eagle, the customer will be notified and can call for the shipment. The number of express shipments by rail to and from Wolcott and the revenue therefrom has been as follows:

1954,	Inbound,	8 shipments,	Revenue,	\$28.82;
	Outbound,	9 shipments,	Revenue,	\$26.89;
1955,	Inbound,	5 shipments,	Revenue,	\$38.83;
	Outbound,	3 shipments,	Revenue,	\$17.95;
4 Mos.				
1956,	Inbound,	3 shipments,	Revenue,	\$15.43;
	Outbound,	3 shipments,	Revenue,	\$22.55.

If the agent is withdrawn, the Western Union telegrams directed to Wolcott will be handled through the telegraph office at Eagle, the messages telephoned if the person addressed has telephone service, and then mailed to him. Applicant's revenue from this source has been \$2.48 in 1954; \$2.29 in 1955; and \$.21 during the first four months of 1956.

Motor Way usually handled the milk and cream shipments during the period covered by the exhibit. Applicant's revenue from this source was nothing in 1954; \$4.88 in 1955; and \$50.70 during the first four months in 1956, the operating expense in connection therewith in 1956 being \$7.99. If the agent is withdrawn, these shipments will be billed out on milk and cream waybills, picked up by the train crew, and delivered in accordance with the instructions on the tag, or they can be handled through one of the agency stations, or at Wolcott by means of telephone advice to such agency station. This applies to shipments not handled by Motor Way.

There is little passenger business at the Wolcott station. Seven local passengers and two interline passengers were served in 1954; two local passengers and one interline passenger in 1955; and none of either class in 1956. The combined revenue was \$51.03 in 1954; \$37.62 in 1955; and nothing in 1956. If the agent is withdrawn, a passenger may board the train by flagging, there being a white flag left in a holder outside the station for that purpose, or

arrange for a stop by calling the agent either at Eagle or Minturn. The passenger train goes through Wolcott eastbound at 5:10 A. M., and westbound at 7:04 P. M. The passenger could purchase his ticket from the Conductor.

The principal source of applicant's revenue at Wolcott is derived from carload shipments. Of these, all consist of movements of cattle, sheep, wool and salt, and camp outfits. During the period covered by the exhibit there were no carload shipments of any other class. There were 379 carloads inbound, and 176 outbound, during the 28-month period. Stockyards are maintained at Wolcott and applicant proposes that if the agent is withdrawn, the shipper can contact the agent at Eagle, Avon or Minturn by telephone to arrange for cars to be set out at Wolcott, and when the cars are loaded, can arrange for their movement in the same manner, or the shipper at his convenience can leave his Bill of Lading at any of the agency stations. Applicant will leave a telephone in the Wolcott station, arrange for its convenient use, and there will be no telephone charge against the shipper for any of the requested calls, applicant accepting the calls whenever connected with the carload movements, incoming or outgoing.

There are stockyard scales available at Minturn but none at Avon, Eagle or Wolcott. However, applicant has budgeted an item for stockyard scales at Wolcott in its improvement budget for 1957, and believes it will soon be approved. The two experienced railroad witnesses agreed that many of its other non-agency stations operated on this same basis as far as carload shipments are concerned, and such operations are satisfactory to all interested parties.

Exhibit No. 1 is, in part, an itemized statement of revenues and operating expenses at the Wolcott station for the two and one-third-year period referred to. For 1954, the figures are as follows: Freight Revenue, \$6,170.73; Passenger Revenue, \$51.03; Western Union Revenue, \$2.48; Total, \$6,224.24; Operating Expenses, \$4,809.95; Net Revenue, \$1,414.29. For 1955: Freight

Revenue, \$6,694.13; Passenger Revenue, \$42.50; Western Union Revenue, \$2.29; Total, \$6,738.92; Operating Expenses, \$4,938.95; Net Revenue, \$1,799.97. For the first four months in 1956: Freight Revenue, \$3.54; Passenger Revenue, \$50.70; Western Union Revenue, \$.21; Total, \$54.45; Operating Expenses, \$1,818.93; Deficit, \$1,764.48.

The wages of the agent account for expenditures of \$4,193.60 in 1954; \$4,278.47 in 1955; and \$1,568.88 in the first four months of 1956, and substantial payroll tax results from his employment. There will be a saving to applicant of these amounts if its application is granted.

In compiling this data, the direct out-of-pocket expenses only, attributable to the operation of the Wolcott station, were considered. None of the system expense, such as maintenance, general office expense, etc., is taken into account. Mr. Eskildson estimated that approximately \$4,200 could properly be added to these operating expense figures as shown by the exhibit for each year and would result in a very substantial net loss for each year covered.

Applicant's witnesses agreed that an agent is not required at Wolcott for the safe operation of train service. No sale of passenger tickets is required as the fare can be paid to the Conductor. Receipts from Western Union messages, milk and cream shipments, express, and l. c. l. shipments are negligible, and carload shipments can be handled economically and satisfactorily by the method used at other non-agency stations.

In protest, three livestock shippers appeared to testify: Peter Dodo, residing 11 miles east of Wolcott; Dan Koprnikar, residing 6 miles east, and Leonard Horn, residing 3 miles west. Their testimony was to the general effect that more livestock is shipped from Wolcott than from any other points in Eagle County;



that the proposed method of handling carload shipments would be unsatisfactory because of the poor service accorded by the local telephone company; that there is no livestock scale at the Wolcott stockyards, and more water should be made available for the livestock loaded there and that the assistance given them by an agent is convenient. Dodo ships five to eight carloads a year, selling at the market, and Koprnikar has shipped an average of two cars per year. Cars are ordered four or five days ahead of shipment and have been spotted satisfactorily.

Protestants agreed that most cattle move to market in October, while sheep move anywhere from November 1st to December 1st. They request that the service of an agent be retained for each year from May 1st to December 31st rather than for the two months suggested in applicant's amendment.

As heretofore stated, applicant proposes, if possible, to install livestock scales at the Wolcott stockyards. Further, it appears that the pipe through which water is furnished now extends to the Wolcott station and but a short extension would be necessary to carry same to the stockyards. Applicant's witnesses stated informally that they would seriously consider such an extension. It appears to the Commission that applicant is sincere in its desire to furnish satisfactory service to its shippers in every way consistent with economical operation of its facilities at Wolcott.

It appears from the evidence that the year-round services of an agent at Wolcott are not necessary and cannot be justified for such a small volume of station services represented by the revenues. The demands of public convenience and necessity for the services of an agent at the Wolcott station are actually limited to the seasonal livestock movements. While there are occasional movements of sheep during the summer months, which can be easily handled by the method proposed by applicant, practically all cattle move to market in the month of October. It is our conclusion

that these demands are sufficient to justify the maintenance of an agent at Wolcott during the cattle shipping season since the cattle producers have indicated their preference for rail haulage. The maintenance of an efficient shipping service during the cattle shipping season will protect the economy of the whole region and encourage continued rail movements and the expense for station operation for the period September 15 to November 15 of each year can be justified.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity no longer require the services of an agent at The Denver and Rio Grande Western Railroad Company station at Wolcott, Colorado, on an annual basis, but rather that a seasonal need does exist for the fall shipment of cattle, and that said agency service should be withdrawn except during the period September 15 to November 15 of each year.

That the foregoing Statement is, by reference, made a part of these Findings.

### O R D E R

#### THE COMMISSION ORDERS:

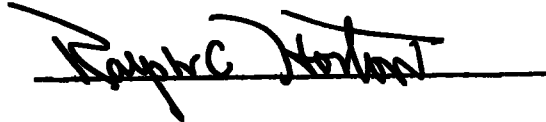
That The Denver and Rio Grande Western Railroad Company be, and it hereby is, granted authority to withdraw the service of its agent at Wolcott, Eagle County, Colorado, except for the period September 15 to November 15 of each year.

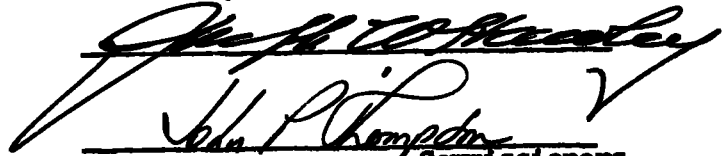
That the services of an agent be provided at Wolcott on a seasonal basis during the two months period September 15 to November 15 of each year, to meet the cattle shipping needs, and to perform such other duties as may be required during said shipping season.

That the Commission shall retain jurisdiction in this matter to make such further order as may be required.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

es

original

(Decision No. 46813)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
THE STATE HIGHWAY COMMISSION OF COLO-  
RADO, A BODY CORPORATE, FOR THE USE  
AND BENEFIT OF THE PEOPLE OF THE  
STATE OF COLORADO FOR AUTHORITY TO  
INSTALL HIGHWAY-RAILWAY GRADE CROS-  
SING PROTECTION DEVICES ONE MILE  
EAST OF MEAD, COLORADO, ON THE GREAT  
WESTERN RAILWAY COMPANY'S MAIN LINE  
TRACK AT MILE POST 9.69 AND AT THE  
BUDA GRADE CROSSING, ALL ON STATE  
HIGHWAY NO. 185, IN THE COUNTY OF  
WELD, STATE OF COLORADO.  
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APPLICATION NO. 14654

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November 15, 1956  
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Appearances: Ronald J. Hardesty, Assistant  
Attorney General, Denver,  
Colorado, for Department  
of Highways;  
J. L. McNeill, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On August 6, 1956, the Department of Highways of the  
State of Colorado, by Mark U. Watrous, Chief Engineer, filed an  
application with this Commission, seeking authority to install  
automatic signal crossing protection as captioned above.

After due notice to interested parties, including also  
the Board of County Commissioners of Weld County, the application  
was heard at the Hearing Room of the Commission, 330 State Office  
Building, Denver, Colorado, on October 15, 1956, and was there  
taken under advisement.

Explanatory testimony relative to the proposed work as  
indicated in the following exhibits was given by Mr. Earnest L.  
King, Assistant Surveys and Plans Engineer of the Department of  
Highways:

Exhibit A: Map of the southwesterly part of Weld County, Colorado, to show location of State Highway No. 185 and (1) grade crossing at Mile Post 9.69 over The Great Western Railway Company track, about  $1\frac{1}{4}$  miles northeast of Mead, Colorado.

(2) Grade crossing known as "Buda" at Great Western spur track, some six miles to the north of Mile Post 9.69.

Exhibit B: Plan and profile sheet to show proposed installation of flashing signals at Mile Post 9.69.

Exhibit C: Location sketch for proposed street-light type of illumination at Buda spur track crossing.

Exhibit D: Plan and profile sheet of Buda crossing.

Exhibit F: Copy of Highway-Railroad Agreement, dated July 26, 1956, relative to Buda crossing.

Exhibit G: Copy of Highway-Railroad Agreement dated April 16, 1956, concerning flashing light signals at Mile Post 9.69.

In his testimony, Mr. King explained that continually increasing traffic volumes along State Highway No. 185 (U. S. 87), had indicated the need for improved crossing protection at the instant locations. Highway traffic now amounts to some 4,000 vehicles per day as an annual daily average.

The rail traffic is of a seasonal nature since the main function of the railroad is movement of sugar beets. In 1955, the Buda crossing had been used only twenty-two times to serve the beet dump of Welby, located at the end of the spur track and only two miles westward from Highway No. 185. The crossing at Mile Post 9.69 is on the main line of the Great Western Railroad, and is regularly used at least twice daily with additional irregular movements being made for sugar beet haulage during the months of November and December. Regular train movements occur during daylight hours, with only the irregular movements during beet season coming after dark.

In a consideration of the proposed protection, it appeared that the Buda crossing is hazardous to highway traffic during the

hours of darkness; hence, the proposal for illumination. In accordance with various design criteria, and especially as found in the "American Standard Practice for Street and Highway Lighting" as adopted by the National Illuminating Engineering Society, the proposed illumination will consist of two pole-mounted 10,000 lumen lamps, so placed as to provide both adequate silhouetting and illumination at the crossing with a minimum of glare. The lights will be automatically turned "On" and "Off" by means of a carefully adjusted and sensitive photo-electric unit.

Further testimony pertaining to the proposed flasher light signals at Mile Post 9.69 was given by Mr. J. D. Baker, Loveland, Colorado. Mr. Baker is Superintendent of The Great Western Railway Company and presented the following data:

Exhibit E: Map and Wiring Plan to show (1) Location and type of flashing light signals and advance warning signs; (2) Extent of approach warning for 1500 feet in each direction along the track from crossing.

Mr. Baker reported that train speeds do not exceed 35 miles per hour; that each signal would display the standard indication of two flashing red lights in both directions along the highway, or a total of four warning lights for the approaching motorist; that each signal would include a warning bell, reflectorized crossbuck and "STOP ON RED SIGNAL" signs; that the material had been ordered and it was hoped work might be completed before the end of the current beet season.

Estimated cost of the proposed work will be:

At Mile Post 9.69:		
Flashing light signals with bells		\$7,741.00
At Buda Crossing:		
Highway illumination		470.00
	Sub-total -	<u>\$8,211.00</u>
	Less 10% by Railroad -	<u>821.00</u>
		\$7,390.00

Customary maintenance and operation of the signals after completion will be at the Railway expense.

Relative to a separation of the rail and highway traffic at these locations, Mr. King related that there was planning for a possible future extension of the Interstate Highway System along this northward route, wherein there would be a careful consideration of crossing separations or removals. However, in the face of current and increasing traffic needs, improved crossing protection was now justified and approvals for the work had been granted by the Chief Engineer, Department of Highways and the Chief Engineer, The Great Western Railway Company.

It appears that no public utilities or adjacent property owners will be adversely affected by the proposed improvement. The Commission is aware of the merits and effectiveness of the standard flashing light installation at public grade crossings. The instant proposal for illumination at the Bula crossing offers an acceptable means of crossing warning where traffic is limited and darkness is the controlling hazard. The files of the Commission indicate no protests to the proposed signals and none were presented at the hearing.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the public safety, convenience and necessity require the improvement of existing highway-railroad grade crossing protection on Colorado State Highway No. 185 (U. S. Highway No. 87), and The Great Western Railway Company as follows:

- (a) Install automatic flashing light signals at Railway Mile Post No. 9.69,  $1\frac{1}{4}$  miles north-east of Mead, Weld County, Colorado.
- (b) Install two long-arm overhead street-light type lighting units for automatic night illumination at the Bula crossing, said crossing being 6 miles northerly along Highway No. 185 from the crossing at Mile Post 9.69.

That the foregoing Statement, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the State Highway Commission of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, authorizing it to install improved highway-railroad grade crossing protection devices on Colorado State Highway No. 185 (U. S. No. 87), and the Great Western Railway Company, as follows:

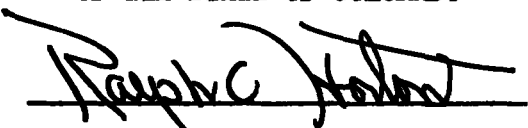
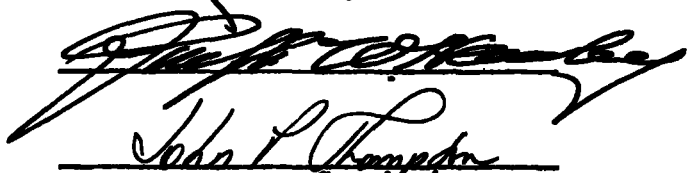
- (a) Install automatic flashing light signals at Railway Mile Post No. 9.69,  $1\frac{1}{4}$  miles northeast of Mead, Weld County, Colorado.
- (b) Install two long-arm overhead street-light type lighting units for automatic night illumination at the Buda crossing, said crossing being 6 miles northerly along Highway No. 185 from the crossing at Mile Post 9.69.

That work to be done, the installation and maintenance of the proposed signal devices, method of payment and other related details shall all be as indicated in the preceding Statement and Exhibits "A", "B", "C", "D", "E", "F" and "G", and which, by reference, are made a part hereof.

That the proposed flashing light signals and installation thereof, shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

ea



original

(Decision No. 46814)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AIRPORT LIMOUSINE SERVICE, INC., A )  
COLORADO CORPORATION, 745 WEST 31ST )  
AVENUE, DENVER, COLORADO, FOR A )  
MODIFICATION OF ITS CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
NO. 2778, ELIMINATING THE REQUIRE- )  
MENT THAT IT RENDER SERVICE TO THE )  
UNION STATION, OXFORD HOTEL, SHIRLEY )  
SAVOY HOTEL, COSMOPOLITAN HOTEL, AND )  
CONTINENTAL AIRLINES TICKET OFFICE. )  
----- )

APPLICATION NO. 14779

-----  
November 15, 1956  
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Appearances: Walter M. Simon, Esq.,  
Denver, Colorado, for  
Applicant;  
Holland and Hart, Esqs.,  
Denver, Colorado, and  
John Fleming Kelly, Esq.,  
Denver, Colorado, for  
Continental Airlines,  
Cosmopolitan Hotel;  
Phelps and Wittelshofer, Esqs.,  
Denver, Colorado, for  
Shirley Savoy Hotel;  
C. E. Kettering, Secretary,  
Denver, Colorado, for  
Oxford Hotel Company;  
Nate R. Kobay, Esq., Denver,  
Colorado, for Publix Cab  
Company;  
W. A. Vallee, Denver, Colo-  
rado, for Oxford Hotel;  
G. G. Brooder, Denver, Colo-  
rado, for Western Air  
Lines, Inc.

S T A T E M E N T

By the Commission:

On January 8, 1954, by Decision No. 41846, Airport  
Limousine Service, Inc. was granted a certificate of public  
convenience and necessity (PUC No. 2778), wherein it was:

"authorized to transport passengers and their  
personal baggage, in limousines of rates seat-  
ing capacity of eight to ten, including the  
driver, between Stapleton Airfield, situated  
in the northeastern section of the City and

County of Denver, Colorado, and the following points in the downtown area of Denver, to-wit: Albany Hotel, Brown Palace Hotel, Continental Airlines Ticket Office (470 17th St.) Cosmopolitan Hotel, Shirley Savoy Hotel, Union Station, and Oxford Hotel."

On August 22, 1956, later amended by filing on September 13, 1956, Airport Limousine Service, Inc., applicant herein, filed its application for an abandonment or modification of its certificate, eliminating the Oxford Hotel, the Shirley Savoy Hotel, the Cosmopolitan Hotel, and the Union Station.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 23, 1956, and at the conclusion of the hearing, the matter was taken under advisement.

The records disclose that Shirley Hotel Company, Inc., Continental Airlines, Inc., Cosmopolitan Realty Company, Western Air Lines, Inc., and The Oxford Hotel Company all filed formal protests to the application.

After the application had been formally called for hearing, applicant, by its attorney, asked to delete from said application the Cosmopolitan Hotel and the Continental Airlines, applicant desiring to eliminate or abandon service to The Oxford Hotel, Shirley Savoy Hotel and Union Station.

After this amendment to the application, attorneys for Continental Airlines and Cosmopolitan Realty Company withdrew their protests.

Applicant, by its testimony, contends the service by limousine was originally instituted at the request of the airlines to transport their passengers between the downtown area and Stapleton Airfield; that officials of the City and County of Denver, working in conjunction with the airlines, established the service, and gave applicant herein the right to render this service. This service has been in operation several years, and after the City

of Denver had delegated authority of regulation of public utilities to The Public Utilities Commission of the State of Colorado, and after passage of Constitutional Amendment, placing regulatory power in the Commission, applicant perfected its Grandfather Rights by obtaining a certificate of public convenience and necessity, as heretofore set forth.

Mr. James J. Saber, Office Manager for Yellow Cab and Airport Limousine Service, Inc., detailed their present operations, and stated they were here appearing at the request of the airlines serving Denver, to have said service curtailed so that a more direct service could be given to the Albany, Brown Palace, and Cosmopolitan Hotels, for the reason that the major portion of their business -- that is, the greatest portion of passengers -- either originated or terminated at these hotels.

The witness detailed the proposed new routes, and suggested -- at least by implication -- that the operation would become a scheduled operation, other than call and demand.

Mr. George Frederick, Passenger Agent for Trans-World Airlines, testified that the application, as amended at the time of hearing, had the unqualified endorsement of all major airlines, and that the airlines felt that service would be improved, if limited to two downtown deliveries. He stated that it was his belief that service, however, should be limited to a single downtown pick-up and delivery point..

City Traffic Engineer Bruce testified as to the new one-way streets and the difficult parking facilities in front of the various hotels. He, in part, verified testimony of Witness Saber as to the difficulty encountered in making pick-ups and deliveries in the various points authorized under the certificate of public convenience and necessity.

However, we cannot say that the situation is worse than it was at the time of the granting of the certificate, because we are of the opinion, after listening to Witness Bruce, that traffic conditions in the downtown area have been improved by

the designation of one-way streets.

Protestants ~~The Oxford Hotel Company and Shirley Hotel Company~~, also produced witnesses who testified how the abandonment of service would affect their guests using airlines' service.

Alex Drieth, Assistant Manager of The Oxford Hotel, who is on duty at the hotel from 8:30 o'clock A. M. to 9:30 o'clock P. M., testified applicant did not pick up passengers at his hotel, but did deliver during his shift at the hotel twenty to thirty passengers a week, and Mr. Campbell, who is in charge from 10:30 o'clock P. M. to 7:00 o'clock A. M., corroborated Witness Drieth's testimony.

Edward H. Brown, Supervisor of Service, and Ed B. Shelton, Manager of The Shirley Savoy Hotel, testified that approximately 750 passengers a month avail themselves of the limousine service. The witnesses contend it is of great importance to the air-traveling public, and to the protestant, the Shirley Savoy Hotel, that this limousine service be retained.

The witness emphasized that the Shirley Savoy catered to conventions, and due to the large volume handled by the Shirley Savoy, it would place them in an unfair competitive position, and would inure to the detriment of the public who patronized the Shirley Savoy Hotel.

We have very briefly attempted to summarize the testimony of the record, and have pointed out only the highlights in the testimony. After careful review of the evidence, the record, and after benefit of statements furnished by applicant and protestants, The Oxford Hotel and the Shirley Savoy Hotel, the problem confronting the Commission resolves itself to this one question: "Does public convenience and necessity require the abandonment or curtailment of applicant's limousine service?"

Witness Aber, Office Manager for Applicant, stated that the operation is paying, and all segments of the operation. We

therefore assume that there is no financial element involved, and the only benefit to be derived would be alleged improved service for the Albany, Cosmopolitan, and Brown Palace Hotels.

However, we fail to see where they have shown any material improvement in service to the above-named hotels.

We can see where applicant might benefit by the institution of this curtailed service. If there is merit to the position of curtailed service, we are inclined to look with favor on the proposal of Witness Frederick, who favored one-point delivery and pick-up service. But under the record here made, we cannot find such a service feasible and in the public interest.

We must not overlook the fact that this certificate is one known as a "call and demand certificate," and is not a scheduled, point-to-point service, over regularly-established routes. This certificate was granted to transport passengers from certain designated points in downtown Denver to and from the airport. The routes followed and service rendered are one of managerial discretion by the applicant, and the Commission's only interest is where there would be an abuse of that discretion and failure of applicant to give an adequate service as authorized under its certificate of public convenience and necessity at their filed rates.

It is, therefore, our considered opinion, after a careful review of the record, that applicant has failed to show that public convenience and necessity require the abandonment of any service authorized under its certificate of public convenience and necessity, so, therefore, the application must be denied.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require that the above-styled application should be denied, for the reasons set forth heretofore in the Statement, which, by reference, is made a part of these Findings.

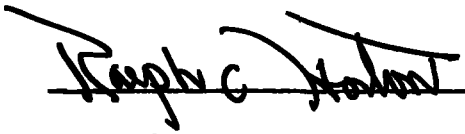
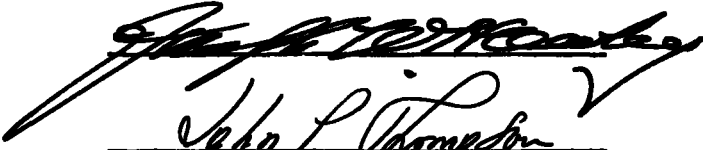
O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and hereby is,  
denied.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

ea

original

(Decision No. 46815)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DON E. EATON, DOING BUSINESS AS )  
"EATON TRANSFER & STORAGE COMPANY, )  
1532 EAST FIFTH COURT, TULSA, OKLA- )  
HOMA, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO DON )  
EATON TRANSFER & STORAGE, INC., )  
1532 EAST FIFTH COURT, TULSA, OKLA- )  
HOMA. )

PUC NO. 2970-I-Transfer

-----  
November 14, 1956  
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S T A T E M E N T

By the Commission:

Heretofore, Don E. Eaton, doing business as Don Eaton Transfer & Storage Company, Tulsa, Oklahoma, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 2970-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Don Eaton Transfer & Storage, Inc., Tulsa, Oklahoma.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized, as set forth in the Order following.

O R D E R

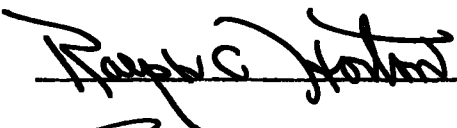

THE COMMISSION ORDERS:

That Don E. Eaton, doing business as "Eaton Transfer & Stor-

age Company," Tulsa, Oklahoma, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 2970-I to Don Eaton Transfer & Storage, Inc., a corporation, Tulsa, Oklahoma, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1956.

mls



original

(Decision No. 46816)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
M P M INVESTMENT COMPANY, BOX 914,	)	
PUEBLO, COLORADO, FOR AUTHORITY TO	)	<u>PUC NO. 3137-I-Transfer</u>
TRANSFER INTERSTATE OPERATING	)	
RIGHTS TO ROCK WOOL INSULATING COM-	)	
PANY, BOX 914, PUEBLO, COLORADO.	)	
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November 14, 1956  
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S T A T E M E N T

By the Commission:

Heretofore, M P M Investment Company, Pueblo, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 3137-I issued to it.

Said certificate-holder now seeks authority to transfer said operating rights to Rock Wool Insulating Company, a corporation, Pueblo, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness against said operation, if any there be.

O R D E R

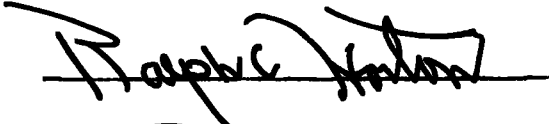


THE COMMISSION ORDERS:

That M P M Investment Company, Pueblo, Colorado, should be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 3137-I to Rock Wool Insulating Company, Pueblo,

Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
MR. AND MRS. VERN CLIFF; DOING  
BUSINESS AS "CLIFF BEAUTY SHOP,"  
245 WASHINGTON STREET, DENVER,  
COLORADO.  
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PERMIT NO. M-5302  
CASE NO. 78045-INS.

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November 14, 1956  
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S T A T E M E N T

By the Commission:

On October 31, 1956, the Commission entered its Order in Case No. 78045-Ins., revoking Permit No. M-5302 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-5302 should be, and the same hereby is, reinstated, as of October 31, 1956, revocation order entered on said date by the Commission in Case No. 78045-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hottel*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD TANNER, DOING BUSINESS )  
AS "MONTELORES BEAN COMPANY," )  
CAHONE, COLORADO. )  
----- )

PERMIT NO. M-8829  
CASE NO. 78242-INS.

-----  
November 14, 1956  
-----

S T A T E M E N T

By the Commission:

On October 31, 1956, in Case No. 78242-Ins., the Commission entered its Order, revoking Permit No. M-8829 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-8829 should be, and the same hereby is, reinstated, as of October 31, 1956, revocation order entered by the Commission on said date, in Case No. 78242-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Johnson*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LYLE E. BARTON; DOING BUSINESS )  
AS "HAMBLE'S STORE;" 430 MAIN )  
STREET, MONTROSE, COLORADO. )  
----- )

PERMIT NO. M-9894  
CASE NO. 78260-INS.

-----  
November 14, 1956  
-----

S T A T E M E N T

By the Commission:

On October 31, 1956, in Case No. 78260-Ins., the Commission entered an order revoking Permit No. M-9894 for failure to keep on file the required certificate of insurance.

Since required insurance has now been filed, and without lapse, the order of revocation should be set aside.

F I N D I N G S

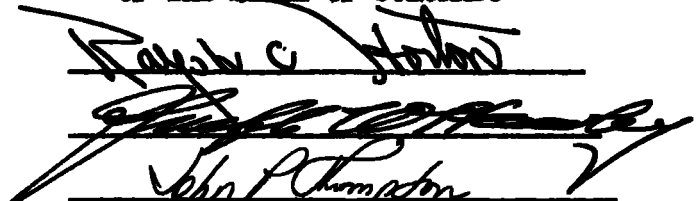
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 78260-Ins., should be cancelled and set aside, and said Permit No. M-9894 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on October 31, 1956, in Case No. 78260-Ins., should be, and hereby is, cancelled and set aside, and said Permit No. M-9894 restored to its former status as of October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF )	
C. H. BECKLE; ROUTE #1, BOX )	<u>PERMIT NO. M-6573</u>
1369, CHEYENNE, WYOMING )	<u>CASE NO. 78727-INS.</u>
----- )	

-----  
November 14, 1956  
-----

S T A T E M E N T

By the Commission:

On October 31, 1956, in Case No. 78727-Ins., the Commission entered an order revoking Permit No. M-6573 for failure to keep on file the required certificate of insurance.

Since the required insurance is now on file, and without lapse of coverage, the order of revocation should be set aside.

F I N D I N G S

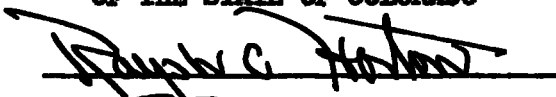

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 78727-Ins., should be cancelled and set aside, and said Permit No. M-6573 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on October 31, 1956, in Case No. 78727-Ins., should be, and hereby is, cancelled and set aside, and said Permit No. M-6573 restored to its former status as of October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BURL APPLGATE, PARLIN, COLORADO. )  
----- )

PERMIT NO. M-10471  
CASE NO. 78107-INS.

-----  
November 14, 1956  
-----

S T A T E M E N T

By the Commission:

On October 31, 1956, in Case No. 78107-Ins., the Commission entered its Order, revoking Permit No. M-10471 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-10471 should be, and hereby is, reinstated, as of October 31, 1956, revocation order entered by the Commission on said date in Case No. 78107-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. [Signature]*  
*[Signature]*  
*John P. [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )	
ED A. JONES, 1361 KALAMATH STREET, )	<u>PERMIT NO. B-2753</u>
DENVER, COLORADO. )	
----- )	

-----  
November 3, 1956  
-----

S T A T E M E N T

By the Commission:

On May 3, 1956, the Commission entered its Decision No. 45837, authorizing the above-styled permit-holder to suspend operations under Permit No. B-2753 until November 3, 1956.

The Commission is now in receipt of a communication from wife of said permit-holder, requesting authority to further suspend operations under said permit for a period of six months, due to ill health of Ed A. Jones, owner of said permit.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ed A. Jones, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-2753 until May 3, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for reinstatement of said operating rights, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall



stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Raymond H. Hahn

John P. Thompson

John P. Thompson

Commissioners.

Dated at Denver, Colorado,  
this 3rd day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HERMAN B. GIBBONS, 970 SOUTH )  
MARGIE LANE, DENVER, COLORADO. )

PERMIT NO. M-9056

November 16, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Herman B. Gibbons

requesting that Permit No. M-9056 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9056, heretofore issued to \_\_\_\_\_

Herman B. Gibbons

be,

and the same is hereby, declared cancelled effective November 9, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,

this 16th day of November, 1956.

original

(Decision No. 46824)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JOHN DAVID, JR., DOING BUSINESS AS  
"SMOKY HILL TRUCK LINE," 4878  
WYANDOT STREET, DENVER, COLORADO,  
FOR AUTHORITY TO TRANSFER PUC NO.  
614 TO LEE E. TROUT, DOING BUSINESS  
AS "SMOKY HILL TRUCK LINE," 4633  
EAST COLFAX, DENVER, COLORADO, AND  
FOR AUTHORIZATION OF ENCUMBRANCE OF  
SAID CERTIFICATE.

APPLICATION NO. 14811-Transfer

IN THE MATTER OF THE APPLICATION OF  
JOHN DAVID, JR., DOING BUSINESS AS  
"SMOKY HILL TRUCK LINE," 4878  
WYANDOT STREET, DENVER, COLORADO,  
FOR AUTHORITY TO TRANSFER PUC NO.  
1811 TO LEE E. TROUT, DOING BUSINESS  
AS "SMOKY HILL TRUCK LINE," 4633  
EAST COLFAX, DENVER, COLORADO, AND  
FOR AUTHORIZATION OF ENCUMBRANCE OF  
SAID CERTIFICATE.

APPLICATION NO. 14812-Transfer

November 15, 1956

Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Transferor,  
and Transferee.

S T A T E M E N T

By the Commission:

John David, Jr., doing business as "Smoky Hill Truck Line,"  
Denver, Colorado, is the owner and operator of PUC No. 614 and PUC  
No. 1811.

PUC No. 614 authorizes the following:

Transportation of milk, cream and dairy pro-  
ducts to the City of Denver from territory  
lying within 1½ miles of the following route  
or routes: "Beginning at a point on the Air-  
line Highway one mile east of Denver-Parker  
Highway; thence east on said Airline Highway  
to a point one-half mile east of the line di-  
viding Range 63 from Range 62; thence back  
along said Airline Highway to the southwest

corner of Section 2, T. 5 S.; R. 64-W; thence south to the southwest corner of Section 14 in said last described Township and Range; thence west four miles; thence back along said route to said Airline Highway and west thereon to the southwest corner of Section 4, T. 5 S., R. 65-W.; thence south one mile; thence east one-half mile; thence south one and one-half miles; thence southwest to a point on the north half of Section 6, T. 6 S., R. 65-W.; thence southeast to the Smoky Hill Road; thence northwest along said road to a point one mile east of the Denver-Parker Highway; PROVIDED, HOWEVER, that territory shall include no territory west of points on the Airline & Smoky Hill Highways one mile east of the Denver-Parker Highway, and shall include no territory in Douglas County lying in Range 66.

Transportation to Denver of farm products from the territory above described and the transportation of farm supplies from Denver to milk producers served by applicant in said territory.

Transportation of milk and dairy products between Denver and all points in the territory described as: Sections 13 to 36, including R. 66, W., T. 4 S.; Sections 17, 18, 19, 20, 29, 30, 31, 32 and 33, R. 65 W., T. 4 S.; Sections 1, 2, 3, 4, 5, 6, R. 66 W., T. 5 S.; Sections 4, 5, 6, R. 65 W., T. 5 S.; Sections 13, 14, 15, 23, 24, 25, R. 67 W., T. 4 S.; Arapahoe County, Colorado, and the right to transport all farm supplies, except grain and feed from Denver back to milk producers residing in the above described area, no authority being granted hereby to move freight, except milk and dairy products in this area to Denver.

Milk rights transferred from FUC No. 611 and consolidated with this number. Transportation of milk between Denver and points within an area extending eleven miles east from the City of Denver, two miles south of Colfax Avenue and the Denver-Limon Highway, and three miles north of said Avenue, except, however, the Town of Aurora, Colorado.

FUC No. 1811 authorizes the following:

Transportation of milk from farms within the area described as: Beginning at the northwest corner of Section 36, T. 4 S., R. 68 W.; thence east three miles; thence south one mile; thence east one mile; thence south one mile; thence east one mile; thence south two miles; thence east one mile; thence south one mile; thence east one mile; thence south five miles to the southeast corner of Section 13, T. 6 S., R. 67

W.; thence west five miles; thence north six miles; thence west two miles; thence north four miles to a point of beginning; to Denver and points within a radius of two miles thereof, with back-haul of empty cans.

By the instant application, said certificate-holder seeks authority to transfer PUC No. 614 and PUC No. 1811 to Lee E. Trout, doing business as "Smoky Hill Truck Line," Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, were consolidated for hearing and heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 29, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. John David, Jr., present owner of these authorities, testified in support of the transfer. He stated that the work done under these authorities is entirely confined to the regular pick up of milk from producing farms for delivery to dairies, with return of cans and accessories needed by the farmers in the work. He has operated the route for about four and one-half years and is now compelled to sell for reasons of health. He verified the contract of sale, pursuant to which the authorities and a 1955 Chevrolet truck are to be transferred for the total sum of \$6,500, of which \$4,000 has been paid. The balance is payable in monthly installments over a period of three years. Copies of instruments encumbering the authorities and motor vehicles were offered in evidence.

Mr. Lee Trout, the transferee, also testified in support of the application. He stated that he has approximately six months' previous milk route experience and has operated this route under temporary authority since September 14. This operation is a single truck operation involving service to only approximately fourteen customers, seven days per week. Very little working capital is needed, and he has been handling all accounts on a current cash basis. He does not appear to be particularly well qualified financially to

engage in this operation, but investigation reveals that the customers involved are well satisfied, and in view of the small working capital required, it appears that he can safely be given an opportunity to show what he can do.

It appears that the transferee does not have a telephone listed in his own name where his customers can reach him, if the occasion should require. The transferee will be directed to have a telephone installed at some place which he regularly attends, to be listed in his own name, forthwith. As it appears that such listing will not appear in the regular telephone directory for several months, the transferee will also be directed to give to each of his customers a written memorandum of the number of the telephone so installed and also of the transferee's current address, so that there may be no doubt that all the customers of this common carrier may be able to reach him when circumstances require.

No one appeared in opposition to the transfer and no reason appears why the same should not be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

### O R D E R

#### THE COMMISSION ORDERS:

That John David, Jr., doing business as "Smoky Hill Truck Line," Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 614 and PUC No. 1811--with authority as set forth in the preceding Statement, which is made a part hereof by reference--to Lee E. Trout, doing business as "Smoky Hill Truck Line," Denver, Colorado, subject to payment of outstanding indebtedness against said certificates, if any there be,

whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

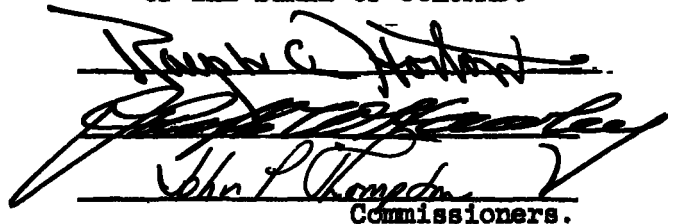
The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificates.

That said transferee, Lee E. Trout, shall forthwith have a telephone installed at some place which he regularly attends, to be listed in his own name.

That said transferee, Lee E. Trout, shall forthwith notify each of his customers in writing of the number of the telephone so installed, and also of the transferee's current address.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

mls

original

(Decision No. 46825)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE DENVER AND SOUTH PLATTE TRANS- )	
PORTATION CO., 783 SOUTH CORONA )	
STREET, DENVER, COLORADO, FOR AUTH- )	<u>APPLICATION NO. 14815-Transfer</u>
ORITY TO TRANSFER PUC NO. 50 TO THE )	
SOUTH ADAMS TRANSIT CO., 5395 SOUTH )	
LINCOLN STREET, ENGLEWOOD, COLORADO. )	
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-----  
November 15, 1956  
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Appearances: Julius Bussard, Englewood,  
Colorado, for Transferee;  
C. W. Hartman, Denver,  
Colorado, for Transferee;  
R. L. Orendorf, Littleton,  
Colorado, for Town of  
Littleton;  
Dr. Russell Chandler,  
Littleton, Colorado, for  
members of Presbyterian  
Church;  
Sam Philippone, Denver,  
Colorado, for the Commis-  
sion.

S T A T E M E N T

By the Commission:

The Denver and South Platte Transportation Co., Denver,  
Colorado, is the owner and operator of PUC No. 50, which authorizes:

Transportation of passengers and express,  
Englewood to Littleton, and intermediate  
territory.

By the instant application, filed September 27, 1956, said  
Company seeks authority to transfer PUC No. 50 to The South Adams  
Transit Co., Englewood, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
October 31, 1956, and at the conclusion of the evidence, the matter  
was taken under advisement.



Mr. Julius Bussard, President of the transferee Company, testified in support of the application. He stated that his company presently operates busses, pursuant to authority of PUC No. 1450. Neither he nor his Company has any financial interest at present in the transferee Company. If the transfer is approved, the books concerning the two operations will be separately maintained, but equipment, personnel, repair service, and such will be intermingled. In addition to a note and chattel mortgage as security for the transfer, the common stock of The South Adams Transit Company, which is 98% owned by Bussard, will be pledged as security for the payment of the purchase price. The purchase price is to be \$2,500 total for the authority, certain equipment and property. \$45.00 has been paid; the balance is to be paid at the rate of \$100.00 per month. More by the feel of the thing than by any exact figures, Bussard feels that the operation will be a paying one.

Mr. C. W. Hartman, President of the transferor Company, also testified in support of the application. He stated that his Company is in full accord with the transfer. It exists for the sole purpose of operating this authority and will be liquidated if the transfer is approved.

Mr. L. R. Orendorf, City Clerk and Treasurer of Littleton, also testified, reading into the record a prepared statement from which it appears that the town has no objection to the transfer as such, but does desire adequate service for its citizens. He stated that the present service is irregular, does not conform to schedule, and does not provide suitable equipment and suitable maintenance.

Dr. Russell Chandler, Pastor of the Presbyterian Church in Littleton, also testified in behalf of his parishioners. He expressed no objection to the transfer as such, but did complain concerning inadequacy of existing service.

No one appeared in opposition to the transfer as such and it

does not appear that the service will necessarily be worse after the transfer than before. If service after the transfer is inadequate, our rules provide a method for its correction if inadequacies are either brought to our attention or are discovered during the regular course of our work. No reason appears from the record, therefore, why the transfer should not be permitted.

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

### O R D E R

#### THE COMMISSION ORDERS:

That The Denver and South Platte Transportation Co., Denver, Colorado, should be, and it is hereby, authorized to transfer all its right, title, and interest in and to PUC No. 50--with authority as set forth in the preceding Statement, which is made a part hereof by reference--to The South Adams Transit Co., Englewood, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on

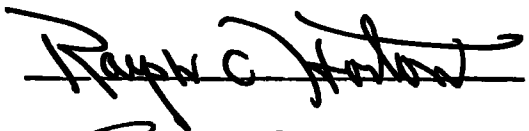
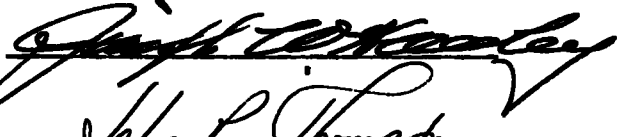

the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

mls

original

(Decision No. 46826)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF WARREN DORRANCE, 7373 KIPLING ST., ARVADA, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4869. -----	) ) ) APPLICATION NO. <u>14814-PP-Extension</u> ) ) )
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November 15, 1956  
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Appearances: Warren Dorrance, Arvada,  
Colorado, pro se;  
L. C. Austin, Boulder,  
Colorado, for Overland  
Motor Express.

S T A T E M E N T

By the Commission:

By our Decision No. 44415, dated July 15, 1955, the applicant was given authority as a private carrier to transport certain named commodities within a described area for Denver Wood Products Company and Pyramid Lumber and Building Supply Company, only.

By the present application, filed September 20, 1956, the applicant seeks to have his current authority expanded to include Turn Pike Lumber Company, at Brocmead, Colorado, which is a subsidiary of one of his present customers. No extension in commodity description or territorial description is sought.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 31, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application. He testified concerning his present operation and stated that at the time he commenced his present operation it was expected that

his customer Denver Wood Products Company would locate in Broomfield as well as in Denver. Instead, this customer formed a wholly-owned subsidiary called Turn Pike Lumber Company, which located in Broomfield. It is this branch subsidiary of his present customer that the applicant wishes to serve. He does not have in mind to serve any other customers, to carry any other commodities, nor to expand his territory or serve in any other way beyond this narrowly restricted extension.

On the basis of this statement, Overland Motor Express, a common carrier domiciled at Boulder, withdrew its objection to the application.

Mr. Robert R. Fox, President of Turn Pike Lumber Company, also testified in support of the application. He stated that the Company is a wholly-owned subsidiary of Denver Wood Products Company and would like to have the same service as applicant now renders to the parent company, Denver Wood Products Company.

No one appeared in opposition to the granting of the extension, and no reason appears why the same should not be granted.

It did not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which he will compete.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That authority sought should be granted.

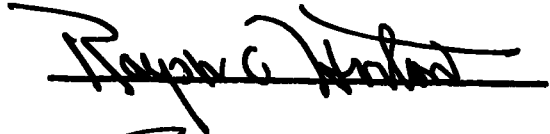


#### O R D E R

##### THE COMMISSION ORDERS:

That Warren Dorrance, Arvada, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4869, to include the Turn Pike Lumber Company, Broomfield, Colorado, as one of his customers.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

es

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
E. J. FOWKES AND W. L. WILLCOXON,  
CO-PARTNERS, DOING BUSINESS AS "TRI-  
STATE RIG COMPANY," 730 WEST FORTY-  
SECOND AVENUE, DENVER, COLORADO, AND  
SERVICE TRUCKING CO., A COLORADO  
CORPORATION, BOX 896, FORT MORGAN,  
COLORADO, FOR AUTHORITY TO TRANSFER  
PERMIT NO. B-953 TO ASHWORTH TRANS-  
FER, INC., A CORPORATION, 656 SOUTH  
SECOND WEST, SALT LAKE CITY, UTAH.

APPLICATION NO. 14813-PP-Transfer

-----  
November 15, 1956  
-----

Appearances: Stockton, Linville & Lewis,  
Esqs., Denver, Colorado, for  
Transferors and Transferee;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for Stanton  
Transportation Co., and R. W.  
Jones Trucking Co.;  
Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, by Albert  
Dawkins and Paul Hupp, Esqs.,  
for Rabtoay General Tire Co.,  
and General Tire Acceptance  
Corp.;  
Charles H. Hames, Jr., Denver,  
Colorado, and  
John Templeton, Esq., Denver,  
Colorado, for Charles H.  
Hames, Jr., Assignee, and  
for Creditors;  
George W. Harper, Esq., Denver,  
Colorado, for The Grayson  
Agency, Creditor;  
Benjamin E. Sweet, Esq., Denver,  
Colorado, for Achziger Oil Co.,  
Creditor;  
Cranston & Arthur, Esqs., Denver,  
Colorado, for Andrew C. Holt,  
Creditor;  
W. C. Reich, Denver, Colorado,  
for J. Wandel Press.

S T A T E M E N T

By the Commission:

It is not necessary at this juncture of the proceeding  
to explain the authority here sought to be transferred, nor the

financial and other difficulties which have been encountered by the present operators of the authority, as it appears that future hearing will have to be held following which an Order in some detail can be issued.

It is enough here to say that pursuant to regular setting, a hearing on this application for transfer of a private motor carrier authority was commenced in Denver, Colorado, October 31, 1956.

After hearing a portion of the evidence contemplated to be adduced, it was stipulated by the parties that the matter should be continued for further hearing at some time convenient to the Commission, of which due notice should be given to those who appeared at the initial hearing and also to any persons whose names appear on a list of creditors, which is to be provided by transferors.

In addition, certain of the creditors are attempting to attack a chattel mortgage approved by us in our Decision No. 46143, dated July 13, 1956. No decision was made concerning the validity of the attack, but instead it was ordered that all parties attending such future hearing be fully prepared to argue the question whether the said mortgage is subject to attack and, if so, what the action of the Commission should be. This argument may be either oral or by written brief, or both; any party intending to submit a written brief, however, shall serve copy of the same on all other parties in the manner and within the time provided by the Rules of Civil Procedure.

It appears that there may be certain creditors of the transferors who would be entitled to notice of this proceeding, but who were not notified because the Commission was not aware of their interest, if any. The matter shall not be re-set, therefore, until such time as a list of creditors shall have been submitted by the transferors, verified to be a complete list, and showing the names and addresses of all creditors, the amount presently owed, and the consideration received, which resulted in the present indebtedness.



F I N D I N G S

THE COMMISSION FINDS:

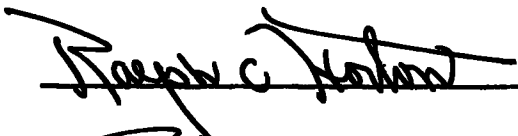
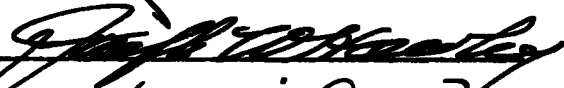
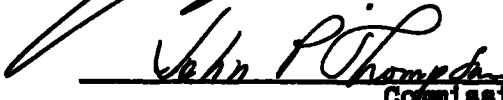
That the instant application should be re-set at some future date convenient to the Commission, pursuant to the foregoing Statement and in accordance therewith.

O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and the same hereby is, re-set for hearing at some future date convenient to the Commission, pursuant to the foregoing Statement, and in accordance therewith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
COLORADO BEDDING COMPANY, 476  
SOUTH BROADWAY, DENVER, COLORADO.)  
-----)

PERMIT NO. M-3805  
CASE NO. 78312-INS.

-----  
November 15, 1956  
-----

S T A T E M E N T

By the Commission:

On November 8, 1956, in the above-styled case, the Commission entered its Order, revoking Permit No. M-3805 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-3805 should be, and hereby is, reinstated, as of November 8, 1956, revocation order entered on said date by the Commission in Case No. 78312-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Holden  
[Signature]  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
HAROLD DUNN, 914 WEST EDISON )	PERMIT NO. M-3466
STREET, BRUSH, COLORADO. )	CASE NO. 78543-INS.
-----)	

-----  
November 15, 1956  
-----

S T A T E M E N T

By the Commission:

On November 8, 1956, the Commission entered its Order in Case No. 78543-Ins., revoking Permit No. M-3466 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-3466 should be, and hereby is, reinstated, as of November 8, 1956, revocation order entered on said date by the Commission in Case No. 78543-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holman*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*Verna P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
KEITH DEVER, DOING BUSINESS AS  
"ROCKY MOUNTAIN PINE FURNITURE,"  
ESTES PARK ROUTE, LOVELAND,  
COLORADO.  
-----

PERMIT NO. M-6049  
CASE NO. 78463-INS.

-----  
November 15, 1956  
-----

S T A T E M E N T

By the Commission:

On November 8, 1956, the Commission entered its Order in Case No. 78463-Ins., revoking Permit No. M-6049 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-6049 should be, and hereby is, reinstated, as of November 8, 1956, revocation order entered by the Commission on said date in Case No. 78463-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Harkin*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 15 th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PRESCRIPTION )  
OF RATES, RULES AND REGULATIONS )  
GOVERNING THE MOVEMENTS OF PARTIES )  
IN CHARTER COACH SERVICE INTRASTATE )  
IN THE STATE OF COLORADO. )  
-----

APPLICATION NO. 1606, ET AL

-----  
November 15, 1956  
-----

S T A T E M E N T

By the Commission:

On May 10, 1937, Decision No. 9967, as amended by Decision No. 10634, dated September 27, 1937, 31450, dated October 29, 1948, 35358, dated September 25, 1950, and 39207, dated September 12, 1952, the Commission prescribed minimum and maximum rates, rules and regulations to apply in the operation of charter party transportation in buses within the State of Colorado, retaining jurisdiction to make such further orders in said proceeding as might be necessary and proper.

On August 27, 1956, Decision No. 46392, the Commission reopened the proceeding and ordered that the rates, rules, and regulations on charter party movements prescribed in Decision No. 9967, as amended, shall not be considered as prescribed rates, rules and regulations on strictly intracity movements of charter parties in the State of Colorado on intrastate traffic, and that motor vehicle carriers performing an intracity charter bus service desiring to establish rates, rules and regulations different than those prescribed in Decision No. 9967, as amended, shall do so in the manner prescribed by law and the rules and regulations of the Commission.

On October 23, 1956, The Denver Tramway Corporation filed a request with the Commission seeking authority to make inapplicable the rates, rules and regulations on charter party movements prescribed in Decision No. 9967, as amended, between points within a 20-mile airline radius of the intersection of Colfax and Broadway, Denver, Colorado.

This request was made primarily on a request from The Glenn L. Martin Company, Denver Division, to the Tramway Corporation, to furnish charter bus service on the following described article of equipment, to wit: One (1) Bus with Driver, with a minimum seating capacity of thirty (30) passengers for a period of approximately four (4) hours daily, Monday through Friday, subject to the requirements of the Martin people.

The Martin Company at this time has locations in Denver at Fourteenth and Arapahoe Streets, at Colorado Avenue and South Acoma, in Englewood at Hampden and South Inca, at Fort Logan and under construction its plant near Waterton, west of Littleton. In its trainee program the Martin Company finds it necessary to shift its personnel from one location to another location and feels it can do so more satisfactorily under the above stated conditions.

Upon receipt of the request from the Tramway Corporation, the rate department of the Commission contacted representatives of the other carriers in Denver who furnish charter party movements, viz: Colorado Transportation Company, Southwestern Greyhound Lines and the Continental Bus Company and its affiliate companies. These bus companies expressed opinions that they were not opposed to the Martin Company proposition but they were opposed to the 20-mile airline radius on anything other than the prescribed rates and rules.

Upon receipt of the expressions of opposition the rate department of the Commission advised the Tramway people of said opposition and they have agreed to withdraw the 20-mile radius and confine their request only to the Martin locations.

#### F I N D I N G S

THE COMMISSION FINDS, That:

1. Application No. 1606, as amended, should be reopened.
2. The application of the rates, rules and regulations on charter party movements prescribed in Decision No. 9967, as amended, should be eliminated on charter bus movements performed by The Denver Tramway Corporation for account of The Glenn L. Martin Company, Denver Division, between Denver, Colorado, and the various locations and sites of the said Martin Company.

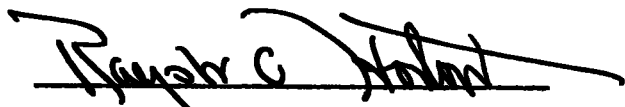
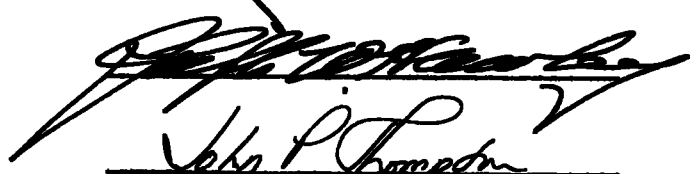
3. The Denver Tramway Corporation should file its tariff of rates, rules and regulations in the manner prescribed by law and the rules and regulations of the Commission.

O R D E R

THE COMMISSION ORDERS, That:

1. Application No. 1606, as amended, be and the same is hereby reopened.
2. This order shall become effective forthwith.
3. The rates, rules and regulations on charter party movements prescribed in Decision No. 9967, as amended, shall not be considered as prescribed rates, rules and regulations on charter bus movements performed by The Denver Tramway Corporation for account of The Glenn L. Martin Company, Denver Division, between Denver, Colorado, and the various locations and sites of the said Martin Company.
4. The Denver Tramway Corporation shall file its tariff of rates, rules and regulations in the manner prescribed by law and the rules and regulations of the Commission.
5. Except as herein provided for, the order entered under its Decision No. 9967, as amended, shall remain in full force and effect.
6. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 15th day of November, 1956.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. E. GOODALE, 2121 NORTH NINTH, )  
CANON CITY, COLORADO. )

PERMIT NO. M-4248

-----  
November 21, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

C. E. Goodale

requesting that Permit No. M-4248 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4248, heretofore issued to \_\_\_\_\_

C. E. Goodale \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective June 30, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Reginald C. Nelson*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1956.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

W. C. ELLIS, DOING BUSINESS AS  
"ELLIS APPLIANCE SERVICE," 3609  
TEJON STREET, DENVER, COLORADO.

PERMIT NO. M-4092

-----  
November 21, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

W. C. Ellis, dba "Ellis Appliance Service,"

requesting that Permit No. M-4092 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4092, heretofore issued to \_\_\_\_\_

W. C. Ellis, dba "Ellis Appliance Service," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 11, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PUBLICATION OF A RATE OF ELEVEN )  
CENTS PER 100 POUNDS ON PYRITE )  
CINDERS, IN BULK, IN TANK VEHICLES, )  
MINIMUM WEIGHT 48,000 POUNDS, FROM )  
DENVER, COLORADO, TO BOETTCHER, )  
COLORADO, FOR ACCOUNT OF HAROLD E. )  
WATSON, JR., LOVELAND, COLORADO. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 388

-----  
November 16, 1956  
-----

S T A T E M E N T

By the Commission:

By an order dated July 10, 1956 (Decision No. 46133), the Commission entered upon a hearing concerning the lawfulness of a rate of 11 cents per 100 pounds on Pyrite Cinders, in bulk in tank vehicles, minimum weight 48,000 pounds, from Denver, Colorado, to Boettcher, Colorado, via Harold E. Watson, Jr., as published in a tariff designated in said order.

Pending such hearing and a decision, the Commission ordered that the operation of the schedule contained in said tariff be suspended, and that the use of the rate, charges, regulations and practices therein stated be deferred upon intrastate traffic until the 17th day of November, 1956, unless otherwise ordered.

F I N D I N G S

THE COMMISSION FINDS:

That such hearing and decision cannot be concluded within the period of suspension above stated, and that the said tariff should be further suspended.

O R D E R

THE COMMISSION ORDERS, That:

1. The operation of the schedule contained in the tariff specified in its order dated July 10, 1956 (Decision No. 46133), be further suspended, and that the use of the rate, charges, regulations and practices therein stated be further deferred upon Colorado intrastate

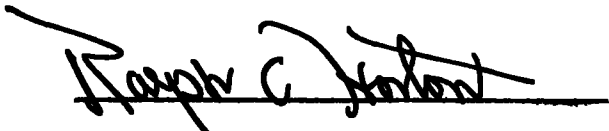
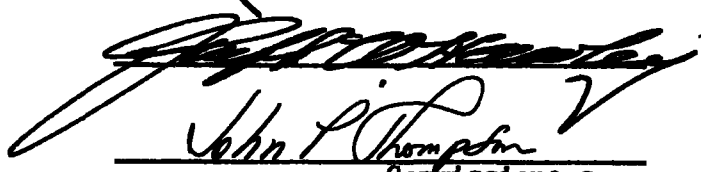
traffic until the 17th day of May, 1957, unless otherwise ordered by the Commission, and no change shall be made in such rate, charges, regulations and practices during the said period of suspension.

2. The rate and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired.

3. A copy of this order be filed with said schedule in the office of the Commission and that a copy hereof be forthwith served upon J. R. Smith, Chief of Tariff Bureau, Motor Truck Common Carriers' Association, 4060 Elati St., Denver 16, Colorado, Harold E. Watson, Jr., Loveland, Colorado, Edward Almon, Esq., 405 Symes Building, Denver 2, Colorado, Clayton B. Knowles, Esq., Denver Club Building, Denver 2, Colorado, T. C. Taylor and Paul S. Barnett, Ideal Cement Company, Denver National Building, Denver 2, Colorado.

4. This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 16th day of November, 1956.

original

(Decision No. 46835)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ROCKY MOUNTAIN MOBILE HOME TOWING  
SERVICE, INC., A COLORADO CORPORA-  
TION, 621 SOUTH PERRY STREET, DEN-  
VER, COLORADO, FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY  
AUTHORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 3016.

APPLICATION NO. 14817-Extension

-----  
November 19, 1956  
-----

Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado, for  
applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Rocky Mountain Mobile Home Towing Service, Inc., Denver, Colorado, owner and operator of PUC No. 3016, seeks a certificate of public convenience and necessity, authorizing extension of operations under said PUC No. 3016 to include the right to transport all types of trailers, in tow-away service, from point to point within the City and County of Denver, Colorado, and from point to point within the City of Loveland, Colorado.

Under PUC No. 3016, applicant herein is presently authorized to operate as a common carrier by motor vehicle for hire, for the transportation of:

House trailers and other trailers of similar type, even though the same be especially equipped, from point to point throughout the State of Colorado, excluding any movements originating in El Paso County, Colorado.

Said application was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that applicant has been engaged in the movement of trailers from point to point within the City and County of Denver, Colorado, and from point to point within the City of Loveland, Colorado, and was so engaged on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over common carriers operating in home-rule cities.

No one appeared in opposition to the granting of the authority sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require applicant's extended motor vehicle common carrier transportation service under PUC No. 3016, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Rocky Mountain Mobile Home Towing Service, Inc., a Colorado corporation, Denver, Colorado, under PUC No. 3016, to include the right to transport all types of trailers, in tow-away service, from point to point within the City and County of Denver, Colorado, and from point to point within the City of Loveland, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

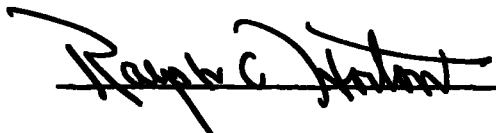
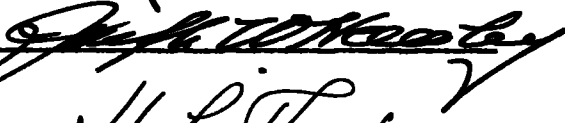

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

ea

original

(Decision No. 46836)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
TED FLOREY, DOING BUSINESS AS )	
"THORNTON CAB SERVICE," 1050 EAST )	
89TH AVENUE, THORNTON, COLORADO, )	APPLICATION NO. 14821
FOR AUTHORITY TO SUSPEND OPERATIONS )	
UNDER PUC NO. 3453. )	
----- )	

-----  
November 19, 1956  
-----

Appearances: A. E. Small, Jr., Esq., Denver,  
Colorado, for applicant;  
Edna Hooker, Derby, Colorado,  
for Derby Cab Company.

S T A T E M E N T

By the Commission:

On October 8, 1956, the Commission received a letter from the attorney for Ted Florey, doing business as "Thornton Cab Service," Thornton, Colorado, wherein he requested the Commission's approval of immediate suspension of operations under PUC No. 3453 for a period of six months.

The Commission elected to treat this letter as an application, and after appropriate notice to all parties in interest, the application was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 5, 1956, and after taking of evidence, and hearing the arguments of counsel, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant lost money for the months of July, August and September, and that he would like to have his certificate suspended for a period of six months. Applicant feels that if given more time to raise additional finances, he can make the operation pay.

Mr. Flower, who backed applicant financially, testified that he thought he and applicant could work out some kind of agreement, wherein they would be able to start operations in the near future.

The Commission, after hearing the evidence, realizes that applicant has lost money, and we cannot see from the record before us where applicant can make a go of it in the future, and it further appears to the Commission that applicant will be in no better position at the expiration of six months period than he is on the date of hearing.

Certificates of public convenience and necessity are based on need of the public for the service. It would appear to us that taxicab service is needed more in the winter months than during the summer-time, so we cannot justify this suspension due to seasonal business. If this had been an application for abandonment, we would have a simple problem, but we cannot cure the ills of this operation by a suspension.

The present application is for a six months' suspension. We cannot, after hearing the evidence and after careful review of the record, find that the granting of the instant application is in the public interest.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the instant application should be denied, for the reasons heretofore set forth in our Statement, which, by reference, is made a part of these Findings.

### O R D E R

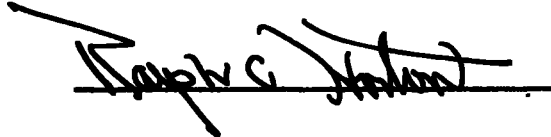
#### THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, denied.



This Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
WESLEY D. MC MULLEN, 610 )	<u>FUC NO. 3139-I</u>
NIOBRARA, ALLIANCE, NEBRASKA. )	<u>CASE NO. 78129-INS.</u>
----- )	

-----  
November 19, 1956  
-----

S T A T E M E N T

By the Commission:

On October 31, 1956, in Case No. 78129-Ins., the Commission entered an order revoking Certificate No. 3139-I for failure to keep on file effective insurance.

Since required filing was arranged for within the five-day period of grace, and without lapse, the order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 78129-Ins., should be cancelled and set aside, and said FUC-3139-I restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on October 31, 1956, in Case No. 78129-Ins., should be, and hereby is, cancelled and set aside, and said FUC -3139-I restored to its former status as of October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Johnston*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

original

(Decision No. 46838)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
COMMERCIAL OIL TRANSPORT, INC., 1030  
STAYTON STREET, P. O. BOX 270, FORT  
WORTH, TEXAS, FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY TO  
OPERATE AS A COMMON CARRIER BY MOTOR  
VEHICLE FOR HIRE.

APPLICATION NO. 14777

-----  
November 19, 1956  
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Appearances: Paul F. Goldsmith, Esq., Denver,  
Colorado, for Applicant;  
Clayton Knowles, Esq., Denver,  
Colorado, for Union Pacific  
Railroad Company;  
Frank Shafroth, Esq., Denver,  
Colorado, for The Atchison,  
Topeka, and Santa Fe Rail-  
way Company;  
Ernest Porter, Esq., Denver,  
Colorado, for The Denver and  
Rio Grande Western Railroad  
Company;  
Max C. Wilson, Esq., Canon City,  
Colorado, for Southwestern  
Transportation Company;  
E. B. Rogers, Esq., La Junta,  
Colorado, for Wright Motor  
Lines;  
Orville Dunlap, Montrose, Colo-  
rado, for Orville Dunlap and  
Sons;  
Shirley Avery, Buena Vista, Colo-  
rado, for Eveready Freight Line;  
Mr. Yelverton, Denver, Colorado,  
for Goldstein Refrigerator Line;  
Marion F. Jones, Esq., Denver,  
Colorado,  
Alvin Meiklejohn, Jr., Esq., Denver,  
Colorado, and  
Paul M. Hupp, Esq., Denver, Colo-  
rado, for copy of Order.

S T A T E M E N T

By the Commission:

Applicant herein is a Texas corporation, whose address is  
1030 Stayton Street, P. O. Box 270, Fort Worth, Texas, the present

holder of Certificate of Public Convenience and Necessity No.

3206-I, which authorizes:

transportation of freight by motor vehicle, as a common carrier, in interstate commerce, only, between all points in the State of Colorado.

On September 18, 1956, applicant herein filed its application with the Commission for a certificate of public convenience and necessity, authorizing transportation of lard, animal and vegetable oils, and edible commodities (other than milk) in bulk, in tank vehicles, between points in the State of Colorado, in intrastate commerce.

Said application, after appropriate notice to all parties in interest, was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 18, 1956, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, applicant, by Mr. Palmer, its Vice-President and Treasurer, testified that his company is presently engaged in the transportation of lard, vegetable and animal oils, in interstate commerce, by fast, flexible tank service. The witness further stated that some of the companies served by applicant have requested service in intrastate commerce within the State of Colorado, and as a result of said requests, the instant application was filed.

The witness described in detail the equipment applicant intends to use, being specially-built metal tank trucks, equipped with pumps or loaders to handle the commodities hauled.

Financial statements and Descriptions of Equipment were identified by the witness, together with its Articles of Incorporation and right to do business in the State of Colorado.

Mr. Leonard R. Bratek, Traffic Manager for Swift and Company, stated that he has been employed by that company since 1940, and became its Denver Traffic Manager in 1955. The witness

stated he is responsible for the handling of all transportation problems for the Denver Plant, which serves the territory of Eastern Utah, Wyoming, Colorado, and New Mexico. He stated he was appearing in support of the applicant's petition, and would, and could, use applicant's service in the transportation of vegetable oils and shortenings, and would especially use applicant's tank truck service in Denver, and on occasions would make deliveries from their Denver Plant to Pueblo and Colorado Springs, to bakeries and potato chip factories. The witness stated that he has had requests for tank service from one of his customers located in Denver.

It appears that vegetable oils and shortenings are now shipped by the witness company in drums, and some of their customers are demanding truck service because of cheaper handling service and lower rates, and his company would like to be in a position to compete with companies located outside Colorado.

Arthur J. Mosco, Vice-President and General Manager of Loveland Packing Company, stated his company could use, and possibly would use, applicant's service for the transportation of tallow between his plant in Loveland and Denver, and if said service was available, it would be of value to his company.

In considering the application, we find that applicant's business is based in Fort Worth, Texas, and now operates in interstate commerce, only, in Colorado. It further appears that applicant does not have equipment based in Colorado, and from the evidence here presented, it does not appear that sufficient business is available to justify their stationing equipment in Colorado.

A reading of the application discloses that it covers innumerable commodities, and applicant asks for service between all points in the State of Colorado; while, on the other hand, the record discloses that applicant might possibly be required,

during a year's time, to haul a few loads of tallow and lard to points outside Denver, and the bulk of the business available at this time is between points within the corporate city limits of the City and County of Denver.

We cannot say, after considering the evidence and the record, that applicant shows a real and vital need by the public for the proposed service outside of the City of Denver. In brief, applicant asked for a broad and comprehensive authority, and the proof indicates customers only for two or three commodities, and that between points within the City and County of Denver, between Denver and Pueblo, Denver and Colorado Springs, and Denver and Loveland, Colorado.

It has been the policy of the Commission since its inception, to endeavor to give to the public, to the best of its ability, an adequate and all-inclusive transportation service. With that thought in mind, it appears that there is some need for a limited service for the handling of lard, animal and vegetable oils (other than milk), in bulk, in tank trucks, between Denver on the one hand, and Pueblo, Colorado Springs, and Loveland, Colorado, on the other, as well as a service between points within the City and County of Denver. We realize that the showing is not strong, but we are impressed with the fact that said service is especially needed in Denver, and it appears that there is some demand for service to Pueblo, Colorado Springs, and from Loveland Packing Company's Plant at Loveland, to Denver.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require the motor vehicle common carrier service of applicant, as hereinafter limited, and that certificate of public convenience and necessity should issue therefor, as set forth in the following Order, and that, in all other respects, said application should be denied.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of applicant, for the transportation of lard, animal and vegetable oils in bulk (other than milk) in tank trucks between points in the City and County of Denver, and a ten-mile radius thereof; between Denver, Colorado and a five-mile radius of Denver, on the one hand, and Pueblo, Colorado Springs, and Loveland, Colorado, on the other hand, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

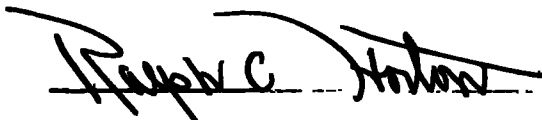
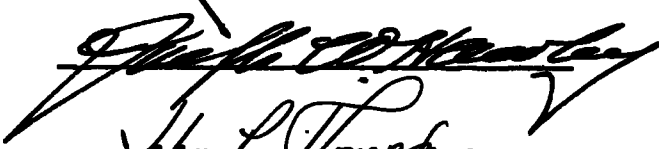

That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That the above-styled application, in all other respects, should be, and hereby is, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

ea

original

(Decision No. 46839)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ARTHUR A. REHFELD, 4189 OSCEOLA  
STREET, DENVER, COLORADO, FOR A CER-  
TIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY TO OPERATE AS A COMMON  
CARRIER BY MOTOR VEHICLE FOR HIRE.  
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APPLICATION NO. 14816

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November 19, 1956  
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Appearances: Louis G. Isaacson, Esq.,  
Denver, Colorado, for  
Applicant;  
Harold D. Morgan, Esq.,  
Denver, Colorado, for  
W. A. Hutchens, Inc.,  
Doyle's House Moving,  
Duffy Storage and Moving  
Company, Inc., Ryberg  
Construction Company;  
Ralph South, Ordway, Colo-  
rado, pro se;  
T. J. Isenbart, Las Animas,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 24, 1956, Arthur A. Rehfeld, Denver, Colorado,  
applicant herein, filed his application with the Commission for  
a certificate of public convenience and necessity to operate as  
a common carrier by motor vehicle for hire, for the moving of  
buildings and houses, between points within the State of Colorado.

Said application was regularly set for hearing, and  
heard, at the Hearing Room of the Commission, 330 State Office  
Building, Denver, Colorado, November 7, 1956, and at the con-  
clusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that Arthur A.  
Rehfeld, applicant herein, has had considerable experience in  
moving houses, and in 1947, was employed by W. A. Hutchens, Inc.,



in their house-moving business; that after he left the Hutchens firm, he then worked for Doyle's House Moving, one of the protestants herein.

It appears that applicant has made all arrangements for procuring the necessary equipment for moving houses from one John Sweeney, who resides in Nebraska, and has entered into a contract to purchase said equipment, if said certificate herein sought is granted, for the sum of approximately \$3,000.

The evidence further discloses that applicant is well qualified by experience, and is financially responsible, being therefore qualified to operate as a common carrier in the State of Colorado.

One witness appeared in support of the application, being a Mr. Naggatz, of Holyoke, Colorado. The witness stated he was a farmer, and had considerable difficulty in having a five-room house moved near Holyoke; that he contacted all the house-movers in his area, but did not go as far away from home as Denver, or points in Southern Colorado. He stated that his house was eventually moved by a house-mover in Nebraska, and to get his house moved, he leased the Nebraska operator's equipment.

No other testimony was introduced in support of the application.

All of the protestants appearing protested the granting of this authority in the territory served by them. In other words, Hutchens, Doyle, and Duffy and Ryberg Construction Company protested all movements of houses within a fifty to one-hundred-mile radius of Denver, and Protestants South and Isenbart protested movement of houses in Southern and Western Colorado.

Protestants all stated they had equipment that was not presently being used; that they had large investments in said equipment, and the granting of an additional certificate would be detrimental to their present business.

It appears from the record that applicant's showing for a certificate of public convenience and necessity was very weak. He only produced one witness for that service, and that witness had no need for any future service. From that scanty evidence, the Commission is not in a position to say that public convenience and necessity require the granting of an additional certificate.

We realize that this is a difficult application to prove, but we are of the opinion, in view of the record here made, that applicant has not established a need for his proposed service, especially when he becomes a Denver domiciled carrier.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied, for the reasons set forth in our preceding Statement, which by reference is made a part of these Findings.

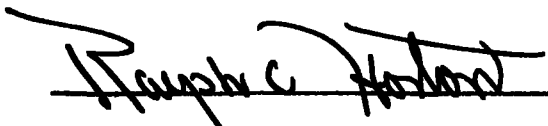
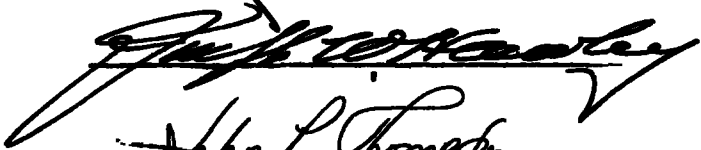

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same is hereby, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FLINT RIG COMPANY, BOX 490, )  
TULSA, OKLAHOMA. )  
----- )

PERMIT NO. B-4458  
CASE NO. 77766-INS.

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November 19, 1956  
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S T A T E M E N T

By the Commission:

On September 26, 1956, the Commission entered its Order in Case No. 77766-Ins., revoking Permit No. B-4458 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4458 should be, and hereby is, reinstated, as of September 26, 1956, revocation order entered by the Commission on said date in Case No. 77766-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Harold C. Nelson*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

original

(Decision No. 46841)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
VERN C. POAGE, EVERGREEN, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY TO OPERATE AS A  
COMMON CARRIER BY MOTOR VEHICLE FOR  
HIRE.  
-----

APPLICATION NO. 14734

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November 16, 1956  
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Appearances: Maurice Reuler, Esq., Denver,  
Colorado, for Applicant;  
Donald P. Smith, Esq., Denver,  
Colorado, and  
William E. Myrick, Esq., Denver,  
Colorado, for Donald L. Chido;  
Robert L. McLean, Esq., Denver,  
Colorado, for Samuel Basile,  
Dad's Disposal Service,  
Dalberg Suburban Hauling,  
Weber Hauling Service.

S T A T E M E N T

By the Commission:

By the above-styled application, Vern C. Poage, Evergreen, Colorado, seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of trash and garbage within a radius of ten miles of Evergreen, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 1, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On September 25, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, Edward G. Glade testified that he is the owner of El Rancho Cafe, located about eight miles from Evergreen, Colorado; that he has need for someone to pick up and haul away garbage at his cafe; that prior to July 1, 1956, applicant had been taking the garbage as feed for his hogs, and had also been keeping the premises clean; that he has never called any other carrier to render this service for him.

Dominic Piccone testified that he is Mountain Parks Policeman and Game Warden, and that, as such, he is acquainted with conditions and requirements of the Mountain Parks as to sanitation; that he has had to call applicant to haul garbage and trash in the Mountain Parks, as there are trash barrels placed in the Parks which have to be kept clean; that he has never seen Protestant Chido in the Mountain Parks; that, in his opinion, there is a need for applicant's service, and that applicant is a fit and proper person to have authority from this Commission.

Vern Poage, applicant herein, testified that he is the owner of a one-ton 1948 Stake-body Ford; that, prior to July 1, 1956, he had been engaged in the business of raising hogs, and that he had picked up garbage in the territory herein sought to be served; that, on July 1, 1956, after he had disposed of his hogs, he began to charge seventy-five cents a barrel to pick up and dispose of garbage; that he has transported some garbage to Denver, under certificate of Evergreen Transfer Company; that he has a net worth of \$2,000, and has no debts.

Donald Chido testified that he is the owner of PUC No. 2875, with authority to transport trash and garbage within a radius of twenty miles of Idledale, Colorado, which encompasses

the territory sought to be served by applicant herein; that he purchased this certificate from Harold Shaw prior to hearing on the instant application; that he is the owner of a one and one-half-ton Diamond-T Truck, and has employed a driver; that he was soliciting business in his territory; that his income for the month prior to the hearing was \$225, plus \$90 outstanding; that his truck is only working part time; that he has a net worth of \$85,000, and does not believe there is any need for additional service in the territory sought to be served by applicant.

Protestant Sam Basile testified that he can serve the territory sought to be served by applicant herein, and that he has three trucks and advertises his services.

Report of the Examiner further states that applicant herein has been engaged in hog-raising, and has been supplementing the feed for his hogs by gathering garbage in the territory sought to be served by the instant application, at no charge to his customers; that some time prior to July 1, 1956, he disposed of his hogs, and began to haul garbage under arrangement with Evergreen Transfer Company, at seventy-five cents a barrel for said service; that by the instant application, applicant seeks to perform a trash and garbage-hauling business from points within a radius of ten miles of Evergreen, excluding Idledale, Morrison, and Golden, Colorado, and to support said application, offered only testimony of one customer witness and testimony of Officer Piccone; that there is some public need for a trash carrier; that authority for a territory twenty miles across should not be granted on such lack of evidence as to public convenience and necessity; that Protestant Chido had recently purchased PUC No. 2875, and has had little opportunity to advertise his services to the public; that Protestant Chido has made an investment in said operating rights, which at this point could be materially affected, and his ability to perform services now required of him could be impaired.

Report of the Examiner recommends that authority sought should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity do not require applicant's proposed common carrier motor vehicle call and demand transportation service, and that the above-styled application should be denied.

O R D E R

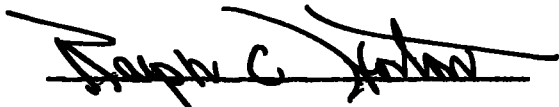
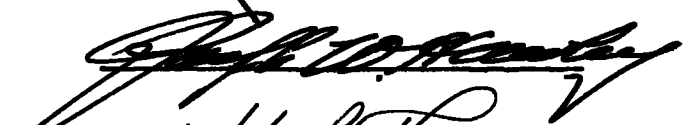
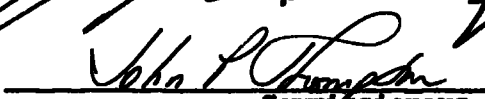
THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That public convenience and necessity do not require applicant's proposed motor vehicle common carrier call and demand transportation service, and that Application No. 14734 should be, and the same hereby is, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1956.

ea

original

(Decision No. 46842)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
MIDWEST NATURAL GAS, INC., A COLO-  
RADO CORPORATION, FLORENCE, COLO-  
RADO, FOR A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY TO CON-  
STRUCT, INSTALL, MAINTAIN, AND  
OPERATE A GAS TRANSMISSION AND  
DISTRIBUTION SYSTEM, AS SERVICE  
MAY REQUIRE, AND WHERE ECONOMICALLY  
FEASIBLE, IN SECTIONS 4, 5, 8, 9,  
18 and 19, TOWNSHIP 19-SOUTH, RANGE  
68-WEST, AND IN SECTIONS 5, 6, 7,  
8, 13, 14, 23 and 24, TOWNSHIP 19-  
SOUTH, RANGE 69-WEST, ALL OF WHICH  
TERRITORY IS CONTIGUOUS TO APPLI-  
CANT'S PRESENTLY-CERTIFICATED TER-  
RITORY IN FREMONT COUNTY, COLORADO.

APPLICATION NO. 13486

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November 19, 1956  
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Appearances: Akolt, Turnquist, Shepherd &  
Dick, Esqs., for Applicant;  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed on June 15,  
1955, and was set for hearing on August 9, 1955, at the Com-  
mission's Hearing Room, 330 State Office Building, Denver,  
Colorado. After due notice to all interested parties, the  
matter was duly heard by the Commission at said time and  
place and then taken under advisement.

Midwest Natural Gas, Inc., applicant herein, is a  
Colorado corporation and its Articles of Incorporation have  
heretofore been filed with this Commission. Applicant has a  
certificate of public convenience and necessity from this Com-  
mission to distribute gas in the communities of Florence,  
Castle Rock, Fountain, and Portland, Colorado, and contiguous  
territory. The post office address of applicant is Florence,



Colorado.

Mr. Loran L. Laughlin, President of Midwest, testified at the hearing that the Company wished to extend its territory for service to include the area between the towns of Florence and Portland, and to also extend northward from Portland to take in an area around the community of Penrose. Various exhibits were submitted at the hearing to show the feasibility of extending into the area requested. The gist of the testimony by Mr. Laughlin was to the effect that if Midwest could serve the plant of Pabco Products, Inc. to be located approximately 1½ miles west of Portland, the requested extension would prove feasible. If, however, Midwest did not serve Pabco, the extension of territory applied for herein would probably not be built because of the economics involved.

Subsequent to the hearing held herein, Pabco Products, Inc., was rendered gas service by the Colorado Interstate Gas Company, the wholesale supplier of gas to applicant herein. In view of the testimony at the hearing which was conditioned on Midwest obtaining the sale of gas to Pabco, and the fact that Midwest did not obtain such sale, we have no alternative at this time but to deny the application. At such future time that the area applied for or any portion thereof could be served economically, an application can then be made for additional territory.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That applicant, Midwest Natural Gas, Inc., is a public utility and subject to the jurisdiction of this Commission.

That the Commission is fully advised in the premises.

That the above and foregoing Statement be made a part of these Findings, by reference.

That the application herein should be denied without prejudice.

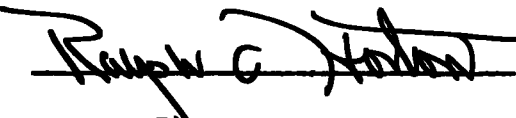


O R D E R

THE COMMISSION ORDERS:

That the application of Midwest Natural Gas, Inc., requesting a certificate of public convenience and necessity to render gas service in the territory set forth in the instant application be, and it hereby is, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

ea

original

(Decision No. 46843)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

BE INVESTIGATION AND SUSPENSION OF )  
CERTAIN RATES AND RULES OF THE )  
BLANCA TELEPHONE SYSTEM, BLANCA, )  
COLORADO. )  
-----)

INVESTIGATION AND SUSPENSION  
DOCKET NO. 392

-----  
November 20, 1956  
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S T A T E M E N T

By the Commission:

On October 22, Mr. William P. Tessler, owner of the Blanca Telephone System at Blanca, Colorado, filed with the Public Utilities Commission of the State of Colorado, certain changes in its Colorado PUC Tariff No. 1, proposing to increase telephone rates to both its urban and rural telephone users and to also inaugurate a line extension policy. These rates, as previously stated, were filed on October 22, 1956, and would become effective after thirty days, or on November 21, unless otherwise ordered.

The Company having duly notified its customers of the proposed changes in the rates and rules, the Commission received complaints from said customers sufficient in number and importance to warrant the suspension of the proposed changes. In order to protect the interests of all concerned, the Commission, therefore, has decided to suspend the rates and rules as filed by Mr. Tessler with the Commission on October 22, 1956, and during said period of suspension to hold an investigation into this matter.

F I N D I N G S

THE COMMISSION FINDS:

That the effective date of the rates and rules as set forth in the Blanca Telephone System, Colorado PUC Tariff No. 1,

Second Revised Sheet No. 3, as filed with this Commission on October 22, 1956, should be suspended and an investigation be held during said period of suspension regarding the proposed changes in said rates and rules.

O R D E R

THE COMMISSION ORDERS:

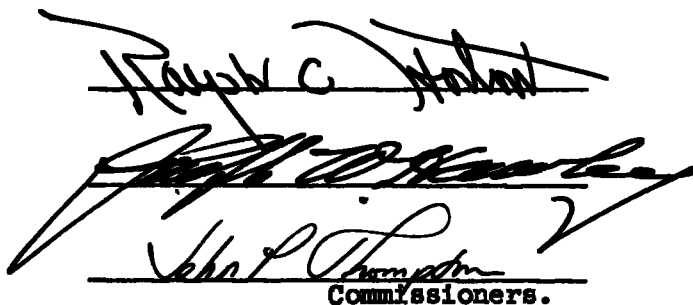
That the effective date of the proposed changes of the Blanca Telephone System, Colorado PUC Tariff No. 1, Second Revised Sheet No. 3, be, and it hereby is, suspended for a period of one hundred and twenty (120) days from November 21, 1956, or until March 21, 1957, unless otherwise ordered.

That the rates and rules contained in said tariff sheet be made a subject of investigation by the Commission within said period of suspension.

That a copy of this Order be filed with the Tariff Sheet and copies hereof be forthwith served on William P. Tessler, Blanca, Colorado, owner of Blanca Telephone System, and on all parties who are of record with the Commission as having protested the proposed increase.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
OLIVER F. WIENECKE, DOING BUSINESS )  
AS FAMILY SECOND CARS, 2377 SOUTH )  
BROADWAY, DENVER 10, COLORADO )

PERMIT NO. M-10207

-----  
November 23, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Oliver F. Wienecke, d/b/a Family Second Cars,  
requesting that Permit No. M-10207 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10207, heretofore issued to \_\_\_\_\_  
Oliver F. Wienecke, d/b/a Family Second Cars, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective November 10, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Nelson*  
\_\_\_\_\_  
*George W. Gardner*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 23rd day of November, 195 6.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LESTER DAVIS, RT 1, BOX 417, FORT )  
COLLINS, COLORADO. )

PERMIT NO. M-7474

-----  
November 23, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Lester Davis,

requesting that Permit No. M-7474 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7474, heretofore issued to \_\_\_\_\_

Lester Davis,

be,

and the same is hereby, declared cancelled effective November 19, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hinton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 23rd day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HAROLD PUNTON, DOING BUSINESS AS )  
RIDGE WAY FOODS, 1000 MAXWELL, )  
BOULDER, COLORADO )

PERMIT NO. M-9525

-----  
November 23, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Harold Punton, d/b/a Ridge Way Foods,  
requesting that Permit No. M-9525 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9525, heretofore issued to \_\_\_\_\_  
Harold Punton, d/b/a Ridge Way Foods, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective October 12, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Regis C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 23rd day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BUDDY EUGENE MARTIN, 6120 WEST CENTER,  
DENVER 15, COLORADO

PERMIT NO. M-10249

November 23, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Buddy Eugene Martin,

requesting that Permit No. M-10249 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10249, heretofore issued to \_\_\_\_\_

Buddy Eugene Martin, \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 18, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Nelson*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 23rd day of November, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEO M. RHODES, 1628 WEST 19TH )  
STREET, PUEBLO, COLORADO. )  
----- )

PUC NO. 2424

-----  
November 23, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder, requesting that his PUC No. 2424 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Leo M. Rhodes, be, and he is hereby, authorized to suspend his operations under PUC No. 2424 until May 16, 1957.

That unless said Leo M. Rhodes shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ray C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF  
THE GUNNISON COUNTY ELECTRIC  
ASSOCIATION, INC., A COLORADO CORPORA-  
TION, OF CRESTED BUTTE, COLORADO, FOR  
AN ORDER RATIFYING AND AUTHORIZING  
THE ISSUANCE OF SECURITIES, AND THE  
APPLICATION OF THE PROCEEDS THEREFROM  
TO CERTAIN LAWFUL PURPOSES.

APPLICATION NO. 14912  
Securities

November 23, 1956

S T A T E M E N T

By the Commission:


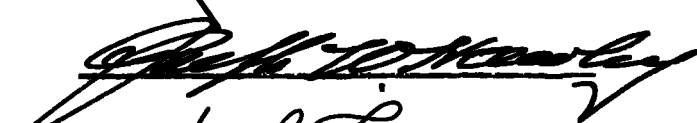

Upon consideration of the application filed November 19, 1956, by  
The Gunnison County Electric Association, Inc., a Corporation in the  
above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on December 6, 1956, at  
10:00 o'clock A.M., Court House, Gunnison, Colorado, respecting the  
matters involved and the issues presented in this proceeding. Any  
interested municipality or any representative of interested consumers  
or security holders of applicant corporation, and any other person whose  
participation herein is in the public interest, may intervene in said  
proceedings. Intervention petitions should be filed with the Commission  
on or before November 30, 1956, and should set forth the grounds of the  
proposed intervention, and the position and interest of the petitioners,  
in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES CONLEY, 1432 WEST KIOWA, COLO- )  
RADO SPRINGS, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

APPLICATION NO. 14825-PP

- - - - -  
November 21, 1956  
- - - - -

Appearances: James Conley, Colorado Springs,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed October 15, 1956, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, November 15, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified in support of his application. He stated that he seeks authority to engage in a dump truck operation with a

dump truck only, with the single exception that he may on occasion be required to and desires to operate a truck to haul water. He has one dump truck now and work to do, if the authority is granted. He has engaged in this type of work about eight years. His net worth is approximately \$1,000.

No one appeared in opposition to the application, and no reason appears why the same should not be granted, as set forth in the Order following.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That authority sought should be granted, as set forth in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That James Conley, Colorado Springs, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply

points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

That in the exercise of the foregoing authority, the holder thereof shall use no equipment, except dump trucks with the single exception that he may engage in the hauling of water to or from, or in connection with, construction jobs.

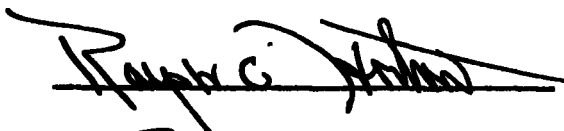
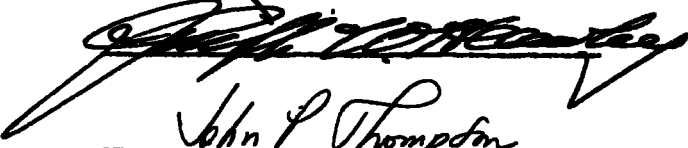
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
THOMAS D. MILLER, BOX 214, FOUNTAIN,  
COLORADO, FOR A CLASS "B" PERMIT TO  
OPERATE AS A PRIVATE CARRIER BY  
MOTOR VEHICLE FOR HIRE.  
-----

APPLICATION NO. 14824-PP

-----  
November 21, 1956  
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S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at the Court House, Colorado Springs, Colorado, November 15, 1956, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

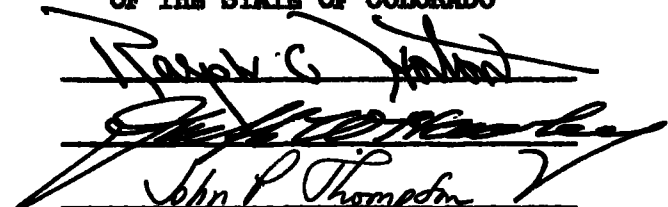
O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
\_\_\_\_\_  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

original

(Decision No. 46852)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
WILLIAM BOSHAFT, 1340 SOUTH 25TH	)	
STREET, COLORADO SPRINGS, COLORADO,	)	
FOR A CERTIFICATE OF PUBLIC CONVEN-	)	<u>APPLICATION NO. 14823</u>
IENCE AND NECESSITY TO OPERATE AS	)	
A COMMON CARRIER BY MOTOR VEHICLE	)	
FOR HIRE.	)	
-----	)	

-----  
November 21, 1956  
-----

Appearances: Tullis, Trott & Johnson, Esqs.,  
Colorado Springs, Colorado,  
by Ernest D. Tullis, Esq.,  
for Applicant.

S T A T E M E N T

By the Commission:

By the present application filed October 10, 1956,  
as orally explained at the hearing of the matter, the applicant  
seeks authority to operate as a common carrier by motor vehicle  
for the transportation of houses and buildings and all items  
necessarily connected with the movement of a house or building,  
between all points within a radius of twenty-five miles of the  
corner of Pikes Peak and Tejon Streets in Colorado Springs,  
Colorado. Houses and buildings are meant to include all  
buildings, such as garages or sheds, but not to include struc-  
tures which are not ordinarily considered buildings or shelters.  
The related items are only those items which must be moved  
because the building with which they are associated is being  
moved.

Said application, pursuant to prior setting, after  
appropriate notice to all parties in interest, was heard at the  
Court House, Colorado Springs, Colorado, November 15, 1956, and  
at the conclusion of the evidence, the matter was taken under  
advisement.

The applicant testified in support of his application. He stated that he has engaged in building moving on his own account since 1950, and was employed by others in this work for some 12 years prior to that. He has the quantity and type of equipment suitable to the work, costing about \$16,000 and unencumbered. Construction of new office buildings in the downtown area in Colorado Springs, and of a free-way through the city requires the movement of many buildings which will move to points outside the City Limits. There is no locally based common carrier qualified and equipped to handle this work in full, he said.

Five witnesses appeared in support of the application to testify concerning the applicant's capability, the inadequacies of existing facilities, and the need for additional service.

No one appeared in protest to the application. No reason appears why the same should not be granted.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service, of William Boshart, Colorado Springs, Colorado, for the transportation of houses and buildings and all items necessarily connected with the movement of a house or building, between all points within a radius of 25 miles of the corner of Pikes Peak and Tejon Streets in Colorado Springs, Colorado (houses and buildings are meant to include all



buildings, such as garages or sheds, but not to include structures which are not ordinarily considered buildings or shelters), and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

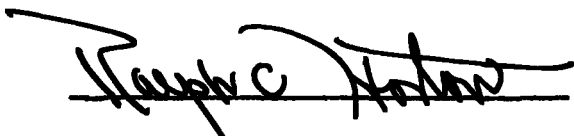
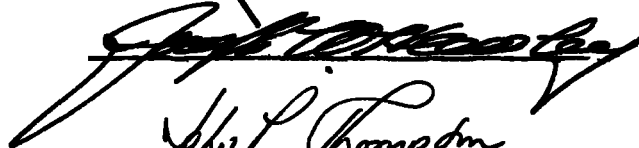

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

es.

original

(Decision No. 46853)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF JOE INTERMILL, ECKLEY, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1105 TO VERGIL E. MEANS, DOING BUSI- NESS AS "YUMA LIVESTOCK AUCTION," YUMA, COLORADO. -----	}	<u>APPLICATION NO. 14836-Transfer</u>
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November 21, 1956  
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Appearances: Chutkow and Adler, Esqs.,  
Denver, Colorado, and  
Edward Haligman, Fort  
Morgan, Colorado, for  
Applicants;  
Paul Hickman, Yuma, Colo-  
rado, for Yuma County  
Transportation Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Joe Intermill, Eckley, Colorado, owner and operator of PUC No. 1105, seeks authority to transfer said operating rights to Vergil E. Means, doing business as "Yuma Livestock Auction," Yuma, Colorado, said PUC No. 1105 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

farm products, including livestock, farm supplies and equipment, including used household goods and coal, into, out of, and between points within a fifteen-mile radius of Heartstrong, Colorado, provided, however, that applicant shall not engage in any transportation service of a competitive character between towns on the line of scheduled common carriers now serving this area; same commodities in the territory described as: beginning at a point on the south boundary line of Eckley, Colorado, and U. S. 54; thence west eight miles; thence north twenty-five miles; thence east sixteen miles; thence south twenty-five miles; thence west to the place of beginning.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights is the sum of \$2,620, payable in cash, upon approval of said transfer by this Commission; that transferee's net worth is approximately \$55,000; that transferor is indebted to the Colorado Motor Carriers' Association in the amount of \$69.40, which amount transferor agreed to pay.

No one appeared in opposition to the granting of the authority sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness against said operation.

#### O R D E R

##### THE COMMISSION ORDERS:

That Joe Intermill, Eckley, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1105 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Vergil E. Means, doing business as "Yuma Livestock Auction," Yuma, Colorado, subject to payment of outstanding indebtedness against said operation, whether secured or unsecured, and specifically subject to payment by transferor of the amount of \$69.40 due the Colorado Motor Carriers' Association.

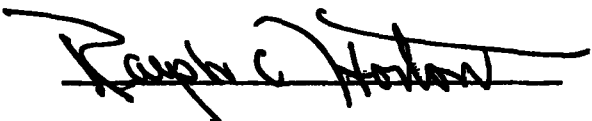


That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ARNOLD KAHLER, BOX 331, HUGO, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	
OPERATE AS A PRIVATE CARRIER BY )	APPLICATION NO. 14761-PP
MOTOR VEHICLE FOR HIRE. )	
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-----  
November 21, 1956  
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Appearances: Arnold Kahler, Hugo, Colo-  
rado, pro se;  
Robert Peterson, Denver,  
Colorado, for Denver-Limon-  
Burlington Transfer Co.;  
Ed Tuxhorn, Byers, Colorado,  
for Byers-Denver Truck Line.

S T A T E M E N T

By the Commission:

By application filed September 4, 1956, as orally amended at the hearing thereof, applicant seeks authority from this Commission to engage as a private carrier by motor vehicle in the transportation of lumber, coal, building materials, fence posts, and concrete reinforcement steel, to and from points within a radius of 75 miles of Hugo, Colorado, for the Foster Lumber Company, only, without the right to add additional customers.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, November 15, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified in support of his application. He stated that the Foster Lumber Company has yards at a good many locations within the radius described. The service he would provide would be the distribution of goods from its lumber yards to the cus-

tomers of the Company within the described radius. The Foster Lumber Company would be his employer. He has a one-ton truck which he believes will be suitable to all the work he proposes. His net worth is approximately \$1,000.

Mr. Robert Peterson, Secretary-Treasurer of Denver-Limon-Burlington Transfer Co., a line haul common carrier operating east and west through Limon, also testified. He stated that his Company could perform a part of the service the applicant seeks to provide, which would be delivery from town to town along a substantial portion of U. S. Highway 24. It does not appear, however, that this town to town service is the service required. Instead, it appears that the service required is from towns to rural areas surrounding the towns. There appears to be no direct or substantial conflict therefore between the existing service of Denver-Limon-Burlington Transfer Co. and the proposed service of the applicant.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference, incorporated herein.

The granting of the authority sought will not impair the existing service of common carriers serving the area.

That the authority sought should be granted, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Arnold Kahler, Hugo, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of lumber, coal, building materials, fence posts, and concrete reinforcement steel, to and from

points within a radius of 75 miles of Hugo, Colorado, for the Foster Lumber Company, only, without the right to add additional customers.

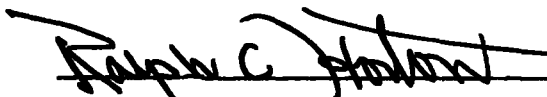
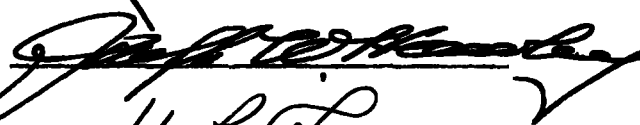

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF WILFORD E. LILLIE, DOING BUSINESS AS "LILLIE TRANSFER AND MOVING COMPANY," 625 WARREN AVENUE, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 3400.	}	<u>APPLICATION NO. 14822-Extension</u>
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November 21, 1956  
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Appearances: Austin Hoyt, Esq., Colorado  
Springs, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

The applicant is presently authorized, pursuant to PUC No. 3400, as a common carrier by motor vehicle to conduct a transfer, moving and general cartage business within the City Limits of Colorado Springs, Colorado.

By the present application filed October 16, 1956, as orally amended at the hearing thereof, the applicant seeks to have this common carrier authority extended to permit him as a common carrier by motor vehicle to transport merchandise to and from The Pettigrew Auction Company in Colorado Springs, from and to points within ten miles of Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, November 15, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that he has been doing the work for The Pettigrew Company, bringing to it goods to be sold at auction and delivering goods after sale, for some time. His present authority is not sufficient in area



fully to handle the work, however, and he therefore seeks this 10 mile authority from the restricted point of origin and delivery. He has calls two or three times per day to make deliveries from or to the auction house, to or from points outside the City. The customer, and not the auction house, pays the freight. The applicant is not an employee or agent of the auction house.

No one appeared in protest to the application. No reason appears why the same should not be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That the authority sought should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Wilford E. Lillie, doing business as "Lillie Transfer and Moving Company," should be, and he hereby is, authorized to extend operations under PUC No. 3400, to transport merchandise to or from The Pettigrew Auction Company in Colorado Springs, from and to points within ten miles of Colorado Springs, Colorado.

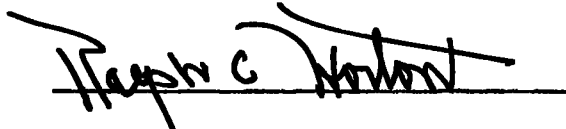

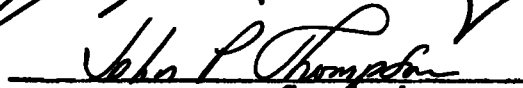
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PAUL WINTERBERG; DOING BUSINESS AS	)	
"WINTERBERG TRANSFER," LIMON, COLORADO,	)	<u>APPLICATION NO. 14829-PP-Extension</u>
FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-3616.	)	
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-----  
November 21, 1956  
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Appearances: Paul Winterberg, Limon,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant is presently authorized as a private carrier by motor vehicle to serve an area generally described by lines drawn 30 miles north and south of Limon and ten miles east and west of Limon for the transportation of coal into the area; building materials from Limon to points in the area, and the distribution of pool car of building materials between Limon, Simla, Deertrail, Seibert, Hugo, and Calhan, Colorado, for the Foster Lumber Company, only, and for the transportation of farm products, except livestock, within the described area.

By the present application filed September 27, 1956, he seeks to have this authority extended to permit him to transport all types of goods for the Haberthier and Eberthart Auction House, which is located in Limon, to and from points in the above described area; and to permit him to transport freight moving upon rail billings and having a prior or subsequent movement by rail, to and from the depots of Union Pacific Railroad Company and The Chicago, Rock Island and Pacific Railroad Company, at Limon, Colorado.

Said application, pursuant to prior setting, after appro-

priate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, November 15, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that the auction house described sells furniture and miscellaneous items, not including livestock, at its location in Limon. The auction house and not the public will be paying him to bring items to the auction house for sale and to deliver the same after the sale.

The work for the railroads consists in pick-up and delivery service of goods moving by rail upon rail bills of lading. His only employer would be the railroads with regard to this transportation. The shipper of the goods he carries would do business, not with him, but with the railroad, and will look not to him, but to the railroad for relief in case of damage or other claim.

No one appeared in protest and no reason appears why the application should not be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That authority sought should be granted, as set forth in the following Order.

#### O R D E R

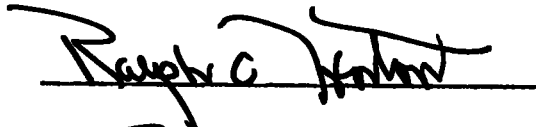
##### THE COMMISSION ORDERS:

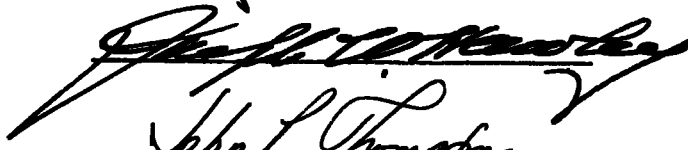
That Paul Winterberg, doing business as "Winterberg Transfer," Limon, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-3616 to permit him to transport all types of goods for the Habertheir and Eberthart Auction House, which is located in Limon, to and from points in the above described area; and to permit him to transport freight moving upon rail billings and having a prior or subsequent movement by rail, to and from the depots of Union

Pacific Railroad Company and The Chicago, Rock Island and Pacific  
Railroad Company, at Limon, Colorado.

This Order is made a part of the permit granted to appli-  
cant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
BRUSH MILK LINES COMPANY, 812 WARNER  
STREET, FORT MORGAN, COLORADO, FOR A  
CLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER BY MOTOR VEHICLE FOR  
HIRE.

APPLICATION NO. 14827-PP

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November 21, 1956  
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Appearances: J. Corder Smith, Esq., Fort  
Morgan, Colorado, for  
Applicant;  
Marion F. Jones, Esq., Den-  
ver, Colorado, and  
Alvin Meiklejohn, Jr., Esq.,  
Denver, Colorado, for  
Consolidated Milk Lines.

S T A T E M E N T

By the Commission:

On July 23, 1956, Brush Milk Lines Company, Fort Morgan, Colorado, applicant herein, filed application with this Commission for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of bulk milk for McLagan Brothers Creamery, at Brush, Colorado, from all of Morgan, Washington, and Yuma Counties; that part of Logan County lying south of Township 9-North and west of Range 51-West; that part of Weld County lying south of Township 9-North and east of Range 62-West; that part of Adams County lying north of Township 1-South and east of Range 62-West, to such outlets as authorized by McLagan Brothers Creamery.

Said matter was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 14, 1956, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that Brush Milk Lines Company is composed of milk carriers located in Brush and Fort Morgan areas. It appears that for several years these operators have operated as carriers for hire, for picking up milk in cans in Morgan, Washington, and Yuma Counties. Lately, the farmers in that area have been demanding tank truck service for the transportation of milk. The carriers were not able, financially, to provide equipment, so they pooled their interest and purchased tank truck equipment. They are now asking for authority to transport this milk at the direction of McLagan Brothers Creamery to Denver, on the occasions when the Denver Milk Producers order the milk to Denver.

Several witnesses appeared and testified as to the need for this service for the marketing of milk in that area.

Consolidated Milk Lines, which is owned by the Bethke family, at Gilcrest, Colorado, are now delivering milk from the McLagan Brothers Creamery at Brush to Denver, and have been operating for the past year or so. They object to service from this creamery to Denver, and state that they have equipment which is used exclusively in that service. They have no authority to haul bulk milk from the territory surrounding Brush, and have no interest in that delivery.

Mr. Bethke stated, on cross-examination, that he did not object to the topping of their loads at the McLagan Creamery at Brush, but did not want applicant herein to have any authority that would jeopardize his haul.

The only question the Commission is called upon to decide is: "Whether or not applicant's proposed service is needed by McLagan Brothers Creamery, and whether the institution of that service would impair the efficiency of the Consolidated Milk Lines."

It appears that this service is needed by the McLagan

Brothers Creamery, and by the milk shippers in the Brush-Fort Morgan area.

F I N D I N G S

THE COMMISSION FINDS:

That the application should be granted, as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That Brush Milk Lines Company, Fort Morgan, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of milk, in bulk, in tank trucks, for McLagan Brothers Creamery, at Brush, Colorado, from the Counties of Morgan, Washington, and Yuma, and that part of Logan County lying south of Township 9-North and west of Range 51-West, and that part of Weld County lying south of Township 9-North and east of Range 62-West; that part of Adams County lying north of Township 1-South and east of Range 62-West; to such outlets as authorized by McLagan Brothers Creamery, at Brush, Colorado, except applicant shall not be permitted under this authority to haul full tank loads of milk in bulk from McLagan Brothers Creamery at Brush, Colorado, to Denver, Colorado, in competition with Consolidated Milk Lines, operating under PUC No. 557, but will be permitted only to complete or top their load at McLagan Brothers Creamery at Brush, for transportation to Denver and a five-mile radius thereof.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of its customers, copies of all special contracts or memoranda of their terms,

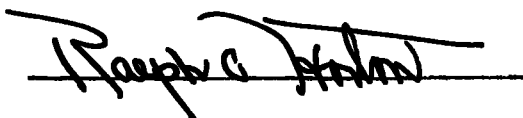




the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES ON MILK IN BULK )  
IN TANK VEHICLES TO DENVER, )  
COLORADO, FROM PARKER, )  
COLORADO, AND ALL POINTS )  
NORTH TO AND INCLUDING THE )  
W. T. ROSE RANCH. )  
-----

CASE NO. 1585

-----  
November 21, 1956  
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S T A T E M E N T

By the Commission:

On October 31, 1956, the Commission received the following  
complaint:

Parker, Colorado  
October 30, 1956

Public Utilities Commission  
State Office Building  
Denver, Colorado

Gentlemen:

I received notice of the increase of the rates  
for hauling milk on the Denver-Parker Truck Line  
(owned by Carl Johnson) of Parker, Colorado.

My freight rates while shipping to the Beach  
Creamery Co. and the truck line owned by Hubert Hall  
was 23½ cents per hundred lbs., or 20 cents per can  
but they always figured it by the cwt. I cannot see  
the necessity of raising the rate at this time.  
Further there seems to be some iniquities, for instance  
the trucker has about 2½ miles trip to make off the  
highway to pick up Fred Dransfelt milk and yet his  
rate is the same as mine which is just off the highway.

I would like to ask for a public hearing on this  
rate increase to learn why he thinks he is justified  
to charge more for hauling bulk milk than the can milk.  
The bulk milk is only picked up every other day and  
therefore only 1/2 the expense. It is my understanding  
that the rates north of Denver run from 3 to 13 cents  
less per cwt. in bulk than in cans.

/s/ Lester Rose

On October 11, 1956, The Motor Truck Common Carriers' Association,  
Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, filed with  
the Commission, 5th Revised Page No. 205-A to its Local and Joint Freight

Tariff No. 12, Colorado P.U.C. No. 6, wherein, among other things, was published a rate of 26 cents per 100 pounds on milk, in bulk in tank vehicles, to Denver, Colorado, from Parker, Colorado, and all points north to and including the W. T. Rose Ranch, to become effective November 15, 1956, and apply only via Carl Johnson, D/B/A Denver-Parker Truck Line.

Prior to the publication of 5th Revised Page No. 205-A, there were no rates published on milk, in bulk in tank vehicles in connection with the operation of this carrier. However, the rate department of the Commission is informed that the shipment of milk in bulk by this carrier was inaugurated some two or three months ago and in order to determine a rate per 100 pounds, the can rate was converted on the basis of 85 pounds of milk to a 10-gallon can. The rate per 10-gallon can was and still is 22 cents. This 22 cent rate has been in effect since 1952.

#### F I N D I N G S

THE COMMISSION FINDS, That:

1. Upon complaint an investigation should be made relative to the justness and reasonableness of a rate of 26 cents per 100 pounds on milk, in bulk in tank vehicles to Denver, Colorado, from Parker, Colorado, and all points north to and including the W. T. Rose Ranch via Carl Johnson, D/B/A Denver-Parker Truck Line.

2. The matter should be assigned for a public hearing to be held in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 A.M., on the 14th day of December, 1956.

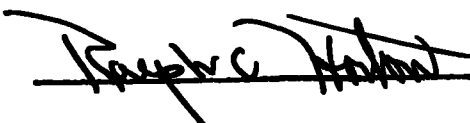
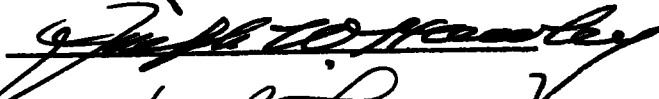

#### O R D E R

THE COMMISSION ORDERS, That:

1. Upon complaint an investigation is hereby instituted into the justness and reasonableness of a rate of 26 cents per 100 pounds on milk, in bulk in tank vehicles, to Denver, Colorado, from Parker, Colorado, and all points north to and including the W. T. Rose Ranch via Carl Johnson, D/B/A Denver-Parker Truck Line.

2. The matter set forth in Paragraph 1 is hereby assigned for a public hearing at 10:00 A.M., on December 14, 1956, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, for the receipt of evidence and testimony by all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 21st day of November, 1956.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
BENNIE GOLDSTEIN, 2825 FOREST STREET,  
DENVER, COLORADO, FOR AUTHORITY TO  
TRANSFER PUC NO. 3539 TO GOLDSTEIN  
TRANSPORTATION AND STORAGE, INC., A  
CORPORATION, 3434 WALNUT STREET,  
DENVER, COLORADO.

APPLICATION NO. 14844-Transfer

IN THE MATTER OF THE APPLICATION OF  
BENNIE GOLDSTEIN, 2825 FOREST STREET,  
DENVER, COLORADO, FOR AUTHORITY TO  
TRANSFER PUC NO. 3538 TO GOLDSTEIN  
TRANSPORTATION AND STORAGE, INC., A  
CORPORATION, 3434 WALNUT STREET,  
DENVER, COLORADO.

APPLICATION NO. 14845-Transfer

IN THE MATTER OF THE APPLICATION OF  
BENNIE GOLDSTEIN, 2825 FOREST STREET,  
DENVER, COLORADO, FOR AUTHORITY TO  
TRANSFER PUC NO. 3537 TO GOLDSTEIN  
TRANSPORTATION AND STORAGE, INC., A  
CORPORATION, 3434 WALNUT STREET,  
DENVER, COLORADO.

APPLICATION NO. 14846-Transfer

November 26, 1956

Appearances: Bennie Goldstein, Denver,  
Colorado, for Transferor  
and Transferee.

S T A T E M E N T

By the Commission:

Bennie Goldstein, Denver, Colorado, is the owner and  
operator of PUC No. 3539, PUC No. 3538, and PUC No. 3537, with  
authority as follows:

PUC No. 3539:

To conduct a transfer, moving, and general  
cartage business within the City Limits of  
the City of Colorado Springs, Colorado.

PUC No. 3538:

To conduct a transfer, moving, and general  
cartage business within the City Limits of  
the City of Pueblo, Colorado.

FUC No. 3537:

To conduct a transfer, moving, and general cartage business within the City Limits of the City and County of Denver, Colorado.

By the instant application, said certificate-holder seeks to transfer FUC No. 3539, FUC No. 3538, and FUC No. 3537, to Goldstein Transportation and Storage, Inc., Denver, Colorado.

The above-styled applications were consolidated for hearing and decision, and were heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 19, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Bennie Goldstein, present owner of the authorities and President of the transferee corporation, testified in support of his application. He stated that the authorities involved were obtained in recognition of his "grandfather rights" to continue the operation after the adoption of Article XXV of the Colorado Constitution and concerning his operations in Colorado Springs, Pueblo and Denver. By the present applications, he seeks merely to have the "grandfather" authority transferred from himself individually to the corporation of which he is President. The separate identity of the authorities is to be maintained. The revenues from the individual authorities will be separated on the Company's books.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That the proposed transfers are compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Bennie Goldstein, Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title and interest in and to PUC No. 3539, PUC No. 3538, and PUC No. 3537 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Goldstein Transportation and Storage, Inc., a corporation, Denver, Colorado, subject to payment of outstanding indebtedness against said certificates, if any there be, whether secured or unsecured.




That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificates up to the time of transfer of said certificates.

This Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
OUTWEST AERO SERVICE, INC., 3210  
POINSETTA DRIVE, COLORADO SPRINGS,  
COLORADO, FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY  
TO OPERATE AS A COMMON CARRIER BY  
AIRPLANE.  
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APPLICATION NO. 14756

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November 26, 1956  
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Appearances: Austin Hoyt, Esq., Colorado  
Springs, Colorado, and  
John F. Gallagher, Esq.,  
Colorado Springs, Colo-  
rado, for Applicant;  
Fred Tanquary, Pueblo, Colo-  
rado, for Colorado Air  
Transport, Inc.;  
James C. Cates, Colorado  
Springs, Colorado, for  
Pikes Peak Air Service, Inc.;  
W. F. Bridgeman, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

By application filed September 6, 1956, the applicant seeks authority from this Commission to operate as a non-scheduled common carrier of freight and passengers by air between all points in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, November 15, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Wayne Meadows and Mr. John Ringel, the principal officers of the applicant corporation, testified in support of the application. They stated that they own two small Cessna

planes used for flight instruction and lease a four-place Piper and a Cessna 170 suitable to the work proposed. Both are regularly licensed commercial pilots. The Company also offers flight instruction and does aerial photography work at present, all out of Peterson Field at Colorado Springs. They have received numerous calls for this type service. They would be based entirely at Peterson Field. The only charter service listed in the telephone book is based at Pueblo, and has no local plane or service, they said. Neither applicant was aware of any local based service. The principal source of their business would be from the scheduled commercial air line, in connection with over-loads, over-flies, and delays resulting from mechanical problems.

Mr. Stuart Wandel, the City's Airport Manager, testified that there is a demand for charter service at the Field. He was told the morning of the hearing by one of the protestants that that protestant now had a plane based at the Field, but though he spends his full working time at the airport, he had not previously been aware that such service was locally available.

Four public witnesses, some of whom might occasionally use charter service, testified concerning the inadequacy of existing service.

Mr. W. F. Bridgeman, the Commission's Supervisor of Air Carriers, testified that he had investigated the matter within the past sixty days and found no adequate service locally available. It would not be satisfactory to rely on service flying in from Pueblo to meet local needs, in his opinion.

In protest, Mr. Robert Hunter, General Manager of Pikes Peak Air Service, testified that the amount of business available is quite limited and not sufficient to support a full time charter service. His Company is engaged in other activities at the airport which are sufficient, together with

a charter service, to maintain the charter service, he said. From the summer of 1955 to the summer of 1956, the Pikes Peak permit was under lease to one Reynolds, and was only recently repossessed from him. Due to financial difficulties with him, Pikes Peak withdrew its telephone book listing, but has ordered the listing replaced within the next publication of the telephone book. The Company does no advertising and employs no pilots, although it has three on call from time to time. The manager was not able to say how anyone who wanted his Company's service would find out that it was available, or where it might be obtained, as his Company presently maintains no public notices of any kind of the availability of the service.

Mr. Melvin D. Kinion, Manager of Colorado Air Transport Service, based at Pueblo, also testified in protest. He stated that his Company is available for charter from Colorado Springs and has a telephone answering service in Colorado Springs, which is listed in the Colorado Springs telephone book. It also offers instruction, charter and air ambulance service, and maintains an aircraft sales agency at Pueblo. It has no office in Colorado Springs and bases no aircraft there. At present, he is the only full time employee of the Company, and the only one licensed to operate multi-engine aircraft.

We have said on other occasions, and say again, that we feel that each community is entitled to have such efficient locally based carriers as it is capable of supporting. Colorado Air Transport Company is not locally based. Pikes Peak Air Service, though locally based, makes little effort to make its service known to the public. Even the Airport Manager did not know that its service was available. In all the facts and circumstances of this particular case, we feel that the introduction of another non-scheduled air carrier of passengers and freight in the Colorado Springs area is required by the public convenience

and necessity. An order will be entered accordingly.

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That public convenience and necessity require the granting of the proposed non-scheduled air carrier service of applicant.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed non-scheduled air carrier service of Outwest Aero Service, Inc., Colorado Springs, Colorado, to carry freight and passengers by air between all points in the State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

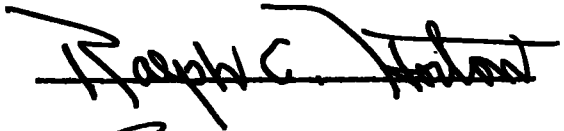
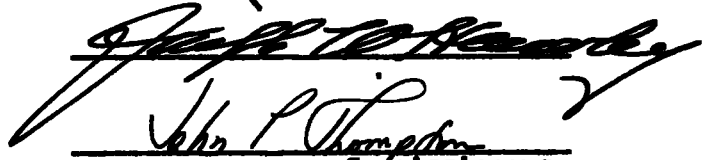

Applicant shall not establish an office or branch for the purpose of developing business at any town other than Colorado Springs, Colorado, and airports located within ten miles of said town.

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission, within thirty (30) days from date hereof, and such rates so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

The applicant will carry suitable insurance protection, covering public liability, property damage, and passenger liability insurance, and will continue to carry such insurance and any other insurance protection that may be required by the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

ea

original

(Decision No. 46861)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HARRY B. MONK AND GEORGIE L. MONK, )	
CO-PARTNERS, DOING BUSINESS AS )	
"FARMERS LUMBER & SUPPLY COMPANY," )	<u>APPLICATION NO. 14849-PP-Lease</u>
850 NILE STREET, GOLDEN, COLORADO, )	
FOR AUTHORITY TO LEASE PERMIT NO. )	
B-3702 TO CHARLES F. REYNOLDS, DOING )	
BUSINESS AS "FARMERS LUMBER & SUPPLY )	
COMPANY," ROUTE 4, BOX 164, GOLDEN, )	
COLORADO. )	

-----  
November 26, 1956  
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Appearances: Harry B. Monk, Golden,  
Colorado, pro se;  
Charles F. Reynolds,  
Golden, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Harry B. Monk and Georgie L. Monk, co-partners, doing business as "Farmers Lumber & Supply Company," Golden, Colorado, are the owners and operators of Permit No. B-3702, which authorizes:

Transportation of forest and sawmill products from forests and sawmills within a fifty (50) mile radius of Winter Park, Colorado, to points in said area (no town to town service).

Transportation of commodities presently authorized between all points within a radius of 75 miles of Winter Park, Colorado, and from and to points in said area to and from points within a radius of 75 miles of Meeker, Colorado, and from and to points within said Winter Park Area to and from points within a radius of 75 miles of Pagosa Springs, Colorado, with no town-to-town service in competition with line haul motor vehicle common carriers operating on schedule.

Transportation of forest and sawmill products from and to points within a radius of 75 miles of Winter Park, 75 miles of Meeker and 75 miles of Pagosa Springs, to and from points within a

radius of 75 miles of Akron, Colorado, and a radius of 100 miles of La Junta, Colorado, with no town-to-town service, said products to be treated enroute.

Transportation of forest and sawmill products, treated or untreated, between points in the State of Colorado, excluding service between Towns.

By the instant application, filed October 11, 1956, said permit-holders seek to lease Permit No. B-3702 to Charles F. Reynolds, doing business as "Farmers Lumber & Supply Company," Golden, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 19, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Harry B. Monk, one of the transferors, testified in support of the application. He stated that the lease is coupled with an option to purchase; the lease is for one year, automatically renewable unless cancelled; the option is not an issue in this proceeding, but will only be considered upon appropriate application at some later time. Mr. Monk stated that the operation has consisted entirely of hauling lumber from points of origin in forest areas to other points of delivery. None of the lumber has originated in towns. No indebtedness is connected with the permit nor the operation conducted thereunder.

Mr. Charles Reynolds, the lessee, also testified. He stated that he has no other authority to engage in transportation for hire. He has been in the transportation business for about ten years and is acquainted with the problems of hauling lumber. He has equipment suitable to the work. He is taking over the trade name of the lessors and will file a trade name affidavit in the office of the County Clerk and Recorder, pursuant to the trade name affidavit statute. His net worth

is approximately \$25,000. He will operate as a sole proprietor.

No one appeared in opposition to the lease and no reason appears why the same should not be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein

That the proposed lease is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That Harry B. Monk and Georgie L. Monk, co-partners, doing business as "Farmers Lumber & Supply Company," Golden, Colorado, should be, and they are hereby, authorized to lease all their right, title, and interest in and to Permit No. B-3702, in accordance with the lease agreement referred to above--to Charles F. Reynolds, doing business as "Farmers Lumber & Supply Company," Golden, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said lease shall become effective only if and when, but not before, said lessors and lessee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the lease, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

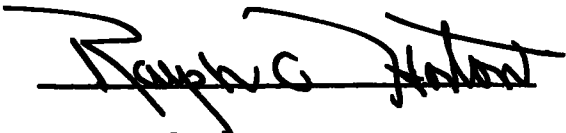
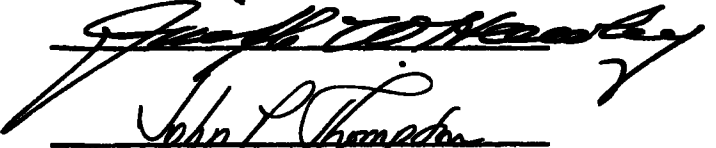



The right of lessee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by lessor of delinquent reports, if any, covering operations under said permit up to the time of lease of said permit.

This Order is made a part of the permit authorized to be leased.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

mls

original

(Decision No. 46862)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY M. NELSON, 1518 SOUTH GAR- )  
FIELD STREET, DENVER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 14850-PP

-----  
November 26, 1956  
-----

Appearances: Merle E. Nelson, Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By application filed October 19, 1956, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado,

November 19, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Merle E. Nelson, the son of the applicant, testified in support of the application. He stated that he will actually be conducting the operation himself and will do all of the driving. His father, the applicant, has purchased the truck which is to be used in the operation and for that reason prefers to have the permit issued in his name. If the son is successful in paying for the truck in full, the son will then be back seeking to have the authority transferred to him. The son has engaged in this type of work for about 25 years and has made arrangements to put the equipment to work, if the authority is granted. The father's net worth is in the range of \$100,000; the son's in the range of \$2,000. The operation proposed is entirely confined to the use of a dump truck. The applicant has no other authority to engage in transportation for hire.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service of operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That authority sought should be granted, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Harry M. Nelson, Denver, Colorado, should be, and he

hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

That in the exercise of the foregoing authority, applicant shall use no motor vehicle equipment, except dump trucks.

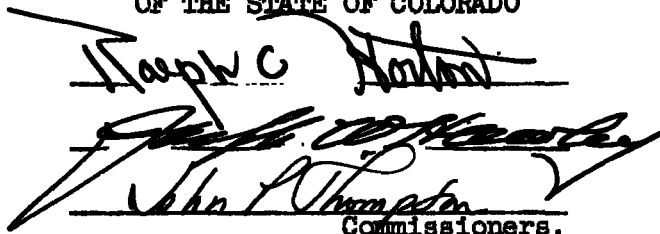
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.  
mls

original

(Decision No. 46863)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM SCHOONOVER, DOING BUSINESS )  
AS "BILL'S HAULING," 2039 SOUTH FOX )  
STREET, DENVER, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 14843

-----  
November 26, 1956  
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Appearances: William Schoonover, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed October 1, 1956, applicant seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash within the City and County of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 19, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. William Schoonover, the applicant, testified in support of his application. He stated that he has no other authority to engage in any transportation for hire. He has engaged in the ash and trash business within the City Limits of Denver continuously since 1952, holding appropriate licenses from the City authorities all the while. He has equipment suitable to the work and engages in it on a full time basis. He seeks merely to have his "grandfather rights" to operate in Denver recognized.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand, service of William Schoonoever, doing business as "Bill's Hauling," Denver, Colorado, for the transportation of ashes, trash, and other waste materials, between points within the City and County of Denver, and from points in the City and County of Denver, Colorado, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

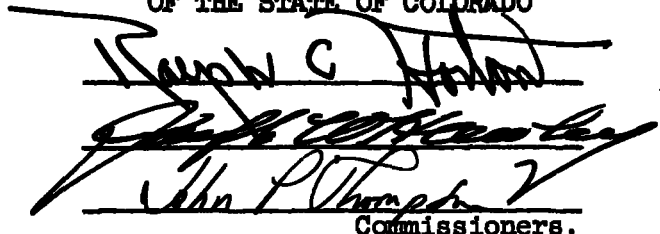
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.  
mls

original

(Decision No. 46864)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
CHARLES ALBI AND SALVADORE ALBI, CO-  
PARTNERS, DOING BUSINESS AS "ALBI  
BROS. COAL COMPANY," 2143 - 19TH  
STREET, DENVER, COLORADO; FOR AUTH-  
ORITY TO TRANSFER PERMIT NO. B-3867  
TO CHARLES ALBI, DOING BUSINESS AS  
"ALBI BROS. COAL COMPANY," 2143  
19TH STREET, DENVER, COLORADO.  
-----

APPLICATION NO. 14848-PP-Transfer

-----  
November 26, 1956  
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Appearances: Charles Albi, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 30636, dated June 15, 1948, Charles  
Albi and Salvadore Albi, doing business as "Albi Bros. Coal  
Company," Denver, Colorado, were authorized to operate as a  
Class "B" private carrier by motor vehicle for hire, for the  
transportation of:

coal from mines in the northern Colorado  
coal fields to the Valmont Plant of Public  
Service Company, near Boulder, Colorado,  
and to Denver, Colorado,

said operating rights being known as "Permit No. B-3867."

By Decision No. 44465, dated August 4, 1955, they  
were authorized to extend operations under Permit No. B-3867  
to include the right to transport:

sand, gravel, and other road-surfacing  
materials used in the construction of  
roads and highways, from pits and supply  
points in the State of Colorado, to road  
jobs within a radius of fifty miles of  
said pits and supply points, and for the  
transportation of sand, gravel, dirt,  
stone, and refuse, from and to building  
construction jobs, to and from points  
within a radius of fifty miles of said  
jobs, excluding service in Boulder, Clear  
Creek, and Gilpin Counties.

By Decision No. 44602, dated September 15, 1955,  
they were authorized to extend operations under Permit No.  
B-3867 to include the transportation of:

coal from mines in the northern Colorado  
coal fields to points within a radius of  
fifty miles of said mines.

By the instant application filed October 18, 1956,  
said permit-holders seek authority to transfer Permit No. B-3867  
to Charles Albi, doing business as "Albi Bros. Coal Company,"  
Denver, Colorado.

Said application, pursuant to prior setting, after  
appropriate notice to all parties in interest, was heard at the  
Hearing Room of the Commission, 330 State Office Building, Denver,  
Colorado, November 19, 1956, and at the conclusion of the evidence,  
the matter was taken under advisement.

Charles Albi, one of the partners and the transferee,  
testified in support of the application. He stated that he and  
his brother, Salvadore, are the record owners of this authority.  
His brother has decided to go out on his own and has obtained  
separate authority, Permit No. B-5154, under which he is now con-  
ducting his separate operation. The present application is for  
the purpose of dropping the brother's name out of the partnership  
in accordance with the understanding of the two brothers concerning  
separation of their operations. The brother is now doing business  
under his own name and it was agreed that the present transferee  
should keep the trade name for himself. He has filed his trade  
name affidavit with the County Clerk and Recorder in accordance  
with statute.

No one appeared in opposition to the transfer and no  
reason appears why the same should not be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, in-  
corporated herein.



That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Charles Albi and Salvadore Albi, doing business as "Albi Bros. Coal Company," Denver, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-3867 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Charles Albi, doing business as "Albi Bros. Coal Company," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

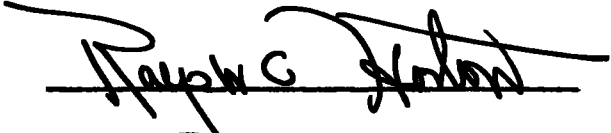


That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This Order is made a part of the permit authorized to be

transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
SAM BASILE, DOING BUSINESS AS "SAM'S  
ASH AND TRASH HAULING SERVICE," 1460  
SOUTH DEPEW, DENVER, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY, AUTHORIZING EXTENSION OF  
OPERATIONS UNDER PUC NO. 3156.

APPLICATION NO. 14847-Extension

November 26, 1956

Appearances: Robert McLean, Esq.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

Sam Basile, doing business as "Sam's Ash and Trash  
Hauling Service," Denver, Colorado, is the owner and operator  
of PUC No. 3156, authorizing:

Transportation, on call and demand, of  
ashes, trash, and refuse, from and be-  
tween points in the following described  
territory, to dumps and disposal places  
as may be designated or approved by the  
Health Authorities:

Beginning at the intersection of Cornell  
Avenue and Federal Boulevard; thence north  
along Federal Boulevard to its intersection  
with West Colfax Avenue; thence along West  
Colfax Avenue to a point five miles west  
of the City of Golden, Colorado; thence  
south along a line extending five miles  
west of Golden, Colorado, to a point where  
said line intersects West Cornell Avenue,  
extended; thence east to the point of be-  
ginning.

Transportation of dirt, in that territory  
situated in the City and County of Denver,  
described as follows:

West Colfax Avenue, on the north; Cornell  
Avenue, on the south, Sheridan Boulevard,  
on the west, and Federal Boulevard, on the  
east.

Transportation of dirt and garbage, in that territory situated in the County of Jefferson, State of Colorado, described as follows:

Bounded by the center line of West First Avenue, on the north; Sheridan Boulevard, on the east; West Jewell Avenue, on the south, and Kipling Street along West Alameda Avenue to an imaginary line one mile west of Morrison, on the west; provided that there be no transportation of dirt or garbage in that part of the above-described territory in the territory described as follows:

Kipling Street, on the east; Ulysses Street on the west, West Alameda Avenue as extended to Ulysses Street, on the north, and an imaginary line running parallel to and being two thousand feet south of Alameda Avenue, on the south; and provided further, that no dirt shall be transported under authority herein granted that does not arise from, and is incidental to, the hauling of trash, and for his trash and garbage customers, all of said hauling to be on call and demand.

By the instant application filed October 19, 1956, applicant seeks authority to operate as a common carrier by motor vehicle for hire for the transportation of rubbish, trash, and other forms of waste and debris, from and to points in the City and County of Denver, and from points in the City and County of Denver, Colorado, to officially-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 19, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that under authority of PUC No. 3156 he presently engages in ash and trash removal in an area generally westerly of the Denver City Limits. He has also engaged continuously since some time prior to 1954 in the removal of ashes and trash within the

City Limits of Denver, and now seeks to have his "grandfather rights" to continue this work recognized. He has equipment suitable to the work. His net worth is approximately \$35,000.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That public convenience and necessity require the proposed extended service of the applicant and that certificate of public convenience and necessity should issue therefor.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier, call and demand, service of Sam Basile, doing business as "Sam's Ash and Trash Hauling Service," Denver, Colorado, under FUC No. 3156, to include the transportation of ashes, trash, and other waste materials, between points within the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

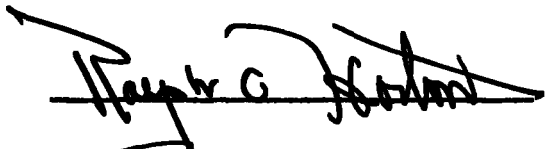
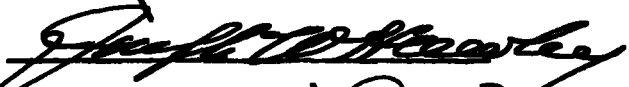

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

ea

original

(Decision No. 46866)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ROCKY MOUNTAIN AVIATION COMPANY,  
STAPLETON AIRFIELD, DENVER, COLO-  
RADO, FOR AUTHORITY TO TRANSFER  
AIRPLANE OPERATING RIGHTS ACQUIRED  
PURSUANT TO AUTHORITY CONTAINED IN  
DECISION NO. 43923 TO DON A NEIL,  
DOING BUSINESS AS "ROCKY MOUNTAIN  
AVIATION," HANGAR 4, STAPLETON  
AIRFIELD, DENVER, COLORADO.  
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APPLICATION NO. 14842-Transfer

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November 26, 1956  
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Appearances: Don A. Neil, Denver, Colo-  
rado, pro se;  
Willard F. Bridgeman,  
Denver, Colorado, for  
the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 27756, of date March 15, 1947, Donald W. Vest, doing business as "Vest Aircraft and Finance Company," Denver, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier, by air, for the transportation of:

passengers and property, not on schedule, between all points in the State of Colorado, applicant not to establish an office or branch for the purpose of developing business at any town, place, or city other than Denver, Colorado, near-by Hayden Airport, and other airports, if any, within a radius of fifteen miles of Denver, Colorado.

By Decision No. 37824, of date December 3, 1951, said Donald W. Vest, doing business as "Vest Aircraft and Finance Company," was authorized to transfer all his right, title, and interest in and to said certificate to Rader Flying Service, Inc., a corporation, Glenwood Springs, Colorado.

On December 1, 1952, as shown by the records and files herein, the corporate name of Rader Flying Service, Inc. was changed to "Monarch Aviation, Inc."

Pursuant to authority contained in Decision No. 40718, of date June 9, 1953, Monarch Aviation, Inc., Denver, Colorado, transferred said operating rights to Irving Pasternak and Don Neil, co-partners, doing business as "Rocky Mountain Aviation," Denver, Colorado, who, pursuant to authority contained in Decision No. 43923, of date January 20, 1955, transferred said certificate to Rocky Mountain Aviation Company, a corporation, Denver, Colorado, who, by the instant application, seeks authority to transfer said operating rights to Don A. Neil, doing business as "Rocky Mountain Aviation," Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 19, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the operating experience and financial responsibility of transferee herein were established to the satisfaction of the Commission.

No one appeared in opposition to the granting of the authority sought.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That Rocky Mountain Aviation Company, Denver, Colorado, should be, and hereby is, authorized to transfer all right, title, and interest in and to certificate of public convenience and necessity granted by Decision No. 27756, and acquired by it pursuant






to authority contained in Decision No. 43923, of date January 20, 1955, to Don A. Neil, doing business as "Rocky Mountain Aviation," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee, until changed according to law and the rules and regulations of this Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

ea

original

(Decision No. 46867)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF  
A. T. BURBRIDGE TRUCK, INC., 1212  
TENTH STREET, GREELEY, COLORADO,  
FOR AUTHORITY TO EXTEND OPERATIONS  
UNDER PERMIT NO. A-20.

APPLICATION NO. 14754-Extension  
SUPPLEMENTAL ORDER

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November 21, 1956  
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Appearances: Southard and Southard, Esqs.,  
Greeley, Colorado, for  
Applicant;  
E. B. Evans, Esq., Denver,  
Colorado, for Capron  
Truck Company;  
Ross B. Collins, Denver, Colo-  
rado, for North Eastern  
Motor Freight, Inc.

S T A T E M E N T

By the Commission:

By Decision No. 46775, of date November 7, 1956, the  
Commission authorized applicant herein to extend operations under  
Private Permit No. A-20 to include:

- "1. The transportation of water well supplies  
and equipment and pipeline materials from  
Denver, Colorado to Greeley, Colorado,"

and further expanded and enlarged the area to be served by appli-  
cant under said permit to include all points within a five-mile  
radius of Greeley, Colorado, service in said area to be limited  
to the transportation of freight involving a prior or subsequent  
movement over applicant's established routes.

In further reviewing the testimony offered in support of  
the instant application, and in the light of our experience in other  
proceedings relative to the construction or misconstruction placed  
by interested parties upon the language of authorities heretofore  
issued by the Commission, it is deemed advisable to amend our former  
decision by more specifically defining the commodities applicant is

authorized to transport under the extension granted.

In the application it is requested that the authority be extended to include the transportation of "water well supplies and equipment and pipeline materials" from Denver and intermediate points, between Denver and Eaton, north on U. S. Highway No. 85 to points in Weld, Morgan and Adams Counties, Colorado. By our decision we limited such transportation to movements from Denver to Greeley and to points within a five-mile radius of Greeley, provided the transportation to points in said radial area involved a prior or subsequent movement over applicant's presently established routes.

At the hearing, a plumbing contractor and the operator of a planing mill, both located outside the city limits of Greeley, supported the application so far as the extended service proposed to points within a five-mile radius is concerned. It is evident that their testimony refers only to the general freight authority of applicant.

Witness Repp stated specifically that he handles "pump and well drilling and pipeline equipment for water well drillers," while Witness Cummins is engaged solely in the drilling of water wells and installing pumps and pipelines in connection therewith.

Neither applicant nor any of his supporting witnesses testified to any need for the service of applicant for the transportation of any of the named commodities other than those used or to be used in the drilling of water wells, the equipment thereof, and the pipelines used in connection therewith, and the amended order will grant the extension requested limited to such transportation.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement should be incorporated herein by reference.

That the authority granted by virtue of Decision No. 46775, of date November 7, 1956, should be amended, limited as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That the first two paragraphs of the Order contained in Decision No. 46775, of date November 7, 1956, should be, and are hereby, amended, to read as follows:

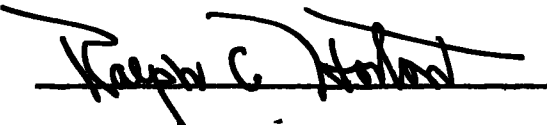
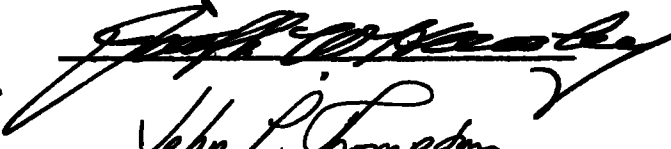

"That A. T. Burbridge Truck, Inc., Greeley, Colorado, be, and is hereby, authorized to extend operations under Private Permit No. A-20 to include:

"1. The transportation of water well supplies, water well equipment, and pipeline materials to be used in connection with the drilling and operation of water wells only, from Denver, Colorado, to Greeley, Colorado."

That, in all other respects, said Decision No. 46775, of date November 7, 1956, shall be and remain in full force and effect.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. A. GREEN, DOING BUSINESS AS )  
"COLORADO SPRINGS SIGHTSEEING COM- )  
PANY," 833 BONFOY STREET, COLORADO )  
SPRINGS, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 134. )

APPLICATION NO. 14830-Extension

-----  
IN THE MATTER OF THE APPLICATION OF )  
COLBURN MOTOR TOURS, INC., 32 SOUTH )  
NEVADA, COLORADO SPRINGS, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING EX- )  
TENSION OF OPERATIONS UNDER PUC NO. )  
1265. )

APPLICATION NO. 14831-Extension

-----  
IN THE MATTER OF THE APPLICATION OF )  
R. P. FINNEY, DOING BUSINESS AS )  
"FINNEY SIGHTSEEING SERVICE," 1023 )  
EAST RIO GRANDE, COLORADO SPRINGS, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY, AUTH- )  
ORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 164. )

APPLICATION NO. 14832-Extension

-----  
IN THE MATTER OF THE APPLICATION OF )  
R. C. MASON, DOING BUSINESS AS )  
"GREAT WESTERN TOURS," 3112 WEST )  
COLORADO AVENUE, COLORADO SPRINGS, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY, AUTH- )  
ORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 107. )

APPLICATION NO. 14833-Extension

-----  
IN THE MATTER OF THE APPLICATION OF )  
W. W. BRUBAKER, DOING BUSINESS AS )  
"PIKES PEAK MOTORWAY, AND "HIAWATHA )  
TOURS," 1632 WEST COLORADO AVENUE, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 112. )

APPLICATION NO. 14834-Extension

IN THE MATTER OF THE APPLICATION OF )  
WAYNE W. WALK AND/OR FRANCIS M. )  
WALK, DOING BUSINESS AS "TARMAN )  
TOURS," 1025 EAST JEFFERSON, COLO- )  
RADO SPRINGS, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY, AUTHORIZING EXTENSION OF )  
OPERATIONS UNDER PUC NO. 704. )

APPLICATION NO. 14835-Extension

-----  
November 26, 1956  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for Applicants;  
Louis Johnson, Esq., Colorado  
Springs, Colorado, for City  
of Colorado Springs;  
Murray, Baker & Wendelken,  
Esqs., Colorado Springs,  
Colorado, for Yellow Cab,  
Inc.

S T A T E M E N T

By the Commission:

The applications captioned above were filed by sightseeing operators presently engaged in sightseeing charter operations by motor vehicle in the Colorado Springs area to confirm those operating within the City Limits of Colorado Springs, Colorado.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Court House, Colorado Springs, Colorado, November 15, 1956. By consent, all of the foregoing applications were consolidated for purpose of hearing and decision.

Although all applicants were present and available for cross-examination, one of them, Mr. K. B. Charlesworth, spoke for all, as his situation was said to be identical to that of his competitors. He stated that his Company, Colburn Motor Tours, Inc., had continuously engaged in sightseeing operations in the Pikes Peak Region for a great many years and at all times subsequent to at least 1949, and had been licensed to operate within the City Limits of Colorado Springs by local licensing authorities. Colo-

Colorado Springs is a home-rule City, as to which the Commission acquired jurisdiction in motor carrier matters by recent Constitutional Amendment. By their applications, these applicants seek only to confirm their "grandfather rights" acquired prior to the Constitutional Amendment. They have not engaged in the pick up of passengers at train or bus depots as a taxi would, but have picked up persons at those depots only for delivery to hotels or for assembly at central points of dispatch for sightseeing service. In all cases, the passengers had either a prior or a subsequent ride on sightseeing or charter service. It was agreed that a restriction of this type would be acceptable.

No one appeared in opposition to the above-styled applications, and no reason appears why the same should not be granted as limited in the following Order.

The operating experience and financial responsibility of all applicants were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That public convenience and necessity require the proposed extended service of the applicants and that certificate of public convenience and necessity should issue therefor, as limited in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of W. A. Green, doing business as "Colorado Springs Sightseeing Company," Colorado Springs, Colorado, under PUC No. 134, to include the trans-

portation of passengers and baggage between points within the City of Colorado Springs, Colorado; provided, however, that each person, or piece of baggage, so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage, may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of Colburn Motor Tours, Inc., Colorado Springs, Colorado, under PUC No. 1265, to include the transportation of passengers and baggage between points within the City of Colorado Springs, Colorado; provided, however, that each person, or piece of baggage, so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage, may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of R. P. Finney, doing business as "Finney Sightseeing Service," Colorado Springs, Colorado, under PUC No. 164, to include the transportation of passengers and baggage between points within the City of Colorado Springs, Colorado; provided, however, that each person, or baggage,



so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage, may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of R. C. Mason, doing business as "Great Western Tours," Colorado Springs, Colorado, under PUC No. 107, to include the transportation of passengers and baggage between points within the City of Colorado Springs, Colorado. provided, however, that each person, or piece of baggage, so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage, may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of W. W. Brubaker, doing business as "Pikes Peak Motorway," and "Hiawatha Tours," Colorado Springs, Colorado, under PUC No. 112, to include the transportation of passengers and baggage between points within the City of Colorado Springs, Colorado; provided, however, that each person, or piece of baggage, so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage,

may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of Wayne W. Walk and/or Francis M. Walk, doing business as "Tarman Tours," Colorado Springs, Colorado, under PUC No. 704, to include the transportation of passengers and baggage between points within the City of Colorado Springs, Colorado; provided, however, that each person, or piece of baggage, so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage, may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

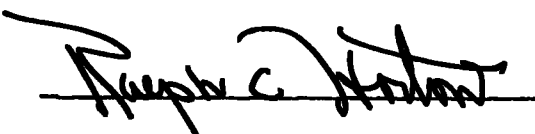
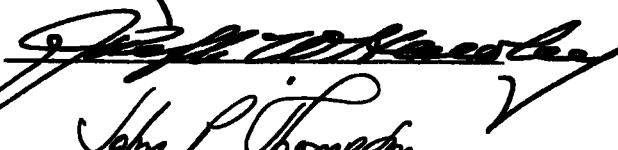

That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicants shall operate their carrier systems in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

mls

original

(Decision No. 46869)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF ISSUANCE OF )  
TEMPORARY CERTIFICATES OF PUB- )  
LIC CONVENIENCE AND NECESSITY )  
UNDER CHAPTER 80, SESSION LAWS )  
OF COLORADO, 1951, FOR EMERGENCY )  
MOVEMENT OF SUGAR BEETS IN MORGAN )  
COUNTY, COLORADO. )  
----- )

APPLICATION NO. 14911

-----  
November 19, 1956  
-----

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, to the effect that an emergency exists in the matter of trucks for the transportation of sugar beets in Morgan County, Colorado, and that said emergency will probably continue for a period of approximately forty-five (45) days.

Request is made for an Order of the Commission relative to issuance of temporary certificates of public convenience and necessity for the seasonal transportation of sugar beets in said County.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency exists because of the shortage of certificated trucks for the transportation of sugar beets in Morgan County, State of Colorado, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation of sugar beets from beet dumps to factories, as provided by Chapter 80, Session Laws of 1951, said

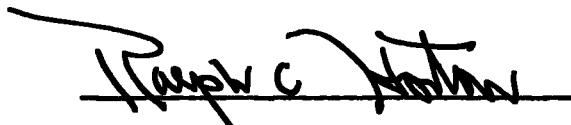


certificates to be effective for a period of forty-five (45) days,  
or from November 19, 1956, to January 2, 1957, both dates inclusive.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to be issued for the operation of motor vehicles, for the transportation of sugar beets, from beet dumps to factories in Morgan County, State of Colorado, said certificates to be effective November 19, 1956, and to continue in force up to and including January 2, 1957, no such certificate to issue for the transportation of such product by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1956.

ea

original

(Decision No. 46870)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
FRED A. SCHROEDER, JR., 3019 SOUTH  
LOGAN STREET, ENGLEWOOD, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY.  
-----

APPLICATION NO. 13573  
SUPPLEMENTAL ORDER

-----  
November 26, 1956  
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Appearances: Kripke and McLean, Esqs.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

On August 30, 1955, the Commission entered its Decision No. 44549 in the above-styled application, granting to applicant herein a certificate of public convenience and necessity authorizing extension of operations under PUC No. 2086, and setting forth authority, as extended to that date, under said PUC No. 2086.

In said Order there was contained the following exclusion of operating rights:

"excluding also therefrom the area included within the existing boundaries of the Jefferson County Collection and Disposal District."

It now appears that said exclusion was not properly stated.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 44549 should be amended to conform to the facts, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the exclusion of operating authority made by the

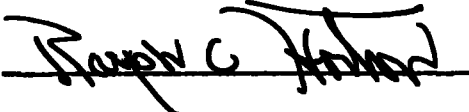
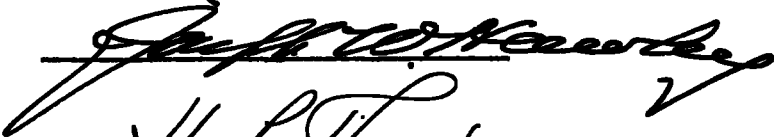

Commission on authority granted to applicant herein in the Order contained in Decision No. 44549, of date August 30, 1955, being the third paragraph appearing on Page 4 of said Decision, should be stricken, and in lieu thereof, the following inserted:

"and excluding therefrom the transportation of garbage in the area included within the existing boundaries of the Jefferson County Collection and Disposal Districts."

That, except as herein amended, said Decision No. 44549 shall remain in full force and effect.

That this Order shall become effective nunc pro tunc, as of August 30, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GEORGE PETERS, 740 MARTIN STREET, )	
LONGMONT, COLORADO, FOR A CLASS "B" )	<u>APPLICATION NO. 14102-PP</u>
PERMIT TO OPERATE AS A PRIVATE CAR- )	<u>SUPPLEMENTAL ORDER</u>
RIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
November 26, 1956  
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Appearances: George Peters, Longmont,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On March 1, 1956, the Commission entered its Order in the above-styled application, (DecisionNo. 45392) granting to applicant herein a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of:

hay, from point to point within a radius of thirty-five miles of Longmont, Colorado.

The Commission is now in receipt of the following communication from George Peters, applicant herein:

"In reference to my authority under Decision No. 45392, of March 1, 1956, this is to advise you that I have no intention of hauling baled hay. I intend hauling only chopped hay from point to point within a radius of thirty-five miles of Longmont, Colorado."

It appears that operating rights granted to applicant by Decision No. 45392 should be amended, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 45392, of date March 1, 1956, should be amended, by restricting the authority therein granted, as requested by applicant herein.



O R D E R

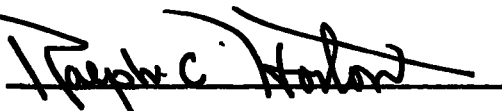
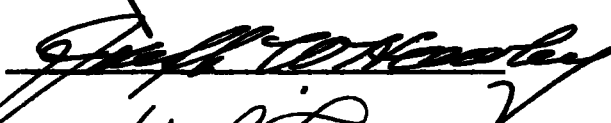

THE COMMISSION ORDERS:

That Decision No. 45392, of date March 1, 1956, should be, and hereby is, amended, nunc pro tunc, as of said 1st day of March, 1956, by inserting the word "chopped," immediately preceding the word "hay," appearing in the third line of the first paragraph of the Order contained in said Decision No. 45392, so that said first paragraph of the Order contained in said Decision No. 45392, as amended, shall read:

"That George Peters, Longmont, Colorado, should be, and he hereby is, authorized to operate as a Class 'B' private carrier by motor vehicle for hire, for the transportation of chopped hay, from point to point within a radius of thirty-five miles of Longmont, Colorado."

That, except as herein amended, Decision No. 45392 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956

ea

(Decision No. 46872)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM REED IRVIN, BOX 3, STONE )  
CITY, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-4961 TO )  
RICHARD D. SANDERS AND ELLSWORTH O. )  
CLARKE, CO-PARTNERS, DOING BUSINESS )  
AS "C. & S. TRUCKING COMPANY," 422 )  
THATCHER BUILDING, PUEBLO, COLORADO. )

APPLICATION NO. 14838-PP-Transfer

-----  
November 26, 1956  
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Appearances: Dale Kursi, Esq., Pueblo,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, William Reed Irvin, Stone City, Colorado, owner and operator of Permit No. B-4961, seeks authority to transfer said operating rights to Richard D. Sanders and Ellsworth O. Clarke, co-partners, doing business as "C. & S. Trucking Company," Pueblo, Colorado, said Permit No. B-4961 being the right to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

fireclay, from Edward Freeman's Mines, located at Rock Creek and Stone City, Colorado, to Canon City and to Pueblo, Colorado.

Said application was regularly set for hearing before the Commission, at the County Commissioners' Room, Court House, Pueblo, Colorado, November 20, 1956, with due notice to all parties in interest.

At the hearing, it appeared that the consideration for the transfer of said operating rights is the sum of \$25.00; that there are no outstanding unpaid operating obligations against said permit.

The operating experience and financial responsibility of

transferees were established to the satisfaction of the Commission.

No one appeared in opposition to the granting of the authority sought.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

### O R D E R

#### THE COMMISSION ORDERS:

That William Reed Irvin, Stone City, Colorado, should be, and he hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-4961 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Richard D. Sanders and Ellsworth O. Clarke, co-partners, doing business as "C. & S. Trucking Company," Pueblo, Colorado, subject to payment of outstanding obligations against said permit, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

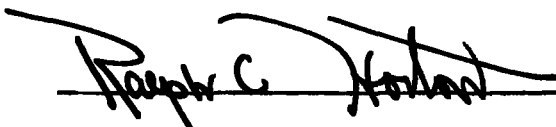
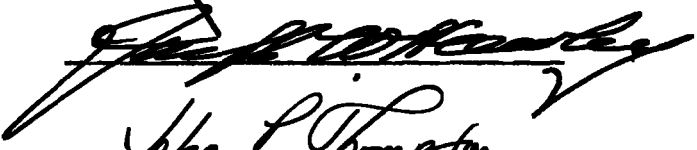

The right of transferees to operate under this Order shall

depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

mls

(Decision No. 46873)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY LITCHFIELD, 3055 SOUTH SANTA FE )  
DRIVE, ENGLEWOOD, COLORADO, AND )  
STANLEY RHODUS, ROUTE 3, LITTLETON, )  
COLORADO, CO-PARTNERS, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 14481

-----  
November 26, 1956  
-----

Appearances: Ray Litchfield, Englewood,  
Colorado, pro se;  
Robert E. McLean, Esqs., Den-  
ver, Colorado, for Weber  
Hauling Service, Dick Ake-  
man, Harvey C. Davis, Fred  
A. Schroeder, Jr., Clyde  
Persinger, Roy Foultz,  
Everett Marshall.

S T A T E M E N T

By the Commission:

Applicants herein seek a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and debris, in the territory specifically set forth in said application.

Said matter was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 1, 1956, due notice thereof being forwarded to all parties in interest.

Prior to the date set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the

hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Robert R. Litchfield testified that he is one of the applicants herein, requesting that said application be amended so to show; that he is now engaged in transporting ashes, trash, and debris in the area herein sought to be served; that he has been engaged in cleaning up of houses and premises for contractors and persons before the houses are occupied; that he is the owner of a 1947 Ford Dump Truck; that he admitted he has been hauling without authority, and had been sued in Justice Court for doctor bills; that he does most of his work on Saturdays; that he works for William Rhodus; that he has been hauling from several homes in the 1600 and 1700 blocks on Elm Road.

Stanley Rhodus, the other applicant herein, testified that he is an iron worker; that as people move into the area herein sought to be served, they ask for a trash service; that he is the owner of a 1935 Oldsmobile, and that he owns more money than he has assets.

Audrey M. Fria testified that she lives at 1500 Meadow Brook Road; that her family moved into that location in March, and have been picking up their own trash; that she did not know who could haul trash, so when applicants asked for her business, she gave it to them; that their work has been satisfactory.

Doris S. Brink, of 1690 Elm Road, testified that her husband works for Martin Company; that her family moved into the area in March, and that applicants began to haul their trash on April 1, 1956; that their work has been satisfactory; that she found a handbill, after starting to use applicants' service, said handbill showing there was an authorized carrier who could transport trash.

In opposition, Fred A. Schroeder, Jr., who operates under PUC No. 3319, testified that he can, and does, serve the area sought to be served by applicants herein; that he has motor vehicle equipment that

is not being used; that he advertises by ads in the telephone book, on the radio, with handbills, and by personal contact, and that, in his opinion, there is no need for additional service in the area proposed to be served by applicants herein.

Everett E. Marshall, who operates under PUC No. 1966, testified that he has authority to serve in the same territory applicants seek to serve, transporting ashes and trash; that, at the present time, he is serving customers on Elm Road where applicants are now serving; that he has plenty of equipment, and will meet any demand for service made in that area, that, in his opinion, there is no need for additional service in the area sought to be served by applicants herein.

W. J. Weber, Dick Akeman, Harvey Davis, and Sam Basile, who have certificates of public convenience and necessity from this Commission, authorizing transportation of ashes, trash, and other waste materials in the area herein sought, were in the Hearing Room, and it was stipulated that they would testify on both direct and cross-examination as did Witnesses Fred Schroeder, Jr., and Everett E. Marshall.

Report of the Examiner further states that applicants herein have been engaged in transportation of trash and debris in a limited area within the area sought by the above-styled application; that they are workmen who seek, and have, steady employment, and that they have been operating on Saturdays; that while their services have been good, they have been illegal and without authority; that applicants' customer-witnesses have made no attempt to obtain legal haulers, and that, if this application is denied, none will be left without good and adequate service; that applicants have failed to establish that public convenience and necessity require their service.

Report of the Examiner recommends that said application be denied.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity do not require applicants' motor vehicle common carrier service, and that said application should be denied.

O R D E R

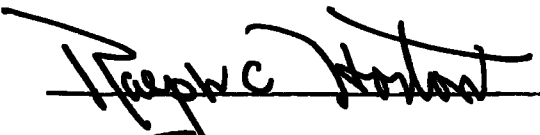
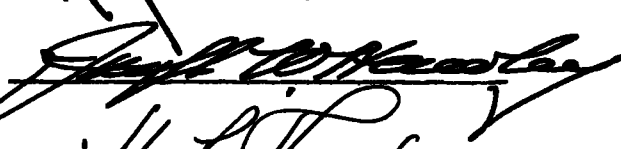

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That Application No. 14481 should be, and hereby is, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

mls



original

(Decision No. 46874)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MIKE G. HERNANDEZ, 406 SOUTH FOURTH )  
STREET, ROCKY FORD, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 14840-PP

-----  
IN THE MATTER OF THE APPLICATION OF )  
RUBEN MAGDELANO, ROUTE 2, ROCKY )  
FORD, COLORADO, FOR A CLASS "B" PER- )  
MIT TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 14851-PP

-----  
November 26, 1956  
-----

S T A T E M E N T

By the Commission:

The above-styled applications were regularly set for hearing before the Commission, at the County Commissioners' Room, Court House, Pueblo, Colorado, November 20, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

Prior to the hour set for hearing, the Commissioner conducting said hearings was notified, by telephone, by applicants that due to impassible roads because of snow, applicants would be unable to appear at the time and place designated for hearing.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled applications should be continued, to be re-set for hearing at a future date to be determined by the Commission, with notice to all parties in interest.

O R D E R

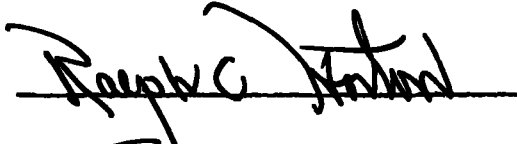


THE COMMISSION ORDERS:

That Applications Nos. 14840-PP and 14851-PP should be, and

hereby are, continued, to be re-set for hearing at a later date to be determined by the Commission, with notice to all parties in interest.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

mls

Original

(Decision No. 46875)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN A. THOMAS, GENERAL DELIVERY, )  
COAL CREEK, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 14839-PF

-----  
November 26, 1956  
-----

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal, from Coal Creek Canon Coal Mine, to Coal Creek, Rockvale, Penrose, Florence, and Canon City, Colorado, and to points within a radius of twenty miles of said cities, all in Fremont County, Colorado.

Said application was regularly set for hearing before the Commission, at the County Commissioners Room, Court House, Pueblo, Colorado, November 20, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

Notwithstanding said notice, applicant failed to appear at the time and place designated for hearing, either in person or by counsel.

No one appeared in opposition to the granting of the authority sought.

Thereupon, the files were made a part of the record, and the matter was taken under advisement.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue to applicant herein.

O R D E R

THE COMMISSION ORDERS:

That John A. Thomas, Coal Creek, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal, from Coal Creek Canon Coal Mine, to Coal Creek, Rockvale, Penrose, Florence, and Canon City, and to points within a radius of twenty miles of said cities, all in Fremont County, State of Colorado.

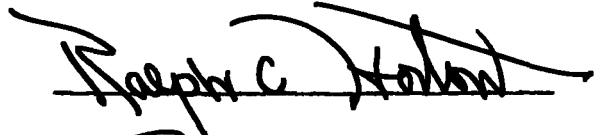
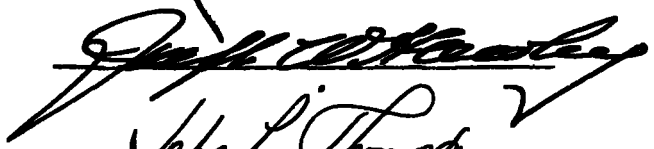

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE PUBLICATION OF REDUCED )  
RATE ON PETROLEUM AND PETROLEUM )  
PRODUCTS FROM DENVER, COLORADO )  
TO COLORADO SPRINGS, COLORADO )

CASE NO. 1585

-----  
November 23, 1956  
-----

S T A T E M E N T

By the Commission:

On October 25, 1956, there was filed with this Commission on statutory notice by D. S. Smith, Traffic Manager, R. B. "Dick" Wilson, Inc., issued October 24, 1956, and to be effective November 26, 1956, a reduced rate (.693 cents per gallon) from Denver, Colorado, to Colorado Springs, Colorado, on Petroleum and Petroleum Products.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedule.

No protests have been received in the office of the Commission relative to the proposed changes.

The Rate Department's investigation of the proposed changes developed the following information:

On October 30, 1956, the Rate Department of this Commission contacted the following parties to inform them of the change involved:

Barlow's Service, Inc., 5101 York St., Denver 16, Colorado  
Melton Transportation Co., 7705 Brighton Road, Denver 16, Colo.  
M & M Oil and Transportation, Inc., P. O. Box 2250, Denver 1, Colo.  
J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers'  
Association, 4060 Elati St., Denver 16, Colorado

The present rate for the movement of these commodities between the points involved is .700 cents per gallon. On October 31, 1956, the Commission received a letter of protest from Barlow's Service, Inc., which was withdrawn on October 5, 1956. In view of the fact no other protests were received and the withdrawal of the above complaint, it appears that the reduction is justifiable and will be a benefit to the shippers.

## F I N D I N G S

### THE COMMISSION FINDS:

That the change from a rate of .700 to .693 cents per gallon on Petroleum and Petroleum Products as described in Item No. 10 (Petroleum and Petroleum Products, viz: Absorption Oil; Blended Gasoline (See Note 1); Gasoline (except casinghead (Natural) gasoline); Naptha; Refined Oil, viz: Illuminating or burning (See Note 2); Gas Oil; Diesel Fuel; or Distillate, in bulk in tank trucks, minimum shipment shell capacity of tank truck used, subject to estimated weight of 6.6 pounds per gallon. Note 1: The term "Blended Gasolines" covers motor fuels containing 50 per cent or more of gasoline. Note 2: Does not include Residual Fuel Oil or Burner Fuel Nos. 4, 5 and 6.), to R. B. "Dick" Wilson, Inc., Motor Freight Tariff No. C-3, Colorado P.U.C. No. 3 from Denver, Colorado, to Colorado Springs, Colorado, should be authorized and an order should be entered prescribing the said change.

## O R D E R

### THE COMMISSION ORDERS, That:

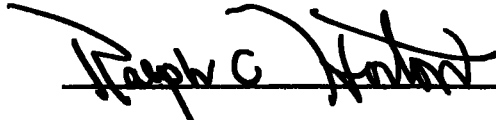


1. The statement and findings are hereby made a part hereof.
2. This order shall become effective November 26, 1956.
3. The rates as set forth in the findings shall on November 26, 1956, be the prescribed rates of the Commission for all common carriers and they shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.
4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after November 26, 1956, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

6. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

8. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of November, 1956.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES IN RATES, )  
RULES AND REGULATIONS IN THE )  
MOTOR TRUCK COMMON CARRIERS' )  
ASSOCIATION, AGENT, FREIGHT )  
TARIFF NO. 12, COLORADO P.U.C. )  
NO. 6, ISSUED BY J. R. SMITH, )  
CHIEF OF TARIFF BUREAU, )  
4060 ELATI, DENVER 16, COLORADO.)  
-----

CASE NO. 1585

-----  
November 26, 1956  
-----

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective November 30, 1956, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

Item No. 1140 (Special Trips), wherein consignor or consignee requests exclusive use of a vehicle, is being amended to include all carriers' parties to this agency tariff, with exceptions that it will not be applicable to Larson Transportation Company, Ringsby Truck Lines, or Rio Grande Motor Way, Inc. The item also provides major changes from a basis of transporting shipments weighing less than 4,000 pounds figured on a mileage scale at a fixed charge plus the applicable rate. The mileage starts at five miles or



less at a charge of \$2.00 up to and including 30 miles and over at a charge of \$5.00 with a break in the mileage at intervals of five miles, to an hourly charge based on the use of equipment and one man according to the rated capacity of the vehicle or the applicable rate per 100 pounds, whichever produces the greater total charge.

Floyd A. Henrickson, d/b/a Denver-Loveland Transportation, by specific publication on the following pages (Class Rates, Section No. 1) is proposing to increase these rates by approximately a 5% increase for points on its line between Denver on the one hand and on the other, Cloverleaf Kennel Club, Loveland and Wild Spur, Colorado. Through the carrier's agent, we are advised the carrier seeks additional revenue to bring its rates up to the 15% increase level granted to other carriers on March 1, 1956. The last increase affecting this carrier was May 14, 1954, which amounted to 10%.

Item No. 2810 pertaining to meats, fresh and packing house products, as described in Items Nos. 460 and 480 between Denver and Pueblo, on the one hand, and points in the San Luis Valley and along U. S. Highway No. 50, Gunnison to Grand Junction and also along U. S. Highway Nos. 24 and 6 from Leadville to Grand Junction, including off points on said highways, on the other hand, is being amended by clarifying the rates for all points in this commodity item to correspond with the fourth class specific class rates published in Section No. 1. By these adjustments increases will ensue in a majority of instances of one cent and reductions up to sixteen cents. Items 460 and 480 are exception items classifying fresh meats as third class and packing house products as fourth class. These adjustments will place all the points involved on a fourth class basis with the thought behind that other items not listed in Items 460 and 480, but in the same fourth class rating which normally are shipped from these sources of supply, will carry the same rates and charges eliminating any differences that might occur when the freight bills are prepared.

## F I N D I N G S

### THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

## O R D E R

### THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on November 30, 1956, be the prescribed rates, rules, regulations and provisions of the Commission.
4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after November 30, 1956, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.
6. On and after November 30, 1956, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.
7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.
8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Skelton  
Paul W. Hawley  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,  
this 26th day of November, 1956.

mem

APPENDIX "A"

Amend Item No. 1140, Rules and Regulations Governing "Special Trips", 7th Revised Page No. 83:

Special Trips: (Will not apply via Larson Transportation Co., Ringsby Truck Lines, Inc., or Rio Grande Motor Way, Inc.)

In the event consignor or consignee requests that carrier transport shipments on other than regularly scheduled trips, or requests exclusive use of the vehicle, such service will be performed and will be charged for at the applicable rate per 100 pounds or the following hourly charges, whichever results in the greater total charges:

Use of equipment and one man:

Truck with rated capacity of 1/2 ton - - - - - \$5.00 per hour  
 Truck with rated capacity exceeding 1/2 ton - - - 6.00 per hour  
 Truck and trailer combination - - - - - 7.50 per hour

Time charges shall include driving time to and from the carrier's dock.

(This item applies only on Colorado Intrastate Traffic.)

Amend 3rd Revised Page No. 109-A, 20th Revised Page No. 113-A and 24th Revised Page No. 118 for the account of Floyd A. Henrickson, d/b/a Denver-Loveland Transportation:

Between  And	Class Rates in Cents per 100 Pounds												
	Denver, Colorado												
					Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds				
	L. T. L.												
Miles	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Cloverleaf													
Kennel Club	49	106	90	74	60	81	67	55	44	47	42	34	26
Loveland	55	113	98	80	62	85	70	57	46	57	50	41	33
Wild Spur	60	118	101	83	64	87	74	62	47	60	53	44	34

Amend Item 2810, 7th Revised Page No. 199, 9th Revised Page 200 and 11th Revised Page No. 201:

<u>Commodity</u>	<u>To</u> <u>Colorado</u>	<u>From</u> <u>Denver</u>	<u>Route No.</u>	<u>From</u> <u>Pueblo</u>	<u>Route No.</u>
Meats, Fresh, and Packing House Products, as described in Items Nos. 460 and 480.  (Applies only on Colorado Intrastate Traffic.)	Alamosa	127	79;87	108	87
	Antonito	136	79	118	87
	Aspen	158	-	158	-
	Austin	171	87	171	87
	Avon	136	87	136	87
	Baldwin	160	-	124	-
	Blanca	127	79	108	87
	Buena Vista	125	87	125	87
	Capulin	136	79	116	87
	Carbondale	158	-	158	-
	Center	136	79;87	118	87
	Chama	127	24	108	23
	Cimarron	166	87	166	87
	Clifton	166	87	166	87
	Creede	154	79;87A	130	87
	Crested Butte	162	134	129	134

<u>Commodity</u>	<u>To</u> <u>Colorado</u>	<u>From</u> <u>Denver</u>	<u>Route No.</u>	<u>From</u> <u>Pueblo</u>	<u>Route No.</u>
Meats, Fresh, and Packing House Pro- ducts, as described in Items Nos. 460 and 480.	DeBeque	166	87	166	87
	Del Norte	136	79;87A	118	87
	Delta	166	87	166	87
	Eagle	145	87	145	87
	Ft. Garland	127	79	108	87
	Gilman	136	87	136	87
	Glenwood Spgs.	145	87	145	87
	Gr. Junction	166	87	166	87
	Gr. Valley	166	87	166	87
	Gunnison	154	87	125	87
	Gypsum	145	87	145	87
	Hooper	136	79;87	116	87
	Hotchkiss	171	87	171	87
	Iola	166	87	128	87
	La Jara	133	79	114	87
	La Valley	127	79	108	87
	Leadville	125	87	125	87
Manassa	136	79	118	87	
Mineral Hot Springs	133	79;87	116	87	
Minturn	136	87	136	87	
Moffat	136	79;87	118	87	
Monte Vista	133	79;87	114	87	
Montrose	166	87	166	87	
Mosca	133	79;87	114	87	
New Castle	155	87	155	87	
Olathe	166	87	166	87	
Ouray	168	87	168	87	
Palisade	166	87	166	87	
Paonia	171	87	171	87	
Red Cliff	136	87	136	87	
Ridgway	168	87	168	87	
Rifle	155	87	155	87	
Romeo	136	79	116	87	
Saguache	136	79;87	116	87	
Sanford	133	79	114	87	
San Luis	127	79	108	87	
San Pablo	127	24	108	23	
Sapinero	166	87	129	87	
Silt	155	87	155	87	
Somerset	171	87	171	87	
South Fork	145	79;87A	124	87	
Villa Grove	130	79;87	116	87	
Wagon Wheel Gap	146	79;87A	127	87	
Whitewater	166	87	166	87	
Wolcott	136	87	136	87	

- Routes: 23 - Rio Grande Motor Way, Inc., Ft. Garland, Fred T. Gibson  
24 - Weicker Transfer & Storage Co., Pueblo, Rio Grande Motor Way,  
Inc., Ft. Garland, Fred T. Gibson  
79 - Weicker Transfer & Storage Co., Pueblo, Colorado, Rio Grande  
Motor Way, Inc.  
87 - Rio Grande Motor Way, Inc., direct.  
87A- Rio Grande Motor Way, Inc., direct (Applies only on Interstate  
Traffic)  
134 - Rio Grande Motor Way, Inc., Gunnison, Colorado, Crested Butte  
Truck Line

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MARION R. BUSH, 200 N. 11TH,  
BRIGHTON, COLORADO.

PERMIT NO. M-949

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Marion R. Bush

requesting that Permit No. M-949 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-949, heretofore issued to \_\_\_\_\_

Marion R. Bush \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. ...*  
*John P. ...*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MILTON S. FELDMAN, DOING BUSINESS AS )  
"FELDMAN MOTOR COMPANY," 2537 SOUTH )  
BROADWAY, DENVER, COLORADO. )

PERMIT NO. M-9043

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Milton S. Feldman, dba "Feldman Motor Company,"

requesting that Permit No. M-9043 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9043, heretofore issued to \_\_\_\_\_

Milton S. Feldman, dba "Feldman Motor Company," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Regis C. Nelson*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JAMES P. & MIGNA T. WHITNEY, 1338  
BANNOCK STREET, DENVER, COLORADO.

PERMIT NO. M-11183

-----  
November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

James P. & Migna T. Whitney

requesting that Permit No. M-11183 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11183, heretofore issued to \_\_\_\_\_,

James P. & Migna T. Whitney \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 7, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Vinton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.  
mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH BOTTING, BOX 692, DELTA,  
COLORADO. )

PERMIT NO. M-3315

-----  
November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ralph Botting

requesting that Permit No. M-3315 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3315, heretofore issued to \_\_\_\_\_

Ralph Botting \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GUY HALL, DOING BUSINESS AS )  
"SALIDA FUEL CO.," 215 W. FIRST, )  
DALIDA, COLORADO. )  
-----)

PERMIT NO. M-419

-----  
November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Guy Hall, dba "Salida Fuel Co."

requesting that Permit No. M-419 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-419, heretofore issued to \_\_\_\_\_

Guy Hall, dba "Salida Fuel Co.," be,

and the same is hereby, declared cancelled effective October 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ray C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

MARIA T. & HELEN MOSCHETTI &  
DOMENIC MOSCHETTI, DOING BUSINESS AS )  
"CANON CHIEF COAL COMPANY," )  
FLORENCE, COLORADO. )

PERMIT NO. M-6418

-----  
November 30, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Maria T. & Helen Moschetti & Domenic Moschetti, dba "Canon Chief Coal Company,"

requesting that Permit No. M-6418 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6418, heretofore issued to Maria T. & Helen

Moschetti & Domenic Moschetti, dba "Canon Chief Coal Company," be,

and the same is hereby, declared cancelled effective November 5, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hurlbert*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RUEBEN JACOBY, JOHNSTOWN, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-7296

-----  
November 30, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Rueben Jacoby

requesting that Permit No. M-7296 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7296, heretofore issued to \_\_\_\_\_  
Rueben Jacoby \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 9, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Voth*  
\_\_\_\_\_  
*Charles E. ...*  
\_\_\_\_\_  
*John P. ...*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

H. B. HINES & F. H. HINES, DOING  
BUSINESS AS "HINES PRODUCE CO.,"  
501 SOUTH PEARL STREET, DALLAS,  
TEXAS.

PERMIT NO. M-7456

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

H. B. Hines & F. H. Hines, dba "Hines Produce Co.,"

requesting that Permit No. M-7456 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7456, heretofore issued to \_\_\_\_\_

H. B. Hines & F. H. Hines, dba "Hines Produce Co.,"

be,

and the same is hereby, declared cancelled effective November 10, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Regis C. Nelson*  
*[Signature]*  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONALD D. SCHOONOVER, DOING BUSI- )  
NESS AS "L. P. SCHOONOVER GAS COM- )  
PANY," ARRIBA, COLORADO. )  
----- )

PERMIT NO. M-7605

-----  
November 30, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Donald D. Schoonover, dba "L. P. Schoonover Gas Company"

requesting that Permit No. M-7605 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7605, heretofore issued to \_\_\_\_\_

Donald D. Schoonover, dba "L. P. Schoonover Gas Company," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 12, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Rep. C. Holton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES C. THORNTON, DOING BUSINESS )  
AS "THORNTON IMPLEMENT COMPANY," )  
1112 GREENWOOD AVENUE, CANON CITY, )  
COLORADO. )

PERMIT NO. M-8077

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
James C. Thornton, dba "Thornton Implement Company,"  
requesting that Permit No. M-8077 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8077, heretofore issued to \_\_\_\_\_  
James C. Thornton, dba "Thornton Implement Company," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,  
this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CLAIR H. & ELSIE ULDRICKSON, HOT )  
SPRINGS, SOUTH DAKOTA. )  
 )  
 )  
 )

PERMIT NO. M-8888

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Clair H. & Elsie Uldrickson

requesting that Permit No. M-8888 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8888, heretofore issued to \_\_\_\_\_

Clair H. & Elsie Uldrickson \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective June 28, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ray C. Anton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANCIS W. TERRY, ROUTE I, BOULDER, )  
COLORADO. )

PERMIT NO. M-9535

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Francis W. Terry

requesting that Permit No. M-9535 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9535, heretofore issued to \_\_\_\_\_

Francis W. Terry \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 21, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAKE DUPREE, BOX 501, GILMER, TEXAS.)

PERMIT NO. M-10617

-----  
November 30, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Jake Dupree

requesting that Permit No. M--10617 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10617, heretofore issued to \_\_\_\_\_  
Jake Dupree \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Heston*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE L. WOOTERS & MARTIN W. KREY, )  
DOING BUSINESS AS "K. W. ADVERTISING )  
COMPANY," 418 SOUTH LAMAR CT., )  
DENVER, COLORADO. )

PERMIT NO. M-10719

-----  
November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George L. Wooters & Martin W. Krey, dba "K. W. Advertising Company,"  
requesting that Permit No. M-10719 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10719, heretofore issued to \_\_\_\_\_  
George L. Wooters & Martin W. Krey, dba "K. W. Advertising Company," be,  
and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Regis C. Hinton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LESTER A. WILLISON, ROUTE I, GRAND )  
JUNCTION, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. B-4976-I

\_\_\_\_\_  
November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Lester A. Willison

requesting that Permit No. B-4976-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4976-I, heretofore issued to \_\_\_\_\_  
Lester A. Willison \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 4, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ray C. Herbert*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 30th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

FRANK J. DAVES, 500 W. BASELINE,  
LAFAYETTE, COLORADO.

PERMIT NO. B-2203

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Frank J Daves

requesting that Permit No. B-2203 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. EB2203, heretofore issued to \_\_\_\_\_

Frank J Daves

be,

and the same is hereby, declared cancelled effective November 18, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Weston*  
*[Signature]*  
*[Signature]*  
Commissioner

Dated at Denver, Colorado,

this 30th day of November, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HAROLD B. WOODS, DOING BUSINESS AS )  
"ALEXANDER & FRIANT WHOLESALE," 121 )  
EAST FIRST STREET, SALIDA, COLORADO.)  
-----

PERMIT NO. M-5196

-----  
November 30, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Harold B. Woods, dba "Alexander & Friant Wholesale,"  
requesting that Permit No. M-5196 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5196, heretofore issued to \_\_\_\_\_  
Harold B. Woods, dba "Alexander & Friant Wholesale," be,  
and the same is hereby, declared cancelled effective October 31, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thomas  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROY ORMSBY & DANIEL J. SCOTTI, DO- )  
ING BUSINESS AS "ROSCO FOOD SERVICE, )  
2431 SOUTH BROADWAY, DENVER, COLO- )  
RADO. )

PERMIT NO. M-7765

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Roy Ormsby & Daniel J. Scotti, dba "Rosco Food Service,"  
requesting that Permit No. M-7765 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7765, heretofore issued to \_\_\_\_\_  
Roy Ormsby & Daniel J. Scotti, dba "Rosco Food Service," be,  
and the same is hereby, declared cancelled effective November 11, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,  
this 30th day of November, 195 6.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HANDY ANDY SUPER MARKET, 1035 NORTH )  
WHITAKER, ODESSA, TEXAS. )  
\_\_\_\_\_ )

PERMIT NO. M-8625

\_\_\_\_\_  
November 30, 1956  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Handy Andy Super Market

requesting that Permit No. M-8625 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8625, heretofore issued to \_\_\_\_\_  
Handy Andy Super Market \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 25, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE E. LEVKULICH, JR., & LEO K. )  
TUCKER, DOING BUSINESS AS "MOUNTAIN )  
AIR SPRAY COMPANY," CRAIG, COLORADO.)

PERMIT NO. M-9800

-----  
November 30, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

George E. Levkulich, Jr. & Leo K. Tucker, dba "Mountain Air Spray Company,"

requesting that Permit No. M-9800 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9800, heretofore issued to \_\_\_\_\_

George E. Levkulich, Jr. & Leo K. Tucker, dba "Mountain Air Spray Company," be,

and the same is hereby, declared cancelled effective November 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. ...*  
*...*  
*...*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

ROBERT BOONE, SOUTH STAR ROUTE,  
FORT MORGAN, COLORADO.

PERMIT NO. M-10171

November 30th, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Robert Boone

requesting that Permit No. M-10171 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10171, heretofore issued to \_\_\_\_\_

Robert Boone

be,

and the same is hereby, declared cancelled effective August 30, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Nolan*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 195 6.

Original

(Decision No. 46899)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ANITA D. KARR AND ALMA M. DENIO, CO-  
PARTNERS, DOING BUSINESS AS "A. W.  
KARR & CO.," AND ED MAPES, HARRY  
CONNELL AND WALTER SHORT, CO-PARTNERS,  
DOING BUSINESS AS "ED MAPES & CO.,"  
LA SALLE, COLORADO, FOR AUTHORITY TO  
TRANSFER PERMIT NO. A-118 TO E. D.  
MAPES, HARRY CONNELL, JR., HUGH F.  
DENIO, ANITA K. DENIO AND WILLIAM E.  
ANKENEY, CO-PARTNERS, DOING BUSINESS  
AS "ED MAPES & CO.," 1907 EIGHTH  
STREET, GREELEY, COLORADO.

APPLICATION NO. 14871-PP-Transfer

November 29, 1956

Appearances: Houtchens and Houtchens, Esqs.,  
Greeley, Colorado, for  
Applicants;  
Barry and Rupp, Esqs., Denver,  
Colorado, by Albert B.  
Dawkins, Esq., for Colorado  
Milk Transport Company;  
Marion F. Jones, Esq., Denver,  
Colorado, for Consolidated  
Milk Lines.

S T A T E M E N T

By the Commission:

The instant application was set for hearing before the  
Commission for November 23, 1956, at ten o'clock A. M., at which  
time and place counsel for applicants requested that the setting  
be vacated and the application re-set for hearing at some future  
time convenient to the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the request of counsel for applicants should be  
granted.

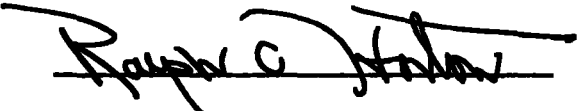
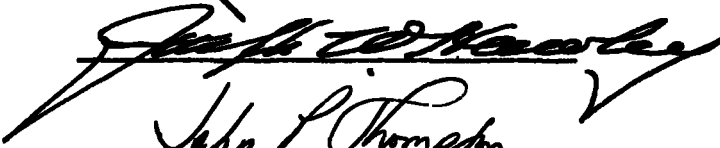

O R D E R

THE COMMISSION ORDERS:

That the setting in Application No. 14871-PP for transfer

of Permit No. A-118 should be, and is hereby vacated, to be re-set for hearing at some future time convenient to the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

ea

*original*

(Decision No. 46900)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ED MAPES, OR E. D. MAPES, GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1425 TO E. D. MAPES, HARRY CONNELL, JR., HUGH F. DENIO, ANITA K. DENIO AND WILLIAM E. ANKENEY, CO-PARTNERS, DOING BUSINESS AS "WELCO MILK LINES," 1907 EIGHTH STREET, GREELEY, COLORADO, SAID TRANSFERRED OPERATING RIGHTS TO BE CONSOLIDATED WITH AND BECOME A PART OF, PUC NO. 556. (APPLICANTS REQUEST THAT WHEREVER THE WORDS "WINDSOR FARM DAIRY" APPEAR IN SAID OPERATING RIGHTS UNDER PUC NO. 1425, "BEATRICE FOODS COMPANY" BE SUBSTITUTED THEREFOR, INASMUCH AS WINDSOR FARM DAIRY HAS BEEN PURCHASED BY SAID BEATRICE FOODS COMPANY.)

APPLICATION NO. 14868-Transfer

IN THE MATTER OF THE APPLICATION OF HARRY CONNELL, JR., LA SALLE, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1427 TO E. D. MAPES, HARRY CONNELL, JR., HUGH F. DENIO, ANITA K. DENIO, AND WILLIAM E. ANKENEY, CO-PARTNERS, DOING BUSINESS AS "WELCO MILK LINES," 1907 EIGHTH STREET, GREELEY, COLORADO, SAID TRANSFERRED OPERATING RIGHTS TO BE CONSOLIDATED WITH, AND BECOME A PART OF, PUC NO. 556. (APPLICANTS REQUEST THAT WHEREVER THE WORDS "WINDSOR FARM DAIRY" APPEAR IN SAID OPERATING RIGHTS UNDER PUC NO. 1427, "BEATRICE FOODS COMPANY," BE SUBSTITUTED THEREFOR, INASMUCH AS WINDSOR FARM DAIRY HAS BEEN PURCHASED BY SAID BEATRICE FOODS COMPANY.)

APPLICATION NO. 14869-Transfer

IN THE MATTER OF THE APPLICATION OF HUGH F. DENIO, ANITA K. DENIO, AND WILLIAM E. ANKENEY, CO-PARTNERS, DOING BUSINESS AS "DENIO MILK ROUTE," GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 556 TO E. D. MAPES, HARRY CONNELL, JR., HUGH F. DENIO, ANITA K. DENIO AND WILLIAM E. ANKENEY, CO-PARTNERS, DOING BUSINESS AS "WELCO MILK LINES," 1907 EIGHTH STREET, GREELEY, COLORADO. (APPLICANTS REQUEST THAT WHEREVER THE WORDS "WINDSOR FARM DAIRY" APPEAR IN SAID OPERATING RIGHTS UNDER PUC NO. 556, "BEATRICE FOODS COMPANY" BE SUBSTITUTED THEREFOR, INASMUCH AS WINDSOR FARM DAIRY HAS BEEN PURCHASED BY SAID BEATRICE FOODS COMPANY.)

APPLICATION NO. 14870-Transfer

- - - - -  
November 30, 1956  
- - - - -

Appearances: Houtchens and Houtchens, Esqs.,  
Greeley, Colorado, for  
Applicants;  
Barry and Hupp, Esqs., Denver,  
Colorado, by Albert B. Dawkins,  
Esq., for Colorado Milk  
Transport Company;  
Marion F. Jones, Esq., Denver,  
Colorado, for Consolidated  
Milk Lines.

S T A T E M E N T

By the Commission:

Ed Mapes, also sometimes known as "E. D. Mapes" is  
the owner and operator of PUC-1425, authorizing:

Transportation of milk to LaSalle and Denver,  
for the Windsor Farm Dairy, from the area des-  
cribed as follows: Beginning at the town of La  
Salle, thence south  $5\frac{1}{2}$  miles via county roads  
between Sections 5 and 6 in Township 4-North,  
Range 65-West to the SW corner of Section 32,  
Township 4-North, Range 65-West; thence east 6  
miles to the SW corner of Section 32, Township  
4-North, Range 64-West; thence north 4 miles  
to the NE corner of Section 18, Township 4-North,  
Range 64-West; thence west 6 miles to the NW  
corner of Section 17, Township 4-North, Range  
65-West; also the territory abutting on the  
following described routes not embraced within  
the above boundary lines; Beginning at the SE  
corner of Section 33, Township 4-North, Range  
65-West; thence south  $\frac{1}{2}$  mile, returning over  
the same route; Beginning at the SE corner of  
Section 35, Township 4-North, Range 65-West;  
thence south 2 miles, returning over the same  
route; Beginning at the SE corner of Section 36,  
Township 4-North, Range 65-West; thence south 4  
miles, returning over the same route; Beginning  
at the SE corner of Section 8, Township 4-North,  
Range 65-West; thence north 1 mile, returning  
over the same route.

Transportation of milk as follows: Beginning at  
the City of Greeley, thence east on State High-  
way 263 to the E $\frac{1}{4}$  corner of Section 5, Township  
5-North, Range 64-West; thence south  $1\frac{1}{2}$  miles to  
the SE corner of Section 8, Township 5-North,  
Range 64-West; thence west 6 miles via county  
roads to the SW corner of Section 9, Township 5-  
North, Range 65-West; and beginning at the NE  
corner of Section 8, Township 5-North, Range 64-  
West; thence east  $1\frac{1}{2}$  miles; thence north  $\frac{1}{2}$  mile;  
thence east  $\frac{1}{2}$  mile to the W $\frac{1}{4}$  corner of Section 2,  
Township 5-North, Range 64-West; thence north  $4\frac{1}{2}$   
miles to the NW corner of Section 14, Township 6-  
North, Range 64-West; thence east 2 miles to the  
SW corner of Section 7, Township 6-North, Range  
63-West; thence north 2 miles to the NW corner  
of Section 6, Township 6-North, Range 63-West;

thence east 9 miles to the NE corner of Section 4, Township 6-North, Range 62-West; thence south 3 miles to the SE corner of Section 16, Township 6-North, Range 62-West; thence west 9 miles to the SW corner of Section 18, Township 6-North, Range 63-West; thence south 2 miles to the SW corner of Section 30, Township 6-North, Range 63-West; thence west 1 mile to the NW corner of Section 36, Township 6-North, Range 64-West; thence south  $2\frac{1}{2}$  miles to the E $\frac{1}{4}$  corner of Section 11, Township 5-North, Range 64-West; thence west  $\frac{1}{2}$  mile to the center of said Section 11; thence south 1 mile to the center of Section 14, Township 5-North, Range 64-West; thence northwesterly via county road to where county road intersects the E $\frac{1}{4}$  corner of Section 8, Township 5-North, Range 64-West; also the abutting territory in the following described route not embraced within the above boundary lines: Beginning at the center of Section 14, Township 5-North, Range 64-West; thence east 1 mile; south  $\frac{1}{2}$  mile; east  $\frac{1}{2}$  mile to the SE corner of Section 13, Township 5-North, Range 64-West; returning via the same route together with the off-route pickup points of Gamfield, Galetton, Fosston, Gill, Hardin, Kumer and Kersey, to La Salle and Denver for the Windsor Farm Dairy.

Transportation of milk from the territory described as: Everything south of the north boundary line, beginning at the NE corner of Section 22, Township 6-North, Range 64-West; thence 2 miles west to the NW corner of Section 21, Township 6-North, Range 64-West; thence south  $2\frac{1}{2}$  miles; thence east 1 mile; thence  $2\frac{1}{2}$  miles north to the NE corner of Section 21, Township 6-North, Range 64-West, to local markets and Greeley, Galetton and Eaton.

Transportation of milk to Denver and points within 5 miles thereof, from a territory described as follows: Commencing at the community of Cornish; thence east 5 miles; thence south 3 miles; thence west 9 miles; thence south 2 miles; thence west 1 mile; thence south  $2\frac{1}{2}$  miles; thence west  $\frac{1}{2}$  mile; thence south 1 mile; thence generally west approximately 10 miles to the Town of Greeley; thence north approximately 1 mile; thence leaving Greeley proceed easterly approximately 8 miles to the southeast corner of Section 4, Township 5-North, Range 64-West; thence north 1 mile; thence west 1 mile; thence north  $2\frac{1}{2}$  miles to the northwest corner of Section 21, Township 6-North, Range 64-West; thence east 2 miles; thence north 1 mile; thence east 2 miles; thence north 2 miles; thence east 4 miles to the Town of Cornish, which was the point of beginning.

By Application No. 14868, said certificate owner seeks authority to transfer his operating rights under said PUC-1425 to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, and William E. Ankeney, co-partners, doing business as "Welco Milk Lines."

Harry Connell, Jr., is the owner and operator of PUC-1427, authorizing:

Transportation of milk to La Salle and Denver for the Windsor Farm Dairy from the area described as: Beginning at the Town of LaSalle, thence south  $5\frac{1}{2}$  miles via county road between Sections 5 and 6, in Township 4-North, Range 65-West to the SE corner of Section 31, Township 4-North, Range 65-West; thence west  $6\frac{1}{2}$  miles to the S $\frac{1}{4}$  corner of Section 31, Township 4-North, Range 66-West; thence north 2 miles to the N $\frac{1}{4}$  corner of Section 30, Township 4-North, Range 66-West; thence east  $\frac{1}{2}$  mile to the SW corner of Section 20, Township 4-North, Range 66-West; thence north approximately 2 miles to the south side of the South Platte River; thence in a northeasterly direction via county road adjacent to the south bank of the South Platte River to the NE corner of Section 2, Township 4-North, Range 66-West; thence south 1 mile; thence east approximately 1 mile to the U. S. Highway 85; also the territory abutting on the following described routes not embraced in the above boundary lines; Beginning at the SE corner of Section 34, Township 4-North, Range 66-West; thence south 1 mile, returning via the same route; beginning at the NE corner of Section 17, Township 4-North, Range 66-West; thence north 1 mile, returning via the same route; beginning at the NE corner of Section 17, Township 4-North, Range 66-West; thence west 2 miles to the NW corner of Section 13, Township 4-North, Range 67-West; returning via the same route.

By Application No. 14869, said certificate owner seeks authority to transfer his operating rights under said PUC-1427 to the same transferees named in Paragraph 2 hereof.

Hugh F. Denio, Anita K. Denio, and William E. Ankeney, co-partners, doing business as "Denio Milk Route," are the owners and operators of PUC-556, authorizing:

Transportation of milk to Windsor Farm Dairy in LaSalle and in Denver, Colorado, along the route described as: Beginning at Greeley, Colorado, and running north to the Town of Eaton; thence 5 miles east; thence 3 miles north; thence 8 miles east; thence back along said route 1 mile west; thence 4 miles south; thence 2 miles west; thence 2 miles south; thence 1 mile west; thence  $2\frac{1}{2}$  miles south; thence 3 miles west; thence  $\frac{1}{2}$  mile south; thence along the Gill-Greeley Highway to the City of Greeley, Colorado;

Transportation of milk and cream to Denver from all points in the following described area to-wit: Beginning at the NE corner of Section 13, Township 6-North, Range 66-West; thence west 3 miles; thence south 1 mile; thence west 3 miles; thence south 9 miles to the SW corner of Section 31, Township 5-North, Range 66-West; thence east 2 miles; thence south 1 mile; thence east to the South Platte River; thence along the north and west side of said river to a point where said river intersects the east boundary line of Section 36, Township 5-North,



Range 66-West; thence north to the place of beginning; Excepting therefrom the territory transferred out of FUC-556 by Decision No. 25349, being the transportation of: Milk in the following described area: Everything south of the north boundary beginning at the NE corner of Section 22, Township 6-North, Range 64-West; thence 2 miles west to the NW corner of Section 21, Township 6-North, Range 64-West; thence south  $2\frac{1}{2}$  miles; thence east 1 mile; thence  $2\frac{1}{2}$  miles north to the NE corner of Section 21, Township 6-North, Range 64-West.

Transportation of milk and cream to points within a five-mile radius of Denver, Colorado, from the territory now authorized to be served by said Certificate, and further, to include the transportation of milk and cream to the town of La Salle, Colorado, to Denver, Colorado, and points within a radius of five miles of Denver, from the following described territory, to-wit: Beginning at the SW corner of Section 31, Township 7-North, Range 65-West of the 6th P. M.; thence northwesterly along U. S. Highway No. 85 to the NE corner of Section 26, Township 8-North, Range 66-West of the 6th P. M.; thence east a distance of 7 miles to the NE corner of Section 26, Township 8-North, Range 65-West of the 6th P. M.; thence south a distance of 8 miles to the SE corner of Section 35, Township 7-North, Range 65-West of the 6th P. M.; thence west a distance of five miles to the point of beginning.

By Application No. 14870, said certificate owners seek authority to transfer their operating rights under said FUC-556 to the same transferees named in Paragraph 2 hereof.

The three applications were set for hearing before the Commission, with due notice to all interested parties, at 330 State Office Building, Denver, Colorado, for ten o'clock A. M., November 23, 1956, and by consent of interested parties were there heard on a consolidated record, and taken under advisement.

William E. Ankeney, one of the owners of FUC-556, representing all parties in interest named in the three applications, testified in support of the proposed transfers. He verified the ownership of the three certificates and described the three separate territories in which operations have been conducted. He asked leave to amend the maps attached to the applications as Exhibit A to correspond to the actual authorities

by adding a route running one mile south from the southeast corner of Section 32, Township 4-North, Range 66-West, and return over the same route; a route beginning at the northwest corner of Section 17, Township 4-North, Range 66-West running thence one mile north, with return over the same route; and a route beginning in the northwest corner of Section 17, Township 4-North, Range 66-West running thence west 2 miles to the northwest corner of Section 13, Township 4-North, Range 67-West, and return, and leave was granted.

Witness also asked that the area Harry Connell, Jr., is authorized to serve under PUC-1427 be amended by substituting for the latter part thereof reading: "Beginning at the southeast corner of Section 34, Township 4-North, Range 66-West thence south 1 mile, returning via the same route; beginning at the NE corner of Section 17, Township 4-North, Range 66-West; thence north 1 mile, returning via the same route; beginning at the NE corner of Section 17, Township 4-North, Range 66-West; thence west 2 miles to the NW corner of Section 13, Township 4-North, Range 67-West; returning via the same route" the following:

"Beginning at the SE corner of Section 32, Township 4-North, Range 66-West; thence south 1 mile, returning via the same route; beginning at the NW corner of Section 17, Township 4-North, Range 66-West; thence north 1 mile, returning via the same route; beginning at the NW corner of Section 17, Township 4-North, Range 66-West; thence west 2 miles to the NW corner of Section 13, Township 4-North, Range 67-West; returning via the same route."

An Order will be entered providing for such substitution.

The purpose of the proposed transfer is to permit of a more economical and efficient operation so that better service can be offered present and future customers and the general public. All parties having an interest in the three certificates are represented in the new partnership, and it is requested that the three authorities be consolidated under PUC-556 for convenience in operation. There are other carriers in the area but there will

no difference in the competitive situation. Witness will be the manager of the new co-partnership. The present equipment of the three applicants will be transferred to the new co-partnership, and as proof thereof a new equipment list and financial statement filed by transferees when the transfers are finally effected. The same rates for service will be charged as presently fixed and as fixed at any time in the future by the Commission.

Witness explained that "Windsor Farm Dairy" was purchased by "Beatrice Foods Co." several years ago, and that all reference to the former in the three certificates should be amended accordingly. He further explained that Ed Mapes, sometimes known as "E. D. Mapes," prefers to use the name "E. D. Mapes" in the new partnership, and Harry Connell, Jr., desires to use the name "Harry Connell."

There is no indebtedness against the three certificates to be transferred or operations thereunder.

No evidence was given in opposition, and no reason appears why the applications should not be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement should be made a part of these Findings, by reference.

That the various orders requested should be entered, and the proposed transfers authorized.

#### O R D E R

##### THE COMMISSION ORDERS:

That Ed Mapes, or E. D. Mapes, Greeley, Colorado, be, and is hereby, authorized to transfer all his right, title, and interest in and to PUC-1425 -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio and William E. Ankeney, co-partners, doing business as "Welco Milk Lines," 1907 Eighth Street, Greeley, Colorado, said transferred operating rights to be consolidated with, and become a part of,

PUC No. 556.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That Harry Connell, Jr., LaSalle, Colorado, be, and is hereby, authorized to transfer all his right, title, and interest in and to PUC-1427 -- being the authority set forth in the above and foregoing Statement, which is made a part hereof by reference -- to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio and William E. Ankeney, co-partners, doing business as "Welco Milk Lines," 1907 Eighth Street, Greeley, Colorado, said transferred operating rights to be consolidated with, and become a part of, PUC No. 556.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future

will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That Hugh F. Denio, Anita K. Denio, and William E. Ankeney, co-partners, doing business as "Denio Milk Route," Greeley, Colorado, be, and are hereby, authorized to transfer all their right, title, and interest in and to PUC-556 -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, and William E. Ankeney, co-partners, doing business as "Welco Milk Lines," 1907 Eighth Street, Greeley, Colorado.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

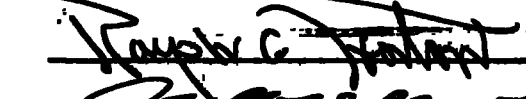
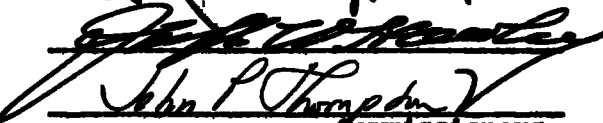
That the authority under PUC-1427 of Harry Connell, Jr., should be, and is hereby, amended by substituting for the latter part thereof reading: "Beginning at the southeast corner of Section 34, Township 4-North, Range 66-West, thence south 1 mile, returning via the same route; beginning at the NE corner of Section 17, Township 4-North, Range 66-West; thence north 1 mile, returning via the same route; beginning at the NE corner of Section 17, Township 4-North, Range 66-West; thence west 2 miles to the NW corner of Section 13, Township 4-North, Range 67-West; returning via the same route," the following:

"Beginning at the SE corner of Section 32, Township 4-North, Range 66-West; thence south 1 mile, returning via the same route; beginning at the NW corner of Section 17, Township 4-North, Range 66-West; thence north 1 mile, returning via the same route; beginning at the NW corner of Section 17, Township 4-North, Range 66-West; thence west 2 miles to the NW corner of Section 13, Township 4-North, Range 67-West; returning via the same route."

That the words "Windsor Farm Dairy" wherever the same appear in the three authorities to be transferred should be, and are hereby, amended to read "Beatrice Foods Co."

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of November, 1956.

ea

original

(Decision No. 46901)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
K. L. VAN VALKENBURG, 5485 NORTH )  
SHERIDAN BOULEVARD, ARVADA, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO OP- )  
ERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE, FOR THE TRANSPOR- )  
TATION OF SAND, GRAVEL, AND OTHER )  
ROAD-SURFACING MATERIALS USED IN THE )  
CONSTRUCTION OF ROADS AND HIGHWAYS )  
FROM PITS AND SUPPLY POINTS IN THE )  
STATE OF COLORADO, TO ROAD JOBS, )  
MIXER AND PROCESSING PLANTS WITHIN A )  
RADIUS OF FIFTY MILES OF SAID PITS )  
AND SUPPLY POINTS: SAND AND GRAVEL, )  
FROM PITS AND SUPPLY POINTS IN THE )  
STATE OF COLORADO, TO RAILROAD LOAD- )  
ING POINTS, AND TO HOMES AND SMALL )  
CONSTRUCTION JOBS WITHIN A RADIUS )  
OF FIFTY MILES OF SAID PITS AND )  
SUPPLY POINTS; SAND, GRAVEL, DIRT, )  
STONE, AND REFUSE, FROM AND TO )  
BUILDING CONSTRUCTION JOBS, TO AND )  
FROM POINTS WITHIN A RADIUS OF FIFTY )  
MILES OF SAID JOBS; INSULROCK, FROM )  
PITS AND SUPPLY POINTS IN THE STATE )  
OF COLORADO, TO ROOFING JOBS WITHIN )  
A RADIUS OF FIFTY MILES OF SAID PITS )  
AND SUPPLY POINTS. (APPLICANT RE- )  
QUESTS THAT IN THE EVENT AUTHORITY )  
HEREIN SOUGHT IS GRANTED, PERMIT )  
SHALL BEAR THE NUMBER "B-4189," )  
BEING THE NUMBER OF A PERMIT FOR- )  
MERLY HELD BY HIM). )  
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APPLICATION NO. 14801-PP  
SUPPLEMENTAL ORDER

-----  
November 28, 1956  
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By the Commission:

The above-styled application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 25, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

When said application was called for hearing at the time and

place set forth in Notice of Hearing, applicant failed to appear, either in person or by counsel.

Therefore, on October 29, 1956, the Commission entered its Decision No. 46747, dismissing said application for lack of prosecution.

It now appears that applicant did not receive Notice of Hearing, he being out of the State at the time said application was set for hearing, said Notice being returned, unclaimed, to the Commission.

Applicant now requests that said application be re-set for hearing.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

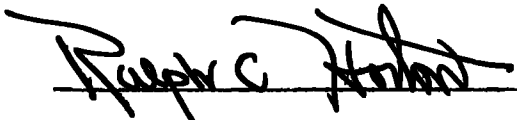
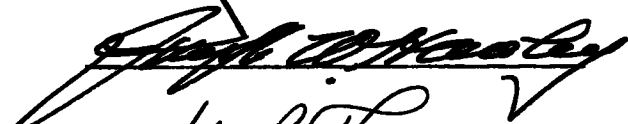

THE COMMISSION ORDERS:

That Decision No. 46747, of date October 29, 1956, should be, and the same hereby is, vacated, set aside, and held for naught.

That Application No. 14801-PP should be, and the same hereby is, re-set for hearing, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1956, at ten o'clock A. M.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of November, 1956.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HUGO L. WILLIS, GEORGE TOMASI, )  
AND BEN J. TOMASI, CO-PARTNERS, )  
DOING BUSINESS AS "WILLIS & )  
TOMASI," SILVERTON, COLORADO. )  
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PERMIT NO. B-2967

-----  
November 23, 1956  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-named permittees, requesting authority to further suspend operations under Permit No. B-2967, they, heretofore, by Decision No. 45926, of date May 24, 1956, being authorized to suspend operations under said permit until November 24, 1956.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Hugo L. Willis, George Tomasi, and Ben J. Tomasi, co-partners, doing business as "Willis & Tomasi," Silverton, Colorado, should be, and they hereby are, authorized to further suspend operations under Permit No. B-2967 until May 24, 1957.

That unless said permit-holders shall, prior to the expiration of said suspension period, make a request, in writing, for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Wayne C. Horton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF }  
EASTERN UTAH TRANSPORTATION COM- }  
PANY, 120 SOUTH SECOND WEST }  
STREET, SALT LAKE CITY, UTAH. }  
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PUC NO. 882-I  
CASE NO. 78612-INS.

-----  
November 28, 1956  
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S T A T E M E N T

By the Commission:

On November 8, 1956, in Case No. 78612-Ins., the Commission entered its Order, revoking PUC No. 882-I for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

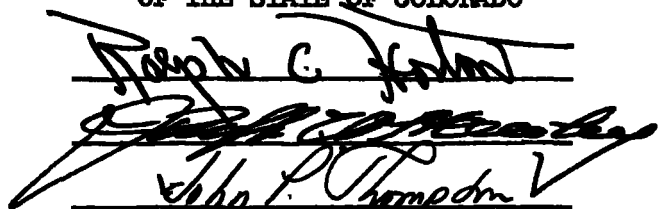
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 882-I should be, and hereby is, reinstated, as of November 8, 1956, revocation order entered by the Commission on said date in Case No. 78612-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JULIUS BUSSARD, DOING BUSINESS AS  
"BUSSARD BUS SERVICE," 3395 SOUTH  
LINCOLN STREET, ENGLEWOOD, COLO-  
RADO, FOR PERMISSION TO ABANDON A  
PORTION OF OPERATIONS UNDER PUC  
NO. 1450, VIZ., CITY BUS SERVICE,  
IN TRINIDAD, COLORADO.

APPLICATION NO. 14855  
INTERIM ORDER

-----  
November 29, 1956  
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Appearances: Julius Bussard, Englewood,  
Colorado, for Applicant;  
Franklin W. Azar, Esq.,  
Trinidad, Colorado, for  
the City of Trinidad.  
J. L. McNeill, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Application was filed by Julius Bussard, doing business as "Bussard Bus Service," for permission to abandon a portion of operations under PUC-1450, that is, City Bus Service, in Trinidad, Colorado.

The application was regularly set for hearing, and heard, at the Court House in Trinidad, Colorado, on November 26, 1956, and at the conclusion thereof, was taken under advisement.

At the hearing for abandonment of all bus service in Trinidad, Applicant Bussard asked to abandon his Sunday service in Trinidad at once, for the reason that the Sunday service is not being used by the public, and is causing him unnecessary expense.

At the hearing, the Commission was impressed by the fact that there are a great many old people residing in Trinidad who will be deprived of transportation service if the entire

operation is abandoned. It is therefore the opinion of the Commission that in order to protect service in Trinidad and to get a full and true picture concerning said service, applicant, on or before January 10, 1957, should file a report of his December operations, showing daily number of riders and revenue, and a detailed statement of expenses and revenue. This statement and report should be filed as a late-filed exhibit. The reason the Commission is interested in this is that we feel the people of Trinidad should be given an opportunity to use this service and the December service would be in the nature of a trial service, indicating to the Commission whether or not the people of Trinidad will patronize the service. In other words, if the people of Trinidad are not going to use the service and losses continue to appear in the statement as they have for the past few months, the Commission will have no other alternative than to grant the application for abandonment.

The residents of Trinidad, by this Order, are hereby notified that if the bus company does not receive additional patronage, we will have no other alternative than to abandon the service.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Applicant be permitted to abandon Sunday service in Trinidad, and the Commission further finds that applicant should file a late-filed exhibit showing daily patronage and receipts and disbursements for the December operation.

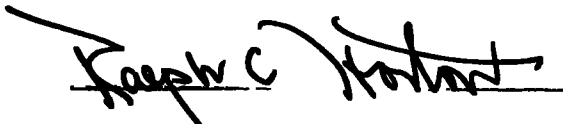
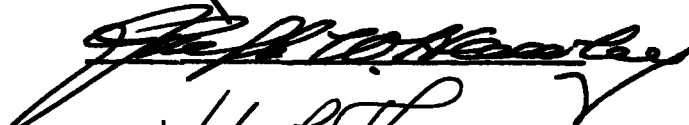
#### O R D E R

##### THE COMMISSION ORDERS:

That Applicant be permitted to discontinue his Sunday service in Trinidad, Colorado, and that he file a late-filed exhibit on or before January 10, 1957, showing daily patronage and receipts and disbursements for his December operations.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
C. M. SULLIVAN, DOING BUSINESS AS  
"SULLY'S TRANSFER & STORAGE," 300  
SOUTH MAIN STREET, PUEBLO, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY, AUTHORIZING  
EXTENSION OF OPERATIONS UNDER PUC  
NO. 2288.

APPLICATION NO. 14837-Extension

November 29, 1956

Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr. Esq.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

Applicant herein is the owner of Certificate of Public  
Convenience and Necessity No. 2288, which authorizes the following:

Transportation, on call and demand, over ir-  
regular routes, of used uncrated household  
goods, new and used store and office fixtures  
and appliances, and new and used electric and  
gas household appliances, pianos, and musical  
instruments, between points within a five-mile  
radius of Pueblo, including Pueblo, and be-  
tween points in that area, on the one hand,  
and, on the other hand, points within a forty-  
mile radius of Pueblo; transportation, however,  
to be restricted to service to points not served  
by scheduled common carriers; transportation of:  
(a) beets, loose hay, melons, cantaloupes, and  
onions from fields, and grain from threshers  
within a radius of three miles of applicant's  
home (located three and one-half miles east of  
Pueblo), to storage, loading points and markets  
in said area, and to Avondale and Pueblo; and  
(b) farm products, including livestock, from  
point to point in Pueblo County, except and  
provided, however, that applicant shall not  
render any transportation service in that part  
of Pueblo County lying west of a line extending  
from Pueblo south to the south boundary line of  
Pueblo County, and shall not conduct any trans-  
portation service between, from, or to points  
within a radius of fifteen miles of Avondale,

Colorado, except in the three-mile radius of his farm home as described above, and shall not conduct any service of a competitive character between towns along U. S. Highway Nos. 85 and 50, in competition with scheduled common carriers; transportation, not on schedule, of livestock, farm products, farm supplies, second-hand farm machinery, and used household goods, between points in Pueblo County, except that portion of said county which lies west of U. S. Highway No. 85 and south of the Arkansas River, and from and to points in said area, to and from points in the State of Colorado, without the right to serve between points served by motor vehicle carriers operating on schedule; transportation of construction equipment and supplies for the construction of farm reservoirs, ditches, etc., from farm to town, town to farm and farm to farm in Pueblo County.

On October 5, 1956, C. M. Sullivan, doing business as "Sully's Transfer & Storage," filed an application with the Commission for authority to extend service under his certificate of public convenience and necessity, and in the same application, asked to abandon a portion of the service authorized under his certificate, so that the authority under his certificate, will be as follows:

(1) Transportation of new and used household goods, new and used store and office fixtures and appliances, new and used electric and gas household appliances, and musical instruments, between points within the City of Pueblo, and those within a radius of five miles thereof, and between points within said area, on the one hand, and, on the other, points within a radius of forty miles of Pueblo, Colorado;

(2) Used household goods, between points in Pueblo County, and between points in Pueblo County, on the one hand, and, on the other hand, points in the State of Colorado.

The above application was regularly set for hearing, and heard, at the Court House, Pueblo, Colorado, November 20, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has been licensed in the City of Pueblo for express service since 1942, and wishes to avail himself of his "Grandfather Rights" within the City of Pueblo, Colorado.

It further appeared that applicant is presently operating four furniture-type vans, and has a net worth of approximately \$55,000.

C. M. Sullivan, applicant herein, reviewed the history of his operations and his present authority, and stated he desired to have his authority limited, as set forth in the application, and extended, to properly take care of the needs of his customers in Pueblo.

Several public witnesses appeared, who testified as to applicant's fitness and service, and all were of the opinion that applicant's request was in the public interest, and was definitely needed by the residents of Metropolitan Pueblo.

It also appears that notice of the hearing was served on all common carriers whose operations might be affected by the granting of the certificate of public convenience and necessity herein sought.

No one appeared protesting the application, so it would appear that the proposed service of applicant is needed, and the granting of the same would be in the public interest.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant, as hereinafter set forth, and the elimination of a portion of his present authority, for the reason that said service is no longer required by the public, and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed motor vehicle common carrier service of applicant, under PUC No. 2288, for the transportation, on call and demand, over



irregular routes, of:

(1) Transportation of new and used household goods, new and used store and office fixtures and appliances, new and used electric and gas household appliances, and musical instruments, between points within the City of Pueblo, and those within a radius of five miles thereof, and between points within said area, on the one hand, and, on the other, points within a radius of forty miles of Pueblo, Colorado;

(2) Used household goods, between points in Pueblo County, and between points in Pueblo County, on the one hand, and, on the other hand, points in the State of Colorado,

and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

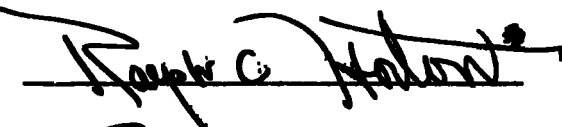
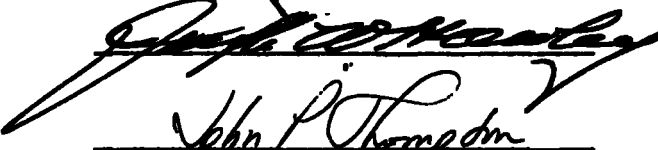
That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That applicant shall have no other authority under said PUC No. 2288 except as above set forth, and all other authority by virtue of past decisions of this Commission is hereby declared to be abandoned.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EASTERN UTAH TRANSPORTATION COMPANY, )  
3201 RINGSBY COURT, DENVER, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO )  
RINGSBY TRUCK LINES, INC., 3201 )  
RINGSBY COURT, DENVER, COLORADO. )

PUC NO. 882-I-Transfer

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November 29, 1956  
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S T A T E M E N T

By the Commission:

Heretofore, Eastern Utah Transportation Company, Denver, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 882-I issued to it.

Said certificate-holder now seeks authority to transfer said operating rights to Ringsby Truck Lines, Inc., Denver, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, subject to outstanding indebtedness against said operation, if any there be.

O R D E R

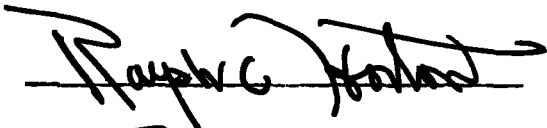
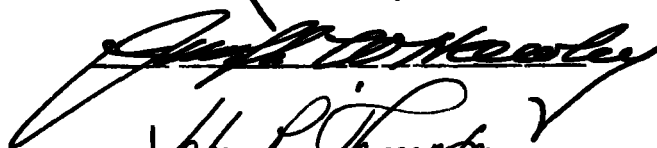

THE COMMISSION ORDERS:

That Eastern Utah Transportation Company, Denver, Colorado,

should be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 882-I to Ringsby Truck Lines, Inc., Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

m/s

original

(Decision No. 46907)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS A. CLARKE AND DOROTHY G. )  
CLARKE, FLEMING, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE THE FLEMING )  
TELEPHONE EXCHANGE, FLEMING, LOGAN )  
COUNTY, COLORADO. )

APPLICATION NO. 13293

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November 29, 1956  
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Appearances: Kreager and Sublett, Esqs.,  
Sterling, Colorado, by  
Charles W. Kreager, Esq.,  
for transferor and trans-  
feree;  
A. L. Mueller, Esq., Denver,  
Colorado, and  
J. L. McNeill, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On February 28, 1955, the above entitled application was filed on behalf of Thomas A. Clarke and Dorothy G. Clarke by the Attorneys for Applicants seeking authority from this Commission to transfer from Alton N. Dunbar and Dorothy Evelyn Dunbar, the telephone system known as the Fleming Telephone Exchange, which exchange has been owned and operated by said Dunbars prior to January 1, 1955.

The matter was set for hearing, after due notice to all interested parties, on Friday, June 10, 1955, at nine thirty o'clock A. M., in the Court House, in Sterling, Colorado. At the conclusion of the hearing, the Commission took the matter under advisement.

Testimony at the hearing revealed that the Clarkes agreed to purchase the Fleming Exchange from the Dunbars and the Deed and Bill of Sale were actually executed on January 4, 1955 (late filed exhibits). The application for Commission approval of said purchase

and sale was filed on February 28, 1955, as previously stated. In his testimony at the hearing, Mr. Clarke stated that he was familiar with the telephone business having been in the business most of his life. However, upon cross-examination, Mr. Clarke made the statement that he did not intend to climb poles in order to make repairs. Upon being pressed for a further explanation of this statement, he admitted that in case of necessity or emergency he would personally climb poles to make the necessary repairs. His contention was, however, that he would employ a part time repairman whose duty it would be to make this type of outside repair.

Various customers of the Telephone Company appeared and testified at the hearing complaining about the type of service rendered. Instances cited were that there were considerable delays between the time Mr. Clarke was notified of the telephone outage and the time when the phone was placed back in service. It will serve no point here to elaborate on the details of the complaints, but the Commission was concerned at the time of the hearing as to how this telephone company was to be operated in the future. Mr. Clarke made several statements in his testimony as to how he intended to improve the service and how he would promptly take care of complaints and the Commission has deliberately held this matter in abeyance to see what might transpire. Complaints have continued to come into the office of the Commission and have caused grave doubts in our minds as to the service rendered by Mr. Clarke. The fact that Mr. Clarke agreed to purchase this telephone system prior to approval of this Commission should have been a matter for his concern since the mere filing of an application does not automatically grant said application.

The position of the customers and the service to be rendered them after the transfer must of necessity be one of the prime considerations to be considered by the Commission before authorizing the transfer. Despite the Commission's delay in this matter to give ample time

to Mr. Clarke to prove his contentions, we find that service to many complainants has not been improved and it is problematical whether it will ever be improved. In view of the situation that exists, we feel that under the circumstances our only recourse is to deny the transfer since there has not been sufficient showing by Applicants that they can and will render the type of telephone service necessary to operate as a public utility.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the above Statement be made a part of these Findings, by reference.

That the quality of telephone service rendered by the Fleming Telephone Exchange, under the management of Thomas A. Clarke and Dorothy G. Clarke, has been inadequate and the transfer sought should be denied.

That the application of Thomas A. Clarke and Dorothy G. Clarke to purchase the Fleming Telephone Exchange from Alton N. Dunbar and Dorothy Evelyn Dunbar should be denied.

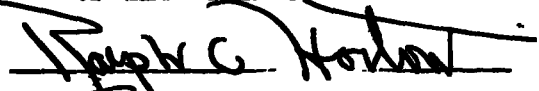

### O R D E R

#### THE COMMISSION ORDERS:

That the application of Thomas A. Clarke and Dorothy G. Clarke to purchase the Fleming Telephone Exchange from Alton N. Dunbar and Dorothy Evelyn Dunbar be, and it is hereby, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT B. CARAGHER, 454 SOUTH )  
EATON STREET, DENVER, COLORADO. )  
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PERMIT NO. M-1116  
CASE NO. 78605-INS.

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November 29, 1956  
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S T A T E M E N T

By the Commission:

On November 8, 1956, the Commission entered its Order in Case No. 78605-Ins., revoking Permit No. M-1116 for failure of Respondent to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent,

F I N D I N G S

THE COMMISSION FINDS:

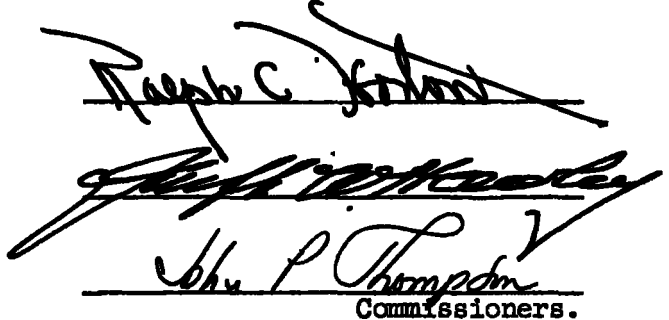
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1116 should be, and the same hereby is, reinstated, as of November 8, 1956, revocation order entered by the Commission on said date in Case No. 78605-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF KANSAS-NEBRASKA NATURAL GAS  
COMPANY, INC., STERLING, COLORADO,  
FOR AN ORDER AUTHORIZING ISSUE  
AND SALE OF DEBENTURES.

APPLICATION NO. 14925  
Securities

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November 28, 1956  
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S T A T E M E N T

By the Commission:

Upon consideration of the application filed November 27, 1956, by  
Kansas-Nebraska Natural Gas Company, Inc., a Corporation in the above-  
captioned matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on December 10, 1956, at  
10:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respect-  
ing the matters involved and the issues presented in this proceeding. Any  
interested municipality or any representative of interested consumers or  
security holders of applicant corporation, and any other person whose par-  
ticipation herein is in the public interest, may intervene in said pro-  
ceedings. Intervention petitions should be filed with the Commission on or  
before December 5, 1956, and should set forth the grounds of the proposed  
intervention, and the position and interest of the petitioners, in the  
proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RALPH C. HORTON

JOSEPH W. HAWLEY

JOHN B. THOMPSON

Commissioners

(S E A L)

ATTEST: A true copy

*J. Mahoney*  
Secretary

Dated at Denver, Colorado,  
this 28th day of November, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WALTER M. BREITENFELD, P. O. BOX )  
86, WOODLAND PARK, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M1188

\_\_\_\_\_  
November 30, 1956  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Walter M. Breitenfeld

requesting that Permit No. M-1188 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1188, heretofore issued to \_\_\_\_\_

Walter M. Breitenfeld

be,

and the same is hereby, declared cancelled effective November 23, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD HOFFERBER, WHITEWATER, )  
COLORADO. )

PERMIT NO. B-5015

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November 30, 1956  
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S T A T E M E N T

By the Commission:

On July 31, 1956, the Commission authorized Harold Hofferber, Whitewater, Colorado, to suspend operations under his Permit No. B-5015 until January 24, 1957.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-5015 should be, and the same hereby is, reinstated as of October 8, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Rep. C. H. ...*  
*...*  
*...*

Dated at Denver, Colorado,  
this 30th day of November, 1956.

mls

*original*

(Decision No. 46912)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
THE STATE HIGHWAY COMMISSION OF COLO-  
RADO, A BODY CORPORATE, FOR THE USE  
AND BENEFIT OF THE PEOPLE OF THE  
STATE OF COLORADO, FOR AUTHORITY TO  
CLOSE TWO EXISTING GRADE CROSSINGS  
AND OPEN ONE NEW GRADE CROSSING ON  
COUNTY ROADS APPROACHING STATE HIGH-  
WAY NO. 3, OVER TRACKS AND RIGHTS OF  
WAY OF UNION PACIFIC RAILROAD COM-  
PANY IN THE NW $\frac{1}{4}$  SECTION 13, TOWNSHIP  
4-NORTH, RANGE 66-WEST, SIXTH PRIN-  
CIPAL MERIDIAN, IN WELD COUNTY,  
STATE OF COLORADO.

APPLICATION NO. 14139

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November 30, 1956  
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Appearances: Ronald J. Hardesty, Assistant  
Attorney General, Denver,  
Colorado, for Applicant,  
Department of Highways of  
the State of Colorado;  
Clayton D. Knowles, Esq.,  
Denver, Colorado, and  
Donald McDonald, Denver, Colo-  
rado, for Union Pacific  
Railroad Company;  
J. L. McNeill, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On February 8, 1956, the Department of Highways of  
the State of Colorado, by Mark U. Watrous, Chief Engineer, filed  
an application with this Commission, seeking authority to close  
two existing grade crossings and to substitute therefor a single  
highway-railroad grade crossing as captioned above.

After notice to interested parties, including also the  
Board of Weld County Commissioners and adjacent property owners,  
the matter was heard by the Commission at its Hearing Room, 330  
State Office Building, Denver, Colorado, on October 15, 1956,  
and taken under advisement.

Explanatory testimony relative to the proposed work was given by Mr. E. L. King, Assistant Surveys and Plans Engineer of the Department of Highways. With reference to the map sketch titled Exhibit "A" and submitted with the instant application, Mr. King described the instant project as providing for the rebuilding of State Highway No. 3 to meet the standards of a freeway-type highway; the proposed work would start inside the Town of LaSalle, Colorado, and extend some four miles in a southwesterly direction alongside the Union Pacific Railroad. Standards for freeway construction will permit only limited access from side roads; the opposing traffic consisting of two lanes in each direction is to be separated by a depressed unpaved median 30 feet wide; only at the selected access points will the median strip be graded and surfaced to permit traffic movement across the four lanes.

On Exhibit No. "A" the existing two-lane highway and other present roads are shown as dotted lines, proposed new construction appears as a light solid line. In this manner, it is shown that the present highway will be utilized for two lanes of the freeway in a northeasterly direction, thereby requiring only the construction of two new lanes for southwesterly traffic. The complete construction is to be contained within a strip of railroad right-of-way 200 feet wide in order to avoid costly land purchase for highway use in this irrigated and highly cultivated farming section.

Involved in this project are the county roads along the north and west section lines of Section 13, Township 4-North, Range 66-West; which roads now require diagonal crossing intersections in two locations over both the railroad and the present highway in order to make a junction at the single corner common to Sections 11, 12, 13, and 14, of the above Township and Range, and located some 270 feet from the rail line.

It appears that over the years an effort to avoid the above-described angular crossings was made by means of a "cut-off" road that was built in Section 13 along the southeasterly side of the rail line to connect the north and west section line roads. In this fashion, it was possible for southerly trucking movements to be made to the nearby beet dump of Hambert, in Section 14, without crossing the rail line or entering the main highway.

In order to meet the freeway specifications for access roads, it is necessary that the above-described angular crossings be closed and replaced by a single crossing at right angles over the entire new highway and the rail line. In order to maintain full local traffic movements, it is proposed that the new crossing will connect the angular cut-off road in Section 13 with the county road junction at the corner common to Sections 11, 12, 13, and 14.

Present traffic using the two County Road crossings to be closed, amounts to some 50 vehicles per day over each crossing; in twenty years it is estimated some 200 vehicles per day will use the single crossing as proposed. Because of the stopping or turning movements involved, the vehicle speed will necessarily be slow. It was also shown that daily rail traffic consists of four to six passenger trains moving at speeds up to 79 miles per hour and numerous freight trains at 30 to 40 miles per hour. Seasonal farming demands cause fluctuations in traffic volumes with the principal vehicular traffic consisting of local small trucks hauling sugar beets in the fall of the year. In conformance with the low volume of vehicular traffic, protective devices of reflectorized crossbucks and Advance Warning Signs are proposed.

Additional testimony in response to questions relative to actual construction dimensions and "STOP" sign distance from the rail line was given by Mr. Elmer J. Winter, Resident Engineer in charge of the project and an employee of some thirty-five years

experience with the Department of Highways.

Mr. Winter verified testimony of Mr. King regarding location of the project center line at 110 feet westerly from center of the rail line; that the "STOP" signs are customarily placed at the shoulder line of the roadway; that the shoulder in the instant construction would probably be 61 feet from the railroad center line after allowing 15 feet for median space, 24 feet for two traffic lanes, and 10 feet for shoulder width.

Mr. Winter explained that current construction is for the new southbound traffic lanes and has consisted of placement of a new concrete roadway to the west of the present asphalt paved road which is some 32.5 feet wide and is now carrying the traffic in both directions. The present road is to later be replaced with a 24 foot wide concrete roadway and will handle only the northbound traffic when completed. He pointed out that the existing highway closely parallels the Union Pacific rail line through this entire farming region; that he had observed "STOP" sign installations at other section line roads; that dimensions of cattle trucks averaged from 55 feet to the legal maximum of 60 feet in length; that he did not know of any crossing difficulty with the long trucks but realized the stopping clearance was close. He noted that there was only a small farming section near the Hambert crossings that was served by cattle trucks, since there were other paralleling county roads with adequate crossing points to the north near La Salle and southward near Peckham and Gilcrest.

With reference to Exhibit "A", Mr. Winter described the various movements for vehicles turning from the highway to cross over the rail line and for a return movement across the rail line to enter the highway. By means of the wide shoulder width along the highway and broad flaring curvature of the approaches to the rail line, there is ample distance to safely negotiate the crossing in a turning movement in either direction. The only readily apparent

hazard involves just the longest truck-trailer combinations where, in a direct movement across the access opening, a stop is made at the shoulder line for the usual "STOP" sign, there would possibly be an overhang of some five feet of the rear end of the longest truck at the side of the rail line.

Mr. Winter reported that highway construction has been under way; that the plans have been approved by the Bureau of Public Roads and the proposed median opening was acceptable; that any median openings on the diagonal crossings would result in withdrawal of Federal aid.

On behalf of the railroad, testimony was given by Mr. Donald McDonald, a Civil Engineer employed as Assistant Engineer in the Division Engineer's Office of the railroad at Denver, Colorado.

Mr. McDonald described the various railroad operations of this particular line involving passenger and freight train movements; that an important consideration was proper side clearance along the track; that permanent structures were required to be placed at least  $8\frac{1}{2}$  feet from the track center line; that special wide load shipments were often carried on the basis of this side clearance being available; that the average box car was 5'10" wide, and for the usual train a side clearance of six feet would be sufficient. He had reviewed the proposed highway plan as shown in Exhibit "A" and used a dimension of 100 feet from center of rail tracks to establish the center line of the highway project; on that basis, he concluded the edge of the new road would be some 60 to 70 feet from the rail tracks and there would then be the possibility that the rear end of a long semi or stock trailer would remain on the rail line when a stop was made at the road shoulder for the "STOP" sign. In his further investigation, the longest truck he found was a "Yockey" cattle truck that measured 59' 8" over-all.

No further evidence was offered at the hearing and no protests were received from adjacent property owners. It appears

that no public utilities are involved and no protests have been received by the Commission.

In summary, it is now apparent that the instant rail crossings are on lightly travelled county roads in a rural farming area, and the proposed changes have been approved by the Weld County Board of Commissioners and the Bureau of Public Roads; that the work to be done is covered in agreement between the Department of Highways and the Railroad Company; that the work of removing the existing rail crossings and installing a new planked crossing will be done by the railroad; that the Department has agreed to reimburse the Railroad for the entire cost of materials, installation and engineering expense of the new crossing; that upon completion of the installation all maintenance of the crossing will be by the Railroad Company.

Relative to safety, there is no opposition to the proposed protective devices of reflectorized crossbucks with advance warning signs and there remains only the consideration of limited stopping clearance as described in testimony of both witnesses. It appears the selected point of crossing meets all the highway design specifications for limited access and at the same time maintains all the freedom and convenience of local traffic movement that formerly existed. The anticipated hazard of close clearance which reflects the study that has been given this project involves a limited number of very long vehicles in only the single straight-across movement from the rail line over the nearest or northbound traffic lanes, and this hazard exists only by virtue of a stop to be made at the highway shoulder "STOP" sign before crossing the northbound lane. Considering now the open view that is typical of this flat land farming region, it appears that the effectiveness of the "STOP" sign can be increased by moving the sign installation from the highway shoulder back to a point on the county road approach that would be on the east side and in advance of the rail line. In this manner, the prescribed "stop" would insure a motorist's



inspection along the rail line for approaching trains as well as along the highway for a clear entrance thereon. After inspection indicates the crossing movement could be safely made, there would be no necessity to stop at the shoulder and the hazard of limited clearance is removed. Therefore, on this basis, we will approve the proposed work.

Estimated cost of the completed crossing installation is \$1,500.00.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the public safety, convenience and necessity require the construction of a new highway-railroad grade crossing in the NW $\frac{1}{4}$  of Section 13, Township 4-North, Range 66-West, in Weld County, Colorado, and over the line and right-of-way of the Union Pacific Railroad Company.

That the existing grade crossings on the north and west section lines of said Section 13 should be abandoned and removed.

That the protective devices at the proposed crossing shall consist of two reflectorized crossbucks with added advance warning signs, and supplemented with a standard highway "STOP" sign on the road approach at the easterly side of the rail line.

That the customary "STOP" sign installation at the highway crossing of the new county road be omitted in the area between the rail line and the northbound traffic lanes.

That the foregoing Statement, by reference, is made a part of these Findings.

### O R D E R

#### THE COMMISSION ORDERS:

That Applicant, the State Highway Commission and the Department of Highways of the State of Colorado, be, and hereby is, granted a certificate of public convenience and necessity, authorizing (a) the abandonment of the existing highway-railroad

grade crossings on the north and west section lines of Section 13, Township 4-North, Range 66-West, in Weld County, Colorado, and (b) the construction of a new highway-railroad grade crossing in the NW $\frac{1}{4}$  of said Section 13.

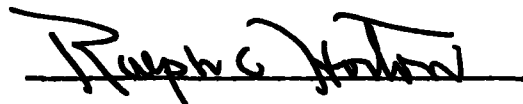
That two standard reflectorized crossbucks with necessary added reflectorized Advance Warning Signs shall be installed at the crossing and be in conformity with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

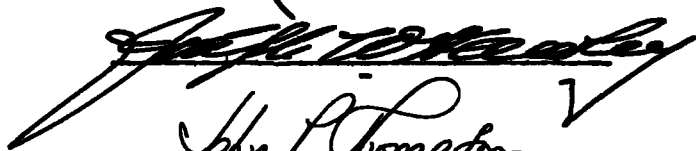
That the customary "STOP" sign installation at the County road and highway intersection be omitted in the area between the rail line and the northbound traffic lanes of the highway, and that said "STOP" sign be placed on the County road approach at the easterly side of the rail line.

That continuing maintenance of the rail crossing and cross-buck signs shall be by the Railroad Company, and maintenance of the other warning signs shall be by the Department of Highways.

This Order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 30th day of November, 1956.

ea

original

(Decision No. 46913)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES C. DE GEORGE, DOING BUSINESS )  
AS "CITY TRANSFER & STORAGE COM- )  
PANY," 801 WALNUT STREET, DENVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 14037  
SUPPLEMENTAL ORDER

-----  
November 30, 1956  
-----

Appearances: Paul M. Hupp, Esq., Denver,  
Colorado, for Applicant;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Harold D. Torgan, Esq., Denver,  
Colorado, for Johnson Storage  
and Moving Company, Amick  
Transfer and Storage Company,  
Buehler Transfer Company.

S T A T E M E N T

By the Commission:

On March 14, 1956, the Commission entered its Order  
(Decision No. 45484), granting to James C. DeGeorge, doing business  
as "City Transfer & Storage Company," Denver, Colorado, a certifi-  
cate of public convenience and necessity, authorizing operations  
as a common carrier by motor vehicle for hire, for:

"the transportation of general commodities, except:

- "1. used household goods and furniture;
- "2. commodities which, because of size,  
require special equipment,

"from point to point within the City and County  
of Denver."

On April 3, 1956, Decision No. 45545 was entered by the  
Commission in said Application No. 14037, amending Decision No.  
45484 insofar as trade name of applicant is concerned, "DeGeorge  
Transfer and Storage Company" being substituted as trade name of  
applicant, in lieu of "City Transfer & Storage Company."

It has now been brought to the attention of the Commission that applicant's middle initial is "V" rather than "C".

It appears that the records of the Commission should be changed to show applicant's proper middle initial.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 45484 should be further amended, as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 45484, of date March 14, 1956, should be, and hereby is, further amended, nunc pro tunc, as of said 14th day of March, 1956, by substituting the letter "V" in lieu of "C" as the middle initial of applicant herein, wherever it appears in said decision, so that applicant's name and trade name herein, under authority granted by Decision No. 45484, as amended by Decision No. 45545, should be "James V. DeGeorge, doing business as 'DeGeorge Transfer and Storage Company.'"

That, except as herein amended, and as amended by Decision No. 45545, said Decision No. 45484 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_ Commissioners.

Dated at Denver, Colorado,  
this 30th day of November, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PUBLICATION OF RATES ON )  
GILSULATE OR ASPHALTUM, IN )  
BAGS OR BARRELS, MINIMUM )  
WEIGHT 40,000 POUNDS, FROM )  
CRAIG, COLORADO, TO VARIOUS )  
DESTINATIONS IN COLORADO. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 393

-----  
November 29, 1956  
-----

S T A T E M E N T

By the Commission:

There has been filed with the Public Utilities Commission of the State of Colorado by the Motor Truck Common Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, for account of Boulder Truck Service, Inc., and Larson Transportation Company, a tariff containing schedules stating new individual rates to become effective on the 30th day of November, 1956, designated as follows:

The Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, 4th Revised Page No. 192-A, Item No. 2527, viz:

Commodity	From	To	Rate	Route No.
Gilsulate, or Asphaltum, Minimum Weight 40,000 Pounds. (1) Subject to Item No. 970. (3) Also applies to points within a 15-mile radius of the Denver City Limits	Colorado	Colorado		
	Craig	Avondale	95	117
		Boulder	58	117
		Brighton	70	117
		Colo. Spgs.	85	117
		Denver (3)	(1) 58	25;117
		Ft. Collins	75	117
		Golden	58	117
		Greeley	75	117
		Littleton	58	117
		Pueblo	95	117
		U. S. Air Force Academy	85	117

Rates are in cents per 100 pounds.

Route No. 25 - Larson Transportation Co. - Direct

Route No. 117 - Boulder Truck Service, Inc. - Direct

The said schedules make a reduction in the rates to points other than Denver, Boulder and Ft. Collins, to which points no change in the rates are involved. The changes proposed may injuriously affect the rights and interests of the public.

#### F I N D I N G S

##### THE COMMISSION FINDS:

1. That it should enter upon a hearing concerning the lawfulness of the rates stated in said schedules contained in said tariff.
2. That the effective date of said schedules should be postponed pending the said hearing and decision thereon.

#### O R D E R

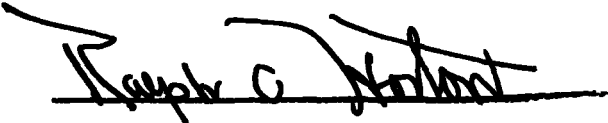

##### THE COMMISSION ORDERS, That:

1. Upon its own motion without formal pleading it enter upon a hearing concerning the lawfulness of the rates and charges stated in Item No. 2527, 4th Revised Page No. 192-A, The Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6.
2. The operation of the said schedules contained in said tariff be suspended and that the use of the rates, charges, regulations and practices therein stated be deferred 120 days, or until the 29th day of March, 1957, unless otherwise ordered by the Commission, and no change shall be made in said rates, charges, regulations and practices during the said period of suspension.
3. The rates and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

4. A copy of this order be filed with said schedule in the office of the Commission and that a copy thereof be forthwith served upon J. R. Smith, Chief of Tariff Bureau, Motor Truck Common Carriers' Association, 4060 Elati St., Denver 16, Colorado, Larson Transportation Co., 775 Wazee St., Denver 4, Colorado, and Boulder Truck Service, Inc., Boulder, Colorado.

5. This proceeding be and the same is hereby assigned for hearing on December 19, 1956, at 2:00 P.M., in the hearing room of the Commission, Room 330, State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES IN RATES, RULES )  
AND REGULATIONS IN THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, AGENT, )  
FREIGHT TARIFF NO. 12, COLORADO )  
P.U.C. NO. 6, ISSUED BY J. R. SMITH, )  
CHIEF OF TARIFF BUREAU, 4060 ELATI, )  
DENVER 16, COLORADO. )  
-----

CASE NO. 1585

-----  
November 29, 1956  
-----

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective December 6, 1956, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

That for the account of North Eastern Motor Freight, Inc., between Denver, Colorado, on the one hand, and the following points on the other, Buckingham, Grover, Hereford, Keota, New Raymer, Padroni, Peetz and Stoneham; also, between Sterling, Colorado, on the one hand, and the following points on the other, Buckingham, Grover, Hereford, Keota, New Raymer, Padroni, Peetz and Stoneham, in Section I (Specific Class Rates) are being adjusted and increased based on the present mileage



scale without increases up to the level of the 15% increase granted in Decision No. 45325, dated February 6, 1956. The above points named were formerly served under the authority of Prucka Transportation, Inc., but due to a transfer by Decision No. 46502, dated September 14, 1956, to North Eastern Motor Freight, Inc., the points involved above would be below the level of rates for other points served by North Eastern Motor Freight, Inc.

The actual percentage of increase for these specific named points amounts to an average of approximately 4% from what is specifically published at the present time for the various points involved.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

### O R D E R

#### THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.

2. This order shall become effective forthwith.

3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on December 6, 1956, be the prescribed rates, rules, regulations and provisions of the Commission.

4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. On and after December 6, 1956, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.

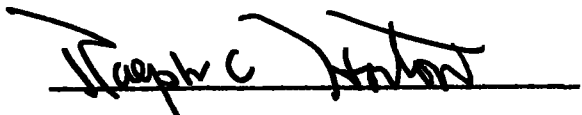

6. On and after December 6, 1956, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
Commissioners

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of November, 1956.

mem

APPENDIX "A"

For the account of North Eastern Motor Freight, Inc., the following adjustments are made on pages, viz:

- 33rd Revised Page No. 109
- 29th Revised Page No. 112
- 31st Revised Page No. 113
- 32nd Revised Page No. 114
- 19th Revised Page No. 114-A
- 30th Revised Page No. 116

Class Rates in Cents per 100 Pounds

Between		Denver, Colorado											
		L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds			
And	Miles	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
Buckingham	99	147	125	102	81	141	120	97	75	136	114	91	69
Grover	121	166	140	117	90	160	135	112	84	154	129	106	78
Hereford	130	166	140	117	90	160	135	112	84	154	129	106	78
Keota	107	152	130	106	85	146	124	100	79	140	118	94	74
New Raymer	107	152	130	106	85	146	124	100	79	140	118	94	74
Padroni	134	169	144	120	93	163	138	114	87	158	132	108	82
Peetz	148	174	150	121	97	168	144	115	91	162	138	109	85
Stoneham	117	161	136	109	86	155	130	104	81	150	124	98	75

- 17th Revised Page No. 126
- 13th Revised Page No. 126-A

Class Rates in Cents per 100 Pounds

Between		Sterling, Colorado											
		L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds			
And	Miles	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
Buckingham	44	102	86	70	55	97	81	64	49	91	75	59	44
Grover	65	121	102	85	67	115	97	79	61	109	91	74	55
Hereford	74	130	109	90	69	124	104	84	63	118	98	78	58
Keota	52	113	97	79	62	107	91	74	56	101	85	68	51
New Raymer	36	98	83	68	54	92	77	62	48	86	71	56	43
Padroni	11	79	67	55	44	74	61	49	38	68	55	44	32
Peetz	25	85	70	60	46	79	64	54	40	74	59	48	35
Stoneham	26	89	78	62	47	83	72	56	41	77	67	51	36

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BRIGHT, INC., BENTONVILLE, )  
ARKANSAS. )  
 )  
 )  
 )

PERMIT NO. M-11325

November 30, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Bright, Inc.

requesting that Permit No. M-11325 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11325, heretofore issued to \_\_\_\_\_

Bright, Inc.

be,

and the same is hereby, declared cancelled effective October 24, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*

*John P. Thomas*  
*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1956.

original

(Decision No. 46917)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
FRANK FALSETTO AND RUDOLPH MASZA, SO-  
PARTNERS, DOING BUSINESS AS "PICKET-  
WIRE BUS COMPANY," 830 STONEWALL  
AVENUE, TRINIDAD, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO EXTEND OPERATIONS  
UNDER PUC NO. 2430.

APPLICATION NO. 14856-Extension

December 3, 1956

Appearances: John R. Barry, Esq., Denver,  
Colorado, for Applicants;  
Robert Blaine, Denver, Colo-  
rado, for Southwestern  
Greyhound, Inc.;  
Sam Taylor, Walsenburg, Colo-  
rado, and  
Charles Kanski, Walsenburg,  
Colorado, for Walsenburg  
Taxicab Company.

S T A T E M E N T

By the Commission:

Frank Falsetto and Rudolph Masza, co-partners, doing  
business as "Picketwire Bus Company," Trinidad, Colorado, appli-  
cants herein, are the owners of PUC No. 2430, authorizing:

transportation of passengers, on schedule,  
between Trinidad, Colorado, and Stonewall,  
Colorado, and intermediate points on Colo-  
rado Highway No. 12, which said highway runs  
in an easterly and westerly direction from  
Trinidad, Colorado, to Stonewall, Colorado.

On June 6, 1956, applicants herein filed application  
with the Commission, which, as amended, requested authority to  
extend operations under said PUC No. 2430 to include the right  
to transport miners, only, employed at Allen Mine, located near  
Stonewall, Colorado, from Walsenburg, Colorado, serving inter-  
mediate points along U. S. Highway No. 85-87, via Trinidad,

and westerly over Colorado Highway No. 12 to the Allen Mine, and return.

Public hearing was had on said application, at the Court House, Trinidad, Colorado, November 26, 1956, after appropriate notice to all parties in interest, and at the conclusion thereof, the matter was taken under advisement.

Formal protest was filed by Walsenburg Taxicab -- especially to the picking up of passengers in Walsenburg, Colorado.

At the hearing, the evidence disclosed that applicants are residents of Trinidad, Colorado, and are presently operating service between Trinidad and the Allen Mine, hauling miners to and from work.

Frank Falsetto, one of the co-partners applicants herein, testified that applicants would use equipment now being used under a temporary authority, and a proposed time-table would be constructed to fit the convenience of the Allen mine and miners there employed.

The witness further stated that applicants do not desire to haul passengers other than miners going to and from work.

It appears that the operation proposed by applicants will not compete with existing certificated common carrier buses, for the reason that none of the existing bus companies provides the necessary bus service applicants request to perform.

The record further shows that pecuniarily and otherwise, applicants are adequately equipped to carry on the operation.

Some thirty miners from Walsenburg working at the Allen Mine, appeared at the hearing and testified that there is a definite need for applicants' proposed service.

Mr. Charles Kamski, operator of Walsenburg Taxicab, protested the picking up of miners in Walsenburg, stating he favored one loading point in Walsenburg, but stated he had no objection to the balance of the application.

The record, in the judgment of the Commission, clearly

shows the need for applicants' proposed service, and while we appreciate the position of Protestant Walsenburg Taxical Company, we feel that the miners of Walsenburg are entitled to a complete service.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the instant application, as hereinafter restricted, for reasons heretofore set forth in the preceding Statement, which is incorporated, by reference, as a part of these Findings, and that certificate of public convenience and necessity should issue therefor, which, in the opinion of the Commission, public interest requires.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier service of applicants herein, under FCC No. 2430, on schedule, to include the right to transport miners, only, employed at Allen Mine, located near Stonewall, Colorado, from Walsenburg, Colorado, serving intermediate points along U. S. Highway No. 85-87, via Trinidad, and westerly, over Colorado Highway No. 12, to the Allen Mine, and return, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, service being authorized only for the purpose of transporting miners to and from their work in the Allen Mine.

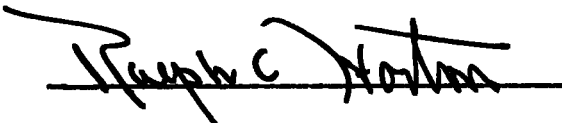
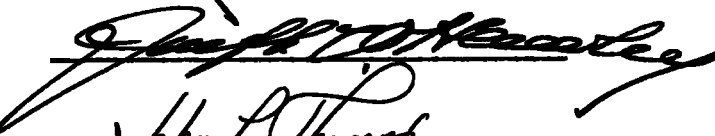
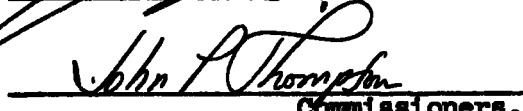
That applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

That applicants shall operate their carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1956.

ea



original

(Decision No. 46918)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PUEBLO TRANSPORTATION COMPANY, 111 )	
SOUTH VICTORIA AVENUE, PUEBLO, COLO- )	
RADO, FOR CERTIFICATE OF PUBLIC CON- )	APPLICATION NO. 14841-Extension
VENIENCE AND NECESSITY, AUTHORIZING )	
EXTENSION OF OPERATIONS UNDER PUC )	
NO. 1464. )	
----- )	

-----  
December 3, 1956  
-----

Appearances: Harry S. Petersen, Esq.,  
Pueblo, Colorado, for  
Applicant;

I. B. James, Denver, Colo-  
rado, for Colorado Motorway,  
Inc., as his interest may  
appear;

John R. Barry, Esq., Denver,  
Colorado, for Denver-Colorado  
Springs-Pueblo Motor Way, Inc.,  
Continental Bus System, Inc.

S T A T E M E N T

By the Commission:

Pueblo Transportation Company, Pueblo, Colorado, appli-  
cant herein, is the owner and operator of Certificate of Public  
Convenience and Necessity No. 1464, which authorizes:

transportation of passengers, between the City  
of Pueblo, Colorado, and the Northern Avenue  
Gate of the Minnequa Plant of the Colorado Fuel  
and Iron Corporation, with the right to serve  
all intermediate points between Bus Depot east  
on First Avenue to Santa Fe Avenue, thence  
south on Santa Fe Avenue to Northern Avenue,  
thence east to Northern Avenue Gate; transporta-  
tion of passengers: (1) starting at 1st and  
Main Streets in Pueblo, Colorado, thence east  
on 1st Street to Santa Fe Avenue; thence southerly  
along Santa Fe Avenue to Juniper Street; thence  
east on Juniper Street to the entrance of said  
ball field or park; (2) starting at Evans and  
Northern Avenue in Pueblo, Colorado; thence east  
on Northern Avenue to South Santa Fe Avenue;  
thence north on South Santa Fe Avenue to Juniper  
Street; thence east on Juniper Street to the  
entrance of said ball field or park, said company  
to charge the same fare, or fares, as are charged

within the municipal confines of Pueblo, Colorado, and said patrons to have transfer privileges from this line to all other interconnecting lines within the City of Pueblo, and transfer privileges from all interconnecting lines in the City of Pueblo to this line; transportation of passengers between the City of Pueblo and what is known as "Lake Avenue Park," located 4.6 miles from the intersection of 9th and Main Streets, in Pueblo, Colorado, and to and from intermediate points; transportation of passengers for hire, as a transit system, to and from all points within the City Limits of Pueblo, Colorado; transportation of passengers for hire, between the Municipal Airport, located approximately six miles east of the City of Pueblo, Colorado, to points in and within a radius of fifteen miles of the City of Pueblo, Colorado, on special charter agreements, only, where an entire motor coach and driver shall be employed on such particular trips, said operations to be limited to passengers arriving or departing by air at the Pueblo Municipal Airport.

On September 10, 1956, applicant herein filed its application for an extension of its PUC No. 1464, authorizing operation of an occasional motor coach service, by special charter, for the transportation of passengers from points within the City or County of Pueblo, to other points within the State of Colorado, and return.

The above application was regularly set for hearing, and heard, at the Court House, Pueblo, Colorado, November 20, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Howard J. Emmons, General Manager of applicant company, stated his company is presently operating under Certificate of Public Convenience and Necessity No. 1464, granted by this Commission, which, generally, is a transit company for Pueblo, and employs approximately seventy individuals, as drivers, maintenance men and office personnel.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, with its principal office in Pueblo, and its management and Directors are Pueblo men.

Applicant desires to extend its operations to include use of motor coaches for the transportation of private parties,

from Pueblo, Colorado, to other points in the State of Colorado, and return, such as attendance at athletic contests, transportation of athletic teams, hunting parties, business clubs' picnics, parties, and other similar occasions. Applicant presently is the owner of twenty-nine buses used in its present bus operations in and adjacent to the City of Pueblo, which applicant can use in its proposed service.

Witness Emmons further testified that his company will be able to lease or purchase additional equipment, as required, if needed, in its proposed charter operations.

Several public witnesses appeared supporting the application, representing lodges, chambers of commerce, schools, and the City Manager of Pueblo.

The witnesses testified as to charter business available in Pueblo, and the only criticism or complaint against the presently-certificated carriers was that the service offered by them made the service too high to attract business for charter parties of twenty-five or less -- and that was especially true for short trips.

The witnesses were Pueblo men, and they favored a local operator, feeling that the mass transportation service was very important to their economy, and if said local transit system is to be retained, additional revenue had to be found.

We have not attempted to review all evidence of applicant's witnesses in detail, but have attempted to summarize that evidence, and to point out, as we view it, some of the facts that impressed the Commission.

Ralph Berndt, General Manager of Denver-Colorado Springs-Pueblo Motorway, Inc., and Assistant General Manager for Continental Bus System, Inc. -- both carriers being authorized to render charter service in and out of the Pueblo area -- testified, vigorously protesting the granting of the instant application.

It would appear from Berndt's exhibits and his testimony that charter service is very important to his company. It appears that the company maintains some equipment in Pueblo that can be used for charter service; that the Colorado Springs-Pueblo Motorway, Inc., for the first ten months of the Year 1956, had a gross revenue for charter service of \$21,497.76, and the Continental Bus Company, for the same period, had a gross revenue of \$4,264.33; that the balance of the charter service for the Pueblo area was handled by Colorado Motorway, Inc., for which we have no figures in the record, as the service of Colorado Motorway was handled under a private carrier permit.

Mr. Berndt, in summarizing his testimony, testified that if his company were limited to the revenue from passengers, his company could not operate at a profit; that express and charter service are needed by his company to keep the operation solvent.

It appears that the application was filed primarily by the Pueblo Transportation Company for charter service to strengthen its financial position. It is true -- and we believe the evidence indicates -- that there is a need for charter business in the City of Pueblo for small charter parties. This is brought about by presently-published tariffs, wherein the presently-certificated carriers are catering to larger parties and long hauls, and under this present system of operation, it appears to the Commission the hauling of small charter parties of from twenty to twenty-five passengers would not be economically feasible at rates the public could afford to pay.

The problem confronting the Commission is one difficult to solve. We have a bus line operating between cities which only by strong economy and aggressive campaign for passengers and express can keep its operation in the black. On the other hand, we have a local transit company operating in the City of Pueblo who is fighting for its very existence, and if it is to continue its service, needs every available cent of revenue it can obtain.

Both companies have equipment available that can be used for charter service, and it appears that this is an attractive business, and is badly needed by both applicant and protestants.

In considering this problem, we must bear in mind that both companies are rendering an important, vital and necessary service to the public. Both operate under certificates of public convenience and necessity granted by this Commission. That a charter service is needed by the residents of Pueblo is an established fact. It relieves our congested highways, and for school functions, the safety factor cannot be evaluated in dollars and cents.

The evidence, in our judgment, does not indicate any demand for service originating out of the Pueblo Metropolitan Area, nor does it, in our opinion, call for long charter trips. In fact, the equipment used by applicant does not adapt itself as well to long charter trips as that of protestants. However, we are of the opinion, after careful review of the testimony and the record, that an additional charter service in Pueblo, conducted by the applicant herein, would be in the public interest.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Pueblo Transportation Company, applicant herein, under Certificate of Public Convenience and Necessity No. 1464, to include the transportation of charter party service, originating in the City of Pueblo and a five-mile radius thereof, to points and places within a sixty-mile radius of the City of Pueblo, and return, for the reasons heretofore set forth in the preceding Statement, which, by reference, is made a part of these Findings, and that certificate of public convenience and necessity should issue therefor.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the extended

motor vehicle common carrier call and demand transportation service of applicant, under Certificate of Public Convenience and Necessity No. 1464, to include the right to conduct charter party service, originating in the City of Pueblo, Colorado, and a five-mile radius thereof, to points and places within a sixty-mile radius of the City of Pueblo, Colorado, and return, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

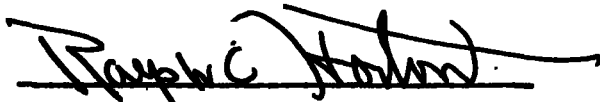
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

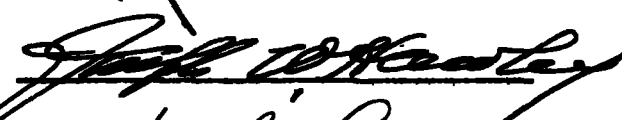
That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1956.

ea

*original*

(Decision No. 46919)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
JULIUS BUSSARD, DOING BUSINESS AS	)	
"BUSSARD BUS SERVICE," 3995 SOUTH	)	
LINCOLN STREET, ENGLEWOOD, COLORADO,	)	
FOR AUTHORITY TO TRANSFER PUC NO.	)	<u>APPLICATION NO. 14204-Transfer</u>
1450 TO DONALD H. ROBY, DOING BUSI-	)	
NESS AS "LAKEWOOD BUS LINE," 4387	)	
SOUTH BANNOCK STREET, ENGLEWOOD,	)	
COLORADO.	)	
-----	)	

-----  
December 4, 1956  
-----

Appearances: Julius Bussard, Englewood,  
Colorado, pro se;  
Donald H. Roby, Englewood,  
Colorado, pro se;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Julius Bussard, hereinafter termed transferor, doing business as "Bussard Bus Service," Englewood, Colorado, by the above-styled application, seeks authority to transfer by means of conditional sales contract, a portion of PUC No. 1450 to Donald H. Roby, doing business as "Lakewood Bus Line," Englewood, Colorado, under which authority Bussard operates the bus system west of Denver and termed the "Lakewood Bus Line."

The application was filed January 31, 1956, and hearing was held at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, July 10, 1956.

Prior to the examination of witnesses and introduction of evidence, an opening statement was made by the Commission's staff, as follows:

"In these lease agreements, there is a provision that the lessee may not change the schedule or route without consent of the lessor. The question arises as to what schedule is being referred to since the route schedule being operated is different than that outlined in the certificates. The owner of Bussard Bus Co., who is the applicant here, agreed with the staff in a pre-hearing conference that he will apply for an amendment to Certificate No. 1450 to cover the area in which the Westwood Line is operated at present, and also as described in its time schedule No. 62 issued March 9, 1956, to become effective March 24, 1956. Likewise, under the same certificate, the area of operation of the Lakewood line will be included in the application for amendment to conform to present operations. In the case of Certificate No. 2515, which is operated in Aurora, the route is different than that named in the certificate. It is requested that the Commission delete from Certificate No. 2515 and 1450 any and all route descriptions other than those specified in time schedules 62 and 63, and authorize temporary authority to operate time schedule 62 until hearing can be had on the before-mentioned application for extension of the Westwood and Lakewood areas."

The applicant, Bussard, being called to the witness stand, adopted the intents and purposes of the foregoing Statement as his own. The witness testified that in an agreement between himself and Donald H. Roby, hereinafter termed transferee, that the purchase price is \$15,000.00, with a down payment of \$500.00, the balance to be paid at the rate of \$13.00 per operating day until November 30, 1956, and thereafter \$15.00 per operating day until fully paid. Payments are to be deposited in the Jefferson County Bank, Lakewood, Colorado, to the account of transferor, daily, and no later than three days later than an operating day. Interest at the rate of 6% per annum on the unpaid balance is to be paid, due monthly on the first day of each month. At such time as the principal balance of \$14,500 is paid in full, the operating rights of the "Lakewood Portion" of PUC No. 1450, will be assigned in full to the transferee. Also included in the purchase price are two pieces of equipment, being one 1955 Chevrolet, 27-passenger, Model 6702, marked Bus No. 8; and one 1944 Ford, 27-passenger, marked Bus No. 42.



The above vehicles are equipped with one fare box each and one spare tire.

Exhibit No. 6, showing operations of the Lakewood Bus for November 1955, shows a net income per operating day for the period of \$5.27. The detail of the Exhibit is as follows:

Revenue - November - \$1,355.39	per day	\$54.15
Wages 19 $\frac{1}{2}$ hr.		21.17
Gasoline 36 gal. @ .25		5.40
Depreciation		4.88
Insurance .045 of gross revenue		2.43
Amortization - Retirement of note held by Bussard Bus Service		<u>15.00</u>
Balance -		\$5.27

The transferee testified that he had worked for the transferor for the period of 9 years; that he is familiar with the operation performed in the Lakewood area; that he will operate one bus between the hours of 6:00 o'clock A. M. to 6:00 o'clock P. M., with one full-time driver and one part-time driver. The witness testified that he was satisfied with the terms of the agreement and believed it would be a workable agreement. The financial statement of the transferee shows a debt on a home, automobile, and miscellaneous of at least \$8,600.00, and the combined approximate earnings of himself and wife to be \$6,500.

Subsequent to the hearing of the matter, the applicant Roby, with the consent of the transferor Bussard, sold his interest in the matter to Robert B. Smith. The transferor Bussard has also filed a statement that the provisions of the contract of sale have been fully complied with to the date of the Statement which was November 10, 1956. No reason appears why we should not permit Mr. Smith to be substituted for transferee in place of Mr. Roby, as it appears that the transferred operation is a feasible one upon the actual experience of Mr. Smith since he took control of the operation. An Order will be entered accordingly.

## F I N D I N G S

### THE COMMISSION FINDS:

That the applicant is a motor vehicle common carrier of passengers and the Commission has jurisdiction over the operation of "Lakewood Bus Line" and the subject matter of the instant application.

That the foregoing Statement should be made a part of these Findings.

That public convenience and necessity require continued operation of bus transportation in the subject territory.

That the transferor should petition the Commission for amendment of PUC No. 1450 in order that the authority shown in the certificate of convenience and necessity will conform with the actual operation of the Lakewood system.

That the transferee Smith is fit, willing, and able to operate the Lakewood Bus Line.

That at the time the transfer is consummated, transferor shall convey all interest in PUC No. 1450, and the named equipment in this application, free and clear of all debt or encumbrance whatever.

## O R D E R

### THE COMMISSION ORDERS:

That the present and future public convenience and necessity require continued operation of the "Lakewood Bus Line" by the transferee, Robert B. Smith, and should repossession occur, the transferor shall resume the operation of the system. The transferor shall, within thirty (30) days, make application to the Commission for amendment of PUC No. 1450, insofar as the certificated area and routes of the "Lakewood Line" does not conform to the actual operation of the system.

This authority of transfer is conditioned on complete performance of the agreement filed with this application by transferor conveying the Lakewood portion of PUC No. 1450, and

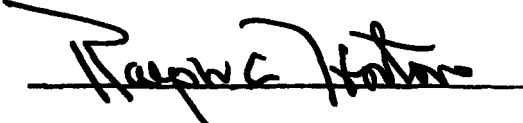
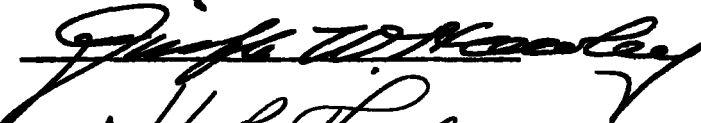

the equipment named therein free and clear of all debt or  
incumbrance whatever.

The parties, or either of them, are to file within  
thirty (30) days route and time schedules to conform to the  
actual operation of the Lakewood system.

That jurisdiction of this matter be, and is hereby,  
retained.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of December, 1956.

ea

original

(Decision No. 46920)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CENTRAL AIRLINES, INC., 1700 BROAD- )  
WAY, DENVER, COLORADO, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY AIRPLANE. )

APPLICATION NO. 14853

-----  
December 4, 1956  
-----

Appearances: Lewis, Grant and Davis, Esqs.,  
Denver, Colorado, and  
Donald W. Hoagland, Esq., Den-  
ver, Colorado, for Applicant;  
Willard F. Bridgeman, Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Central Airlines, Inc., Denver, Colorado, a corporation,  
organized and existing under and by virtue of the laws of the State  
of Nevada, and qualified to do business in the State of Colorado,  
herein seeks a certificate of public convenience and necessity to  
operate as a common carrier, by air, for the transportation of mail,  
persons, and property, along that portion of its proposed routes lo-  
cated within the State of Colorado, to-wit: between Lamar, Colorado  
Springs, and Denver, Colorado.

Public hearing was had on said application, at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
November 16, 1956, after appropriate notice to all parties in inter-  
est, and at the conclusion thereof, the matter was taken under ad-  
visement.

At the hearing, it appeared that applicant is the holder of  
a certificate of public convenience and necessity issued by the Civil

Aeronautics Board, under date of August 16, 1956, authorizing applicant to furnish transportation, by air, of mail, persons and property, between the terminal points Amarillo, Texas and Wichita, Kansas, via the intermediate points of Borger, Texas; Guymon, Oklahoma; and Liberal, Kansas, and between the terminal points Denver, Colorado, and Oklahoma City, Oklahoma, via the intermediate points Colorado Springs and Lamar, Colorado; Guymon, Oklahoma; Liberal, Kansas; and Enid, Oklahoma.

It further appears that intrastate passenger traffic between Lamar, Colorado Springs, and Denver, Colorado, has been extensive. The City of Lamar, Colorado, is the center of a large geographical area in the southeast portion of the State of Colorado, having a significant and increasing importance in agricultural, livestock, and oil activities, and is wholly without scheduled air transportation. There is a substantial community of interest between Lamar, on the one hand, and the Cities of Colorado Springs and Denver, on the other, as well as between the Cities of Denver, Colorado Springs, and Lamar, on the other hand, and the Cities in the Oklahoma Panhandle and in the States of Texas, Oklahoma, Kansas, Missouri, and Arkansas, which are served by applicant, on the other.

The record shows that pecuniarily and otherwise, applicant is adequately equipped to carry on the operation.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That applicant is a common carrier, by air, in the transportation of mail, persons, and property, in intrastate commerce, and, as such, is subject to the jurisdiction of this Commission.

That existing means of transportation between Lamar, Colorado Springs and Denver, Colorado, would be substantially improved by the operation, in intrastate commerce, of the proposed on-schedule air service of applicant; that public convenience and necessity require the

authorization of said service; that applicant is fit, willing, and able to perform the said air transportation service properly, and to conform to our rules and regulations and requirements, present or future -- including those rules of the Civil Aeronautics Board which we may adopt -- and that certificate of public convenience and necessity should issue therefor, subject, however, to the restrictions and conditions set forth in the Order following, which, in the opinion of the Commission, public interest requires.

O R D E R

Upon consideration of the evidence of record, and the application and files herein, the Commission having issued the foregoing Statement and Findings of Fact, which are hereby referred to and made a part hereof, by reference,

IT IS ORDERED, That present and future public convenience and necessity require, and will require, the proposed on-schedule operations, by air, of applicant; that it should be, and hereby is, authorized to engage in air transportation of mail, persons, and property, in both directions, in intrastate and interstate commerce, between Lamar, Colorado; Colorado Springs, Colorado; and Denver, Colorado, via the route, or routes, described in its certificate of public convenience and necessity issued by the Civil Aeronautics Board, as set forth in the application herein, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its tariffs, rate schedules, and rules and regulations with this Commission, within thirty (30) days from the date hereof.

Jurisdiction is hereby retained of this application and operations under the certificate herein granted, to the end that such further order, or orders, as to the Commission may seem proper, may be entered herein, if the Commission deems advisable.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*APPROVED BY THE COMMISSIONERS*

*Dated at Denver, Colorado,*  
*this 4th day of December,*

by

*Ralph C. Johnson*  
*John P. Johnson*  
*John P. Johnson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of December, 1956.

mls

*original*

(Decision No. 46921)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JEMIMA L. WATERS, DOING BUSINESS  
AS "WATERS TRUCK LINE," CHERAW,  
COLORADO, FOR AUTHORITY TO TRANSFER  
PERMIT NO. B-859 TO JEMIMA L. WATERS  
AND M. R. WATERS, AS JOINT TENANTS  
WITH RIGHT OF SURVIVORSHIP AND NOT  
AS TENANTS IN COMMON, DOING BUSINESS  
AS "WATERS TRUCK LINE," CHERAW,  
COLORADO.

APPLICATION NO. 14645-PP-Transfer

December 4, 1956

Appearances: Stockton, Lynville & Lewis,  
Esqs., Denver, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

This is an application to transfer an unrestricted  
Class "B" private motor carrier permit. The applicant has re-  
quested that the application be dismissed. No reason appears  
why the request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed, at  
the request of the applicant.

O R D E R

THE COMMISSION ORDERS:

That Application No. 14645-PP-Transfer should be, and  
the same is hereby, dismissed, at the request of the Applicant.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Water*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of December, 1956.



*original*

(Decision No. 46922)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JOHN DAVID, JR., DOING BUSINESS AS  
"SMOKY HILL TRUCK LINE," 4878 WYAN-  
DOTT STREET, DENVER, COLORADO, FOR  
AUTHORITY TO TRANSFER PUC NO. 614  
TO LEE E. TROUT, DOING BUSINESS AS  
"SMOKY HILL TRUCK LINE," 4633 EAST  
GOLFAX, DENVER, COLORADO, AND FOR  
AUTHORIZATION OF ENCUMBRANCE OF  
SAID CERTIFICATE.  
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APPLICATION NO. 14811-Transfer  
SUPPLEMENTAL ORDER

IN THE MATTER OF THE APPLICATION OF  
JOHN DAVID, JR., DOING BUSINESS AS  
"SMOKY HILL TRUCK LINE," 4878 WYAN-  
DOTT STREET, DENVER, COLORADO, FOR  
AUTHORITY TO TRANSFER PUC NO. 1811  
TO LEE E. TROUT, DOING BUSINESS AS  
"SMOKY HILL TRUCK LINE," 4633 EAST  
GOLFAX, DENVER, COLORADO, AND FOR  
AUTHORIZATION OF ENCUMBRANCE OF  
SAID CERTIFICATE.  
-----

APPLICATION NO. 14812-Transfer  
SUPPLEMENTAL ORDER

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December 4, 1956  
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Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Transferor  
and Transferee.

S T A T E M E N T

By the Commission:

By our Decision No. 46824, dated November 15, 1956,  
we authorized the transfer of common carrier authorities PUC  
No. 614 and 1811 from John David, Jr., doing business as "Smoky  
Hill Truck Line," Denver, Colorado, to Lee E. Trout, doing  
business as "Smoky Hill Truck Line," Denver, Colorado.

The Order inadvertently omitted reference to and  
approval of a purchase money mortgage of these authorities in  
favor of the seller in the sum of \$2,500, payable in monthly  
installments of \$70 or more, plus interest, commencing October 15,  
1956, all in accordance with a copy of such an instrument offered  
and received in evidence as Exhibit 3. The mortgage is not

objectionable and no reason appears why the oversight should not be corrected nunc pro tunc as of the date of the above-mentioned Order. An Order will be entered accordingly.

F I N D I N G S

THE COMMISSION FINDS:

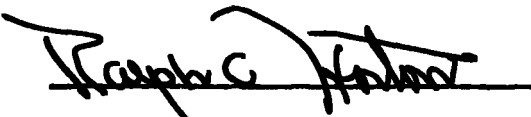
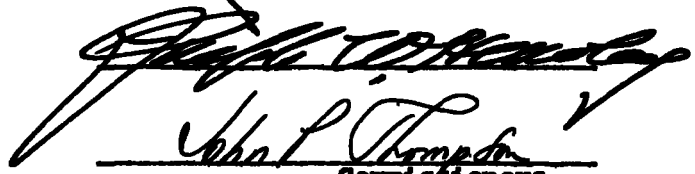

That the above-mentioned mortgage should be approved, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the purchase money mortgage from Lee E. Trout, doing business as "Smoky Hill Truck Line," Denver, Colorado, to John David, Jr., doing business as "Smoky Hill Truck Line," Denver, Colorado, for the purchase of PUC No. 614 and PUC No. 1811, as set forth in Exhibit 3 which is made a part hereof by reference, be, and the same hereby is, approved, nunc pro tunc, as of November 15, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of December, 1956.

ca

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BEN L. MCKAY, 2211 NEWTON STREET, )  
DENVER, COLORADO. )  
\_\_\_\_\_)

PERMIT NO. M-6239

December 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ben L. McKay

requesting that Permit No. M-6239 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6239, heretofore issued to \_\_\_\_\_

Ben L. McKay

be,

and the same is hereby, declared cancelled effective November 4, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
MIKE RYAN, 1365 WEST BYERS, DENVER, )  
COLORADO. )  
----- )

PERMIT NO. M-7899

December 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Mike Ryan

requesting that Permit No. M-7899 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7899, heretofore issued to \_\_\_\_\_

Mike Ryan

be,

and the same is hereby, declared cancelled effective December 3, 1956..

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Kenton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioner

Dated at Denver, Colorado,

this 10th day of December, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WAYNE E. WEST, DOING BUSINESS AS )  
"BUDS PRODUCE COMPANY," BOX 183, )  
GORDON, NEBRASKA. )

PERMIT NO. M-8063

December 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Wayne E. West, dba "Buds Produce Company,"

requesting that Permit No. M-8063 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8063, heretofore issued to \_\_\_\_\_

Wayne E. West, dba "Buds Produce Company," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE WORKMAN, ROUTE 1, BOX 19, )  
CALHAN, COLORADO. )  
----- )

PERMIT NO. M-8430

-----  
December 10, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George Workman

requesting that Permit No. M-8430 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8430, heretofore issued to \_\_\_\_\_  
George Workman \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective December 6, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Repha C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
KARL E. ELLIOTT, 2947 AMES STREET, )  
DENVER, COLORADO. )

PERMIT NO. M-11043

December 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Karl E. Elliott

requesting that Permit No. M-11043 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11043, heretofore issued to \_\_\_\_\_

Karl E. Elliott be,

and the same is hereby, declared cancelled effective November 14, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BEN L. MC KAY, 2211 NEWTON )  
STREET, DENVER, COLORADO. )  
-----

PERMIT NO. B-2840

-----  
December 10, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2840 be suspended for six months from November 4, 1956.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ben L. McKay, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2840 until May 4, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
-----  
*John P. Tompkins*  
-----  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of December, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARL R. LANE, 606 S. SIERRA )  
MADRE STREET, COLORADO SPRINGS, )  
COLORADO. )

PERMIT NO. B-5164

-----  
December 10, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5164 be suspended for six months from December 4, 1956.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Earl R. Lane, Colorado Springs, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5164 until June 4, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of December, 1956.

original

(Decision No. 46930)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
BRUSH MILK LINES COMPANY, 812 WARNER  
STREET, FORT MORGAN, COLORADO, FOR  
A CLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.  
-----

APPLICATION NO. 14827-PP  
SUPPLEMENTAL ORDER

-----  
December 6, 1956  
-----

Appearances: J. Corder Smith, Esq.,  
Fort Morgan, Colorado,  
for Applicant;  
Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for Con-  
solidated Milk Lines.

S T A T E M E N T

By the Commission:

On November 21, 1956, the Commission entered its  
Decision No. 46857 in the above-styled matter, and on November  
30, 1956, "Petition for Rehearing" was filed by Protestant Con-  
solidated Milk Lines, by its Attorneys.

The Commission has carefully examined the record and  
its decision in said matter, and finds that through inadvertence  
and mistake by the Commission, said decision is not complete.

It is therefore the judgment of the Commission that re-  
hearing should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing herein, filed on November 30,  
1956, by Consolidated Milk Lines, by its Attorneys, should be  
granted, and said matter later set for rehearing.

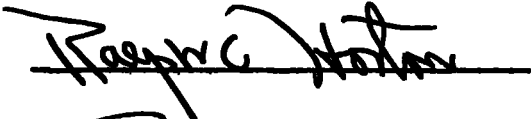
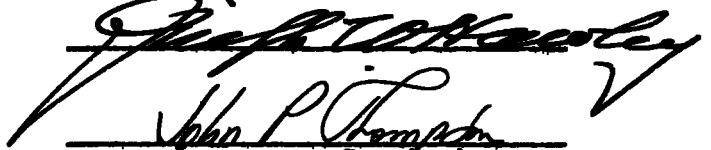

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing, filed herein on November 30, 1956, by Consolidated Milk Lines, by its Attorneys, should be, and the same hereby is, granted, said matter to be set for rehearing at a future date to be determined by the Commission, with notice to all parties in interest.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of December, 1956.

es

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

RANDALL'S FURNITURE COMPANY, INC., )  
9857 EAST COLFAX, AURORA, COLORADO. )

PERMIT NO. M-8541

December 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Randall's Furniture Company, Inc.

requesting that Permit No. M-8541 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8541, heretofore issued to \_\_\_\_\_

Randall's Furniture Company, Inc. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 19, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN W. GRAHAM, 206 CHEYENNE BOULE- )  
VARD, COLORADO SPRINGS, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
----- )

APPLICATION NO. 14337-PP  
SUPPLEMENTAL ORDER

-----  
December 7, 1956  
-----

Appearances: John W. Graham, Colorado  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

On May 7, 1956, the Commission entered its Decision No. 45760 in the above-styled application, granting to John W. Graham, Colorado Springs, Colorado, a Class "B" permit to operate as a private carrier by motor vehicle for hire.

It now appears that a typographical error appears in the 9th line of the third page of said decision, inasmuch as reference is made to "northern Colorado coal fields," whereas it was the intention of the Commission to grant applicant authority to haul coal from mines in the southern Colorado coal fields.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 45760, of date May 7, 1956, entered by the Commission in Application No. 14337-PP should be amended to conform to the facts, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

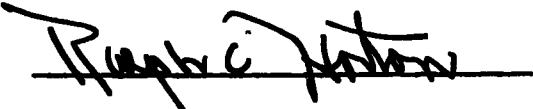


That Decision No. 45760, of date May 7, 1956, should be, and hereby is, amended, nunc pro tunc, as of said 7th day of May, 1956,

by striking therefrom the word "northern," appearing in the 9th line on the third page of said decision, and inserting in lieu thereof the word "southern," so that authority granted to applicant herein by said decision to haul coal, as amended, shall read:

"coal, from mines in the southern Colorado coal fields, to Colorado Springs and Pueblo, Colorado."

That, except as herein amended, said Decision No. 45760 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of December, 1956.

ea

original

(Decision No. 46333)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
M. F. THOMAS AND J. C. THOMAS, CO- )  
PARTNERS, DOING BUSINESS AS "THOMAS )  
& SON TRANSFER LINE," 1528 WAZEE )  
STREET, DENVER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO EXTEND OPERATIONS )  
UNDER PUC NO. 596. )  
-----)

APPLICATION NO. 14789-Extension

-----  
December 10, 1956  
-----

Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, M. F. Thomas and J. C. Thomas, co-partners,  
doing business as "Thomas & Son Transfer Line," Denver, Colorado,  
were granted a certificate of public convenience and necessity,  
authorizing them to operate as a common carrier by motor vehicle  
for hire, for the conduct of:

a transfer, moving, and general cartage business  
within the City and County of Denver, and for  
occasional service throughout the State of Colo-  
rado and each of the counties thereof, in both  
intrastate and interstate commerce,

and PUC No. 596 issued to them.

By the above-styled application, said certificate-  
holders seek authority to extend operations under said certifi-  
cate to include the right to conduct a transfer, moving, and  
general cartage business, including transportation of household  
goods, between all points within the City and County of Denver,  
State of Colorado.

Said application was regularly set for hearing before  
the Commission, at the Hearing Room of the Commission, 330 State

Office Building, Denver, Colorado, October 24, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 24, 1956, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, J. C. Thomas testified that he was one of applicants herein; that he and M. F. Thomas are the owners and operators of PUC No. 596; that the Thomas family had been in the transportation business in the City and County of Denver for a period of fifty years, transporting everything possible to be transported by motor vehicle; that there is on file with this Commission an Annual Report of applicants; that applicants have sufficient equipment to perform the services sought by the instant application.

Report of the Examiner further states that applicants are fit and proper persons, have sufficient equipment, and are financially able to render the services sought by the instant application; that they have been in a general cartage and transportation business in the City and County of Denver for a period of fifty years, and were so engaged on January 1, 1955, being the effective date of Constitutional Amendment, giving The Public Utilities Commission of the State of Colorado jurisdiction over common carriers by motor vehicle operating in home-rule cities, thereby establishing "Grandfather Rights."

The operating experience and financial responsibility of applicants were established to the satisfaction of the Commission.



No one appeared in opposition to the granting of the authority sought.

Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicants herein, authorizing extension of operations under PUC No. 596.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicants' proposed extended motor vehicle common carrier call and demand transportation service, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of M. F. Thomas and J. O. Thomas, co-partners, doing business as "Thomas & Son Transfer Line," Denver, Colorado, under PUC No. 596, for the conduct of a general cartage and transportation service, from point to point within the City and County of Denver, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

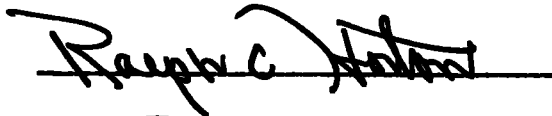


That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of December, 1956.

ea

*original*

(Decision No. 46934)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HELEN STOTTS, 2820 FIFTH COURT,  
DENVER, COLORADO, FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
TO EXTEND OPERATIONS UNDER PUC NO.  
3388.

APPLICATION NO. 14622-Extension

December 10, 1956

Appearances: Mellman and Mellman, Esqs.,  
Denver, Colorado, for  
Applicant;  
Robert E. McLean, Esq.,  
Denver, Colorado, for  
R. B. Davis, Dick Akeman,  
Marshall and Herrick, Fred  
Schroeder, Jr., W. J. Weber,  
Allspach Brothers, George  
Flint, Harvey Ellis, Ruben  
Graff, Lawrence Ebert, Lon  
Gilbert, George Reichert,  
Sam Basile, Herbert Dalberg;  
Harry Steigman, Golden, Colorado,  
for Tri-County Health De-  
partment;  
George W. Harper, Esq., Denver,  
Colorado, for Glen Huber.

S T A T E M E N T

By the Commission:

On April 10, 1956, in Application No. 14201, the Com-  
mission entered its Decision No. 45594, granting to Helen Stotts,  
Denver, Colorado, a certificate of public convenience and neces-  
sity, for the transportation of:

ashes, trash, and other waste materials, from  
point to point within the City and County of  
Denver, and from points in the City and County  
of Denver, to regularly-established and approved  
dumps and disposal places in the Counties of  
Adams, Arapahoe, and Jefferson, State of Colorado,

said operating rights being designated "PUC No. 3388."

On April 2, 1956, said Helen Stotts, Denver, Colorado,  
filed the above-styled application, seeking a certificate of  
public convenience and necessity, authorizing extension of

operations under said PUC No. 3388 to include the right to transport trash and ashes within a ten-mile radius of the City and County of Denver, State of Colorado, to the north and to the west of said City and County of Denver, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, August 13, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On August 13, 1956, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, applicant herein testified that she is the owner of a 1949 Chevrolet one-half-ton truck and an automobile, and has \$1,000 in the bank; that her husband is working; that she is now serving nine customers in the area sought; that these customers live between Tenth and Twelfth Avenues, in the vicinity of Zinnia and Zang Streets; that the area is building up.

Lillian Jorgenson testified that she lives at 1080 Zinnia Street, in the Ashwood Park Subdivision; that said territory is growing; that approximately two hundred new homes will be built in said area; that these homes will be valued between \$18,000 and \$25,000; that applicant herein has been hauling her trash, together with other people's, in the vicinity of her home; that the service is good, and that said service is needed; that she has never called on any other trash-hauler for service.

Katherine Bernstein testified that she lives at 1090 Zang Street; that her husband is a Mining Engineer, employed by Climax Molybdenum Company; that applicant herein has been transporting her trash since October, 1955; that said service is good, and is needed.

Harry Steigman testified that he is Director of Sanitation for Jefferson County Disposal District, which District has been set up by law; that the instant application would, if granted, conflict with the present set-up, in which the District has the double duty of picking up trash and garbage; that the District enters into a contract with a hauler of trash and garbage, to render service in a certain area, and the hauler is required to put up a performance bond; that, at the present time, Glen Huber has the contract to furnish this service in the area sought to be served by applicant; that, in his opinion, no additional service is needed.

Thereupon, the hearing on said matter was continued to August 31, 1956, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

On August 31, 1956, when the above-styled application again came on for hearing, applicant's attorneys moved that the testimony of Harry Steigman be stricken, which motion was taken under advisement.

Mrs. Charlotte Richardson testified that she lives at 1057 Zang Street; that her husband is a salesman; that she has lived at this address for two years, and that no one except applicant herein has sought to haul her trash; that applicant has been hauling her trash for the past six months, and that the service is good.

Helen Stotts, applicant herein, was recalled, and testified that she has nine customers who live between Tenth and Twelfth, on Zang and Zinnia Streets; that she uses a dump at Ninth and Wall Streets to dispose of trash.

In opposition, Glen Huber testified that he is the owner of PUC No. 1968, with authority to transport trash and garbage in the territory herein sought to be served by applicant; that he has sufficient equipment to render service required of him, and can obtain additional equipment, if necessary; that he employs one man; that he advertises in the telephone directory, by hand bills, signs on trucks, and door-to-door solicitation; that to begin with, he had one hundred sixty customers, and is now serving four hundred and fifty customers; that he is able to handle the business in said area, and does not believe any additional authority is necessary.

A. D. Latrell testified that he is employed by Glen Huber, assisting him in his disposal business; that he is not working full time; that Mr. Huber has about fifty garbage customers, and the balance are trash customers; that his wife operates a motel.

W. J. Weber testified that he is the owner of PUC No. 2127, and does business under the firm name and style "Weber Hauling Service;" that he has had seven years' experience as a trash-hauler, and has authority to render service in the territory sought to be served by applicant herein; that he advertises in the telephone directory, by hand bills, and by person-to-person contact; that he has sufficient equipment to meet any demand; that there is no need for additional service in the territory sought to be served by applicant herein.

Clarence Cook testified that he operates under PUC No. 2156, and can serve the territory sought to be served by applicant herein, although at the present time he is serving only about forty per cent of the territory by reason of an arrangement made between the Jefferson County Disposal District and the garbage and trash-haulers.

Lawrence Welch, who operates in a portion of the territory sought to be served by applicant herein, testified, but his testimony was stricken when applicant amended her application

to show that territory sought to be served would be between First Avenue to Colfax Avenue, not including Colfax Avenue, and from Sheridan Boulevard, ten miles west.

Report of said Examiner further states that the area sought to be served by applicant herein is within the territory of Jefferson County Disposal District, which is a part of the Tri-County Health Authority; that this Disposal District has been set up according to law, and the disposal of ashes, trash, and garbage is a legal responsibility of said District; that, in addition to any authority that might be granted by this Commission, some authority would have to be granted by said Disposal District; that Harry Steigman, as Director of Sanitation for Jefferson County Disposal District, and the Disposal District, are proper parties to these proceedings, and it is the opinion of said Examiner that motion to strike testimony of said Harry Steigman should be denied; that while the original application sought a ten-mile radius north and south of the City, applicant suggested that authority might be limited to an area extending from Sheridan Boulevard to ten miles west, and from First Avenue to Colfax Avenue, excluding Colfax Avenue; that proof of need for additional service in these areas is limited to nine customers who reside between Tenth and Twelfth Avenues and Zang and Zinnia Streets; that while there is some proof of need for this particular service, the Examiner was impressed with the statement of Witness Harry Steigman, who testified that the proposed service is not needed, and, if granted, would disrupt the present arrangement for transportation of trash within said area; that while applicant is a fit and proper person, and has sufficient equipment to render the proposed service, she has failed to establish public convenience and necessity for said proposed service, and no person, or persons, would be without adequate service if the instant application were denied.

Report of the Examiner recommends that motion to strike testimony of Harry Steigman should be denied, and the above-styled application denied.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That motion to strike testimony of Harry Steigman, Director of Sanitation for Jefferson County Disposal District, should be denied.

That Application No. 14622 should be denied.

O R D E R

THE COMMISSION ORDERS:

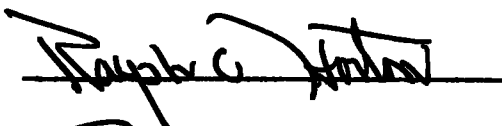
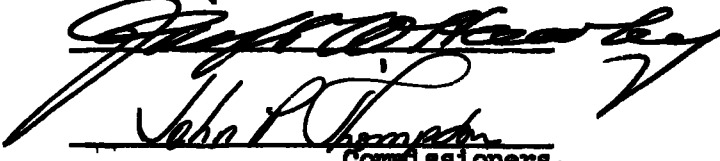
That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That motion to strike testimony of Harry Steigman, Director of Sanitation for Jefferson County Disposal District, should be, and hereby is, denied.

That Application No. 14622 should be, and the same hereby is, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of December, 1956.

ea



original

(Decision No. 46935)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	APPLICATION NO. 14819
UNION PACIFIC RAILROAD COMPANY FOR		
AUTHORITY TO CLOSE THE STATION		
AGENCY AT VALMONT, COLORADO.		
-----	)	

-----  
December 10, 1956  
-----

S T A T E M E N T

By the Commission:

By the instant application, Union Pacific Railroad Company, a corporation of the State of Utah, duly authorized as a common carrier, and so doing business in the State of Colorado, seeks authority from this Commission to close its agency station at Valmont, Boulder County, Colorado.

In the instant application, it is alleged that the small volume of public service offered at the station will not justify the continuance of an agent on daily duty.

Pursuant to the Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in Colorado, and under Rule 6 thereof, the Union Pacific Railroad Company posted proper public notice at the Valmont station describing the proposed withdrawal of agency service, and stating further that:

"Any person desiring to protest the closing of the station agency at Valmont, Colorado, shall file a written protest with the Public Utilities Commission of the State of Colorado . . . ."

In addition, separate copies of the Notice of Change in Service were forwarded by Union Pacific to its twelve patrons at Valmont.

No protests have been received by the Commission.

Investigation by the Commission reveals the following:

Population of Valmont is 100 people. Valmont is located on an oilmat County road 3.6 miles east from Boulder. It is also a station on applicant's Boulder Branch Line, which extends easterly from the terminus at Boulder, Colorado, to a main line junction at St. Vrain, Colorado, some 15.9 miles from Valmont; the branch line continues easterly to another main line connection at Brighton, Colorado. The Boulder Branch is 28 miles in length and serves local coal mines along the route, with the additional seasonal business of sugar beets and livestock. Freight service consists of one train in each direction daily except on Sunday. The nearby open agency stations are maintained at Boulder and St. Vrain. The station at Valmont has been open Monday through Friday from 7:00 A. M., to 4:00 P. M. Carload billings for the adjacent non-agency stations of Liggett and Tabor, Colorado, have been handled at Valmont. At Valmont there is no passenger, mail, milk or cream business; l. c. l. freight and express shipments are of small volume, and no l. c. l. shipments were forwarded in the past three and one-half years; no telegraph service has been performed at Valmont for over eight years.

Principal activity for the Valmont agent has been receipt of carload shipments of coal, chemicals and asphalt, with only seasonal forwarded carloads of sugar beets and livestock, as shown in the following summary:

<u>COMMODITIES HANDLED BY CARLOADS</u>			
<u>Number of Carloads</u>			
<u>Year</u>	<u>Commodity</u>	<u>Forwarded</u>	<u>Received</u>
1953	Soft Coal		546
	Barium		5
	Transformers		2
	Sheep	6	
	Sugar Beets	22	
	Total -	<u>28</u>	
1954	Soft Coal		326
	Barium		7
	Transformers		1
	Cattle	2	2
	Asphalt		16
	Total -	<u>2</u>	

COMMODITIES HANDLED BY CARLOADS

Year	Commodity	Number of Carloads	
		Forwarded	Received
1955	Soft Coal		775
	Machinery		4
	Lumber and Wallboard		2
	Barium		9
	Chemicals		2
	Generator	1	1
	Cattle	1	
	Asphalt		29
	Total -	<u>2</u>	<u>822</u>
1956	Soft Coal		52
	Barium		1
	Fluorspar		1
	Asphalt		12
	Cattle	3	
		Total -	<u>3</u>

Full scope of the station business is reflected in the following:

STATEMENT OF GROSS REVENUE ACCOUNTED FOR AT VALMONT, COLORADO, AGENCY

	YEAR			
	1953	1954	1955	1956 (6-25)
<u>FREIGHT CHARGES:</u>				
L.C.L. Received	\$ 718.30	191.95	1,347.38	208.94
L.C.L. Forward	00	00	00	00
C.L. Received	33,644.74	28,526.49	60,707.88	8,277.40
C.L. Forward	966.36	428.10	1,892.05	316.42
TOTAL -	<u>\$35,329.40</u>	<u>\$29,146.54</u>	<u>\$63,947.31</u>	<u>\$8,802.76</u>
<u>PASSENGER:</u>				
Not Handled	00	00	00	00
Western Union Telegraph	\$ <u>00</u>	<u>00</u>	<u>00</u>	<u>00</u>
Railway Express	\$ <u>191.11</u>	\$ <u>181.44</u>	\$ <u>117.78</u>	\$ <u>48.93</u>
GRAND TOTAL -	<u>\$35,520.51</u>	<u>\$29,327.98</u>	<u>\$64,065.09</u>	<u>\$8,851.69</u>
Less C.L. Received	<u>33,644.74</u>	<u>28,526.49</u>	<u>60,707.88</u>	<u>8,277.40</u>
REMAINDER -	<u>\$1,875.77</u>	<u>\$801.49</u>	<u>\$3,357.21</u>	<u>\$574.29</u>

Station expense consists of agent's salary, station supplies, coal and electricity, all of which in the Year 1955 amounted to some \$4,208.00. Excluding the revenue from carload shipments received, as noted above, it is apparent that in no year did the remainder of revenue approach the amount of station expense.

In our further inquiry, it has been determined that Union Pacific has contacted its various shippers relative to handling of l. c. l. shipments, and it appears in many instances the switching nature of this branch line will permit the train conductor to deliver shipments enroute, and that the Joint Colorado & Southern-Union Pacific Railroad Agent at Boulder, Colorado, will accept payment of freight charges. Further, it has long been standard railroad practice to handle routine billing of carload shipments at a station other than the point of origin or destination; in this case, the billing operations will be carried on at St. Vrain, and payments will be received at the Boulder Agency.

It appears now there remains for our consideration only the item of Railway Express business, which averaged some three shipments per month and yielded revenues as noted in the previous revenue statement. It has been our custom that the disposition of this item of station business is handled as a separate proceeding with Railway Express Agency, since independent negotiations are often made by that organization to secure another merchants agent to receive and handle its shipments. Such a method appears quite feasible herein as being similar to the methods proposed by the Railroad Company. We do not believe that withdrawal of the Valmont agent will unduly inconvenience consignees or shippers in the Valmont area since the services of carload switching and related loading and unloading facilities will be continued, and alternate agency services are readily available.

It is therefore the belief of the Commission that the proposed change is compatible with the public interest, and the Commission has therefore determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That safe and economical railroad operation does not

require the maintenance of an agent at Valmont, Colorado.

That public convenience and necessity in the Valmont area can be adequately served by other agency stations.

That the foregoing Statement, by reference, is made a part of these Findings.

That authority sought in the instant application should be granted.

O R D E R

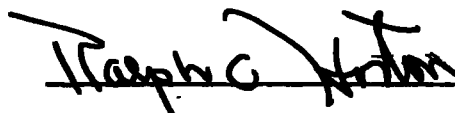
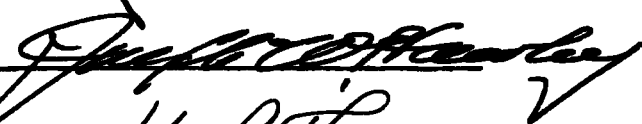

THE COMMISSION ORDERS:

That Applicant, Union Pacific Railroad Company, be, and it hereby is, authorized to withdraw its agent from the station at Valmont, Boulder County, Colorado, and to thereafter maintain same as a prepay or non-agency station.

That reference shall be made to this decision in the affected tariff schedules to show the closing of said station and as authority for such action.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of December, 1956.

ea

*original*

(Decision No. 46936)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OUTWEST AERO SERVICE, INC., 3210 )  
POINSETTA DRIVE, COLORADO SPRINGS, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
AIRPLANE. )  
-----)

APPLICATION NO. 14756  
SUPPLEMENTAL ORDER

-----  
December 12, 1956  
-----

Appearances: Austin Hoyt, Esq., Colorado Springs, Colorado, and John F. Gallagher, Esq., Colorado Springs, Colorado, for Applicant; Fred Tanquary, Pueblo, Colorado, for Colorado Air Transport, Inc.; James C. Gates, Colorado Springs, Colorado, for Pikes Peak Air Service, Inc.; W. F. Bridgeman, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 46860, dated November 26, 1956, the Commission granted Outwest Aero Service, Inc., Colorado Springs, Colorado, a certificate of public convenience and necessity, as set forth in said Order.

On December 7, 1956, Petition for Rehearing was filed in said matter by Fred T. Tanquary, Attorney for Colorado Air Transport, Inc., Pueblo, Colorado.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion that said Petition should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing filed herein by Fred T. Tanquary, Attorney for Colorado Air Transport, Inc., Pueblo, Colorado, should be denied.

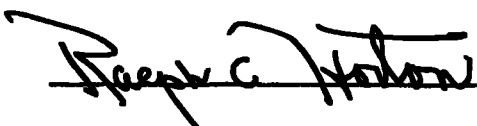
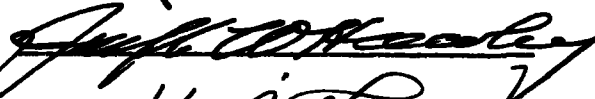

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter, filed by Fred T. Tanquary, Attorney for Colorado Air Transport, Inc., Pueblo, Colorado, should be, and the same hereby is, denied.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1956.

ea

original

(Decision No. 46937)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
ALEX FOOS, 1555 EATON STREET, DENVER,	)	
COLORADO, FOR AUTHORITY TO TRANSFER	)	
PUC NO. 1844 TO WESTERN DISPOSAL	)	<u>APPLICATION NO. 14786-Transfer</u>
COMPANY, A COLORADO CORPORATION,	)	
5051 CARR STREET, ARVADA, COLORADO.	)	
-----	)	

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December 12, 1956  
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Appearances: Albert Lathan, Jr., Esq.,  
and  
A. E. Small, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Alex Foos, owner and operator of PUC No. 1844, seeks authority to transfer said operating rights to Western Disposal Company, a Colorado corporation, Arvada, Colorado, said PUC No. 1844 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

trash, dirt, brush, garbage and fertilizer, between all points in an area in Jefferson County bounded on the north by West 52nd Avenue, on the south by West 29th Avenue, on the east by Sheridan Boulevard, and on the west by Kipling Street, on the one hand, and, on the other, 1540 Eaton Street; and between all points in said area, on the one hand, and, on the other, all dumps, both public and private, within a radius of five miles from the center of the above-described area; transportation of ashes, trash, and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 24, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.



On October 24, 1956, and prior to the hour set for hearing said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Alex Foss, transferor herein, testified that he is the owner and operator of PUC No. 1844, and that it is his desire to transfer said operating rights to Western Disposal Company; that there are no outstanding unpaid operating obligations against said certificate; that there is a financial statement of transferee on file with the Commission; that said transfer is to be made in accordance with agreement signed by applicants herein, copy of which is on file with the Commission.

Herbert Dalberg and W. H. Conter testified that they are officials of the Western Disposal Company, transferee herein, and that said company has sufficient equipment to render good service; that they are acquainted with the rules and regulations of the Commission governing motor vehicle common carriers, and will abide by the same.

No one appeared in opposition to the granting of the authority sought.

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission.

Report of the Examiner recommends that said transfer should be authorized.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness against said operation, if any there be.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Alex Foos, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to FUC No. 1844 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Western Disposal Company, a Colorado corporation, Arvada, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

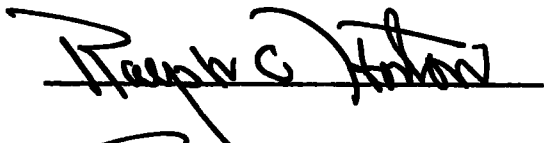


That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1956.

ea

original

(Decision No. 46938)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF JOHN WESLEY LYNCH, SR., 132 WEST TENTH AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING OPERATION AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE. -----	}	APPLICATION NO. <u>14628</u>
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December 12, 1956  
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Appearances: John Wesley Lynch, Sr.,  
Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, John Wesley Lynch, Sr., Denver, Colorado, seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash, within the City and County of Denver, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, August 13, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On August 13, 1956, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

At the time and place designated for hearing, applicant failed to appear, either in person or by counsel.

Report of the Examiner submitted subsequently to the Commission stated that applicant was not aware of the necessity of appearing at the hearing.

Thereupon, said matter was continued, to be re-set for hearing at a future date to be determined by the Commission.

Said application was regularly re-set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 9, 1956, due notice thereof being forwarded to all parties in interest.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he was engaged in transportation of ashes, trash, and other waste materials in the City and County of Denver until 1946, at which time he became ill and was unable to continue said business until about five months ago; that he has had many requests for services as a trash-hauler; that, at the present time, under temporary authority, he is serving approximately forty customers, including Miller Stores; that he is the owner of a 1949 three-quarter-ton truck, and would, if authority herein sought is granted, limit his operations to the use of one truck.

Report of the Examiner further states that applicant herein is a fit and proper person, has sufficient equipment, and is financially able to render the service herein sought; that there is a present need for his proposed services for the transportation of ashes, trash, and other waste materials within the City and County of Denver.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a

part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of John Wesley Lynch, Sr., Denver, Colorado, for the transportation of ashes, trash, and other waste materials, between points within the City and County of Denver, and from points within the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective 21 days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1956.

*Original*

(Decision No. 46939)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEE O. COLE, 2900 SOUTH ZUNI STREET, )  
ENGLEWOOD, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 14618

-----  
December 12, 1956  
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Appearances: Marvin W. Foote, Esq., Englewood,  
Colorado, for Applicant;  
Robert E. McLean, Esq., Denver,  
Colorado, for R. B. Davis,  
Dick Akeman, Marshall and Her-  
rick, Fred Schroeder, Jr., W.  
J. Weber.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of rubbish and ashes, in the Town of Sheridan, and in northwest Arapahoe County, as more particularly set forth in his application.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, August 13, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On August 13, 1956, and prior to the hour designated for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting

the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, applicant herein testified that he is in the business of transporting ashes and trash in the territory set out in his application; that he is the owner of a 1950 G.M.C. Pick-up Truck; that he is financially able to render the service sought to be performed; that he has had requests for such service.

Alemada Choppy, of 3064 South Umatilla Street, Englewood, Colorado, testified that she has lived at that address for nine years; that no carrier has called her for the past two years seeking to haul her trash; that she is disposing of her garbage in an old well; that she knows there are authorized carriers authorized to haul trash, but none has contacted her.

Dena Horton, of 2903 South Wyandot Street, testified that at the present time, she is hauling her own trash, but would use applicant's service, if the authority herein sought is granted.

Eldred M. Cole, of 3370 South Knox Court, testified that he is the brother of applicant; that in the past he has had need for a trash-hauler, but could not obtain one; that he has never seen a trash-hauler in the vicinity of his residence; that he is now hauling his own trash.

Roy Walker, of 2421 West Amherst Avenue, testified that he has a filling station at 2947 West Hampden Avenue; that he had used the services of Englewood Pickup, which service was unsatisfactory; that applicant herein is now hauling his trash, and the service is good; that he has not called any other carrier.

In opposition, Everett Marshall, of Englewood Pickup Service, testified that he has been in the trash-hauling business for two and one-half years, and that he is authorized to serve the territory sought to be served by applicant herein; that he serves fifty-eight customers



in this area with pick-ups every week; that he advertises in newspapers, the telephone directory, by hand bills, cards, and personal contacts; that there is no need for additional service in the area sought to be served by applicant.

Dick Akeman testified that he is the owner of Englewood Rubbish Removal; that he has a large amount of equipment which is not working full time, and that he could take care of additional customers; that he serves the territory herein sought to be served three times a month, and has had no complaints on his services; that he advertises by newspapers, and telephone directory, and that there is no need for additional trash-hauling service in the area sought to be served by applicant.

It was stipulated that Fred J. Schroeder, Jr. and R. B. Davis, who have authority to transport ashes and trash in the area herein sought to be served, if called as witnesses, would have testified substantially the same as Witnesses Marshall and Akeman.

It was further stipulated that applicant herein would file an amended application, showing a smaller area than requested by his original application, and submit a copy thereof to protestants' attorney, Robert E. McLean, who would inform the Examiner herein regarding protestants' position on such amended application.

Amended Application was received by said Examiner, and was made a part of the record herein.

Protestants herein have also filed a letter of position, which is also made a part of the record herein.

There is a difference as to territory desired to be served by applicant and that which is proposed by protestant, and applicant rested his case upon the record herein.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Report of the Examiner further states that applicant is a

fit and proper person, has sufficient equipment, and is financially able to render the service herein sought to be performed; that applicant produced evidence of need for limited service.

Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant herein, as hereinafter limited.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner therein referred to should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Lee O. Cole, Englewood, Colorado, for the transportation of ashes, trash, and other waste materials, between points in the following-described area in Arapahoe County, State of Colorado:

Bounded by Jewell Avenue on the north, Yale on the south, Federal Boulevard on the west, and the river on the east,

and from points in said area, to regularly-designated and approved dumps and disposal places in Adams, Arapahoe, and Jefferson Counties, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regula-

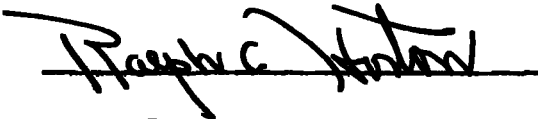
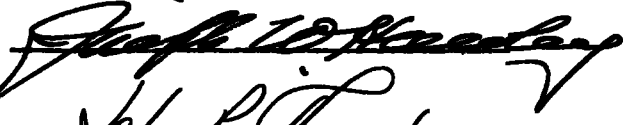

tions as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1956.

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