

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROY V. LIKENS, 411 NORTH MELDRUM )  
STREET, FORT COLLINS, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 15035  
AND NECESSITY TO OPERATE AS A COMMON ) SUPPLEMENTAL ORDER  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----)

-----  
April 22, 1957  
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Appearances: Kenneth H. Gross, Esq.,  
Fort Collins, Colorado,  
for applicant;  
Gene E. Fischer, Esq.,  
Fort Collins, Colorado,  
for Francis D. Rickard  
and James Rickard.

S T A T E M E N T

By the Commission: -

By the instant application, Roy V. Likens, 411 North Meldrum Street, Fort Collins, Colorado, seeks a certificate of public convenience and necessity authorizing transportation of ashes and trash "within the city of Fort Collins, Colorado." After a hearing in Greeley, Colorado, on February 14, 1957, the Commission granted the authority requested, by Decision No. 47519, of date March 13, 1957. Petition for Rehearing was filed on the ground that authority for the operation had not been granted between points in an area beyond the city limits of Fort Collins, which petition was denied by Decision No. 47629, of date April 2, 1957, because of the fact that authority for this outside service had not been requested in the original application.

In the latter decision, the Commission stated that the only recourse of applicant is to file application for extension of the authority granted by Decision No. 47519, supra, to include the transportation of ashes and trash between points within a specified radius of the city limits of Fort Collins, Colorado.

At a conference between the interested attorneys and the presiding Commissioner at Fort Collins, Colorado, on April 10, 1957, it was agreed that applicant's Petition for Rehearing, filed March 25, 1957, might be withdrawn from the files and considered by the Commission as an independent application for extension, and be set for hearing as such, provided the necessary fee be paid. It appeared that applicant had paid the fee of \$35.00 for filing the original application and a fee of \$5.00 for the issuance of the original certificate, and would be required to pay an additional fee of \$35.00 in the event he desires a hearing on the application for extension of authority filed in this matter.

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

##### THE COMMISSION FINDS:

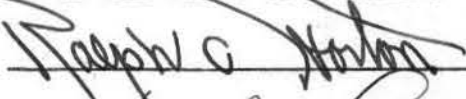

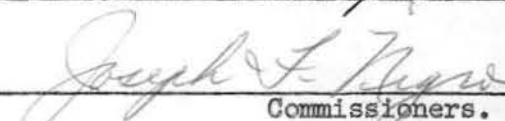
That the informal agreement referred to in the foregoing Statement should be ratified by Order of the Commission.

#### O R D E R

##### THE COMMISSION ORDERS:

That applicant Roy V. Likens, Fort Collins, Colorado, be, and is hereby, permitted to withdraw from the files herein his Petition for Rehearing on Decision No. 47519, said petition having been filed on March 25, 1957, and that said petition be considered by the Commission as an independent application for extension of the authority granted by said Decision No. 47519, to include the transportation of ashes and trash from point to point within a radius of three miles of the city limits of Fort Collins, Colorado, and be set for hearing as such at the convenience of the Commission, provided the required fee for such filing and hearing be first paid by applicant.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

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PERMIT NO. M-6464

April 26, 1957

## STATEMENT

The Commission is in receipt of a communication from

Lyle D. Arnold

requesting that Permit No. M-6464 be cancelled.

## FINDINGS

That the request should be granted.

## ORDER

That Permit No. M-6464 , heretofore issued to

Lyle D. Arnold

be,

and the same is hereby, declared cancelled effective April 7, 1957.

Ralph C. Holcomb  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

this 26th day of April, 1957.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
MEL DURAN, P. O. BOX 133, FAIRPLAY, )  
COLORADO. )  
 )  
 )  
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PERMIT NO. M-11587

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April 26, 1957  
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STATEMENT

By the Commission:

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

requesting that Permit No. M-11587 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

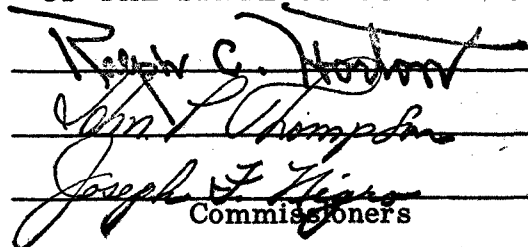
ORDER

THE COMMISSION ORDERS:

That Permit No. M-11587, heretofore issued to \_\_\_\_\_  
Mel Duran \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 8, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 26th day of April, 195 7.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
LORENZO SANCHEZ, 2028 LARIMER STREET,)  
DENVER 5, COLORADO. )  
 )  
 )  
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 )  
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PERMIT NO. M-12320

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April 26, 1957  
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STATEMENT

By the Commission:

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

requesting that Permit No. M-12320 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

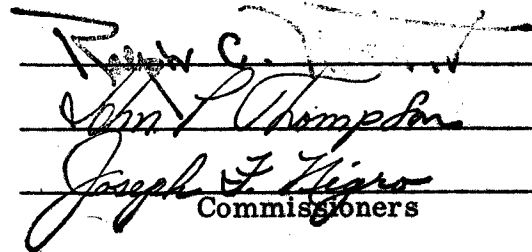
ORDER

THE COMMISSION ORDERS:

That Permit No. M-12320, heretofore issued to \_\_\_\_\_  
Lorenzo Sanchez \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 18, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 26th day of April, 1957.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES J. KENSKI, DOING BUSINESS AS )  
"WALSENBURG TAXI CAB," 330 MAIN )  
STREET, WALSENBURG, COLORADO. )  
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PUC NO. 1688

-----  
April 26, 1957  
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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 certificate holder requesting that his PUC No. 1688 be suspended for six months from April 16, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

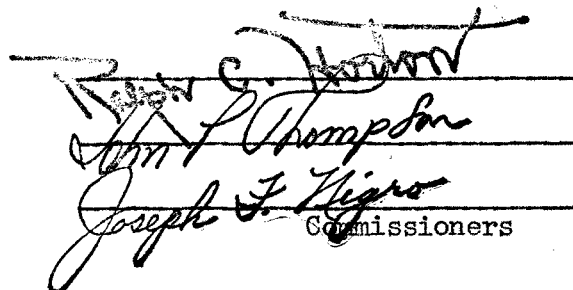
O R D E R

THE COMMISSION ORDERS:

That Charles J. Kenski, dba Walsenburg Taxi Cab be, and he is hereby authorized to suspend his operations under PUC No. 1688 until October 16, 1957.

That unless said certificate holder 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

  
Commissioners

Dated at Denver, Colorado,  
this 26th day of April, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HERBERT SKALA, STUART, NEBRASKA. )  
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PUC NO. 3394-I

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April 26, 1957  
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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 certificate holder requesting that his PUC No. 3394-I be suspended for six months from March 31, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

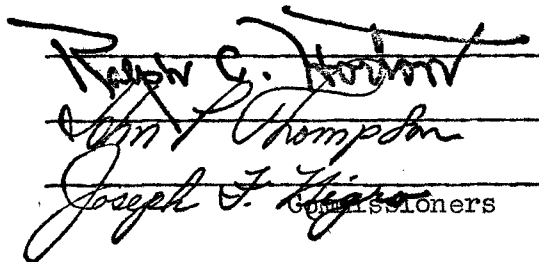
O R D E R

THE COMMISSION ORDERS:

That Herbert Skala be, and he is hereby, authorized to suspend his operations under PUC No. 3394-I until September 30, 1957.

That unless said certificate holder 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

  
Commissioners

Dated at Denver, Colorado,  
this 26th day of April, 1957.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RAYMOND J. HERTZ AND E. L. PHILLIPS, )  
1609 MACON, AURORA, COLORADO. )  
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PERMIT NO. B-4320

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April 26, 1957  
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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-4320 be suspended for six months from April 16, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

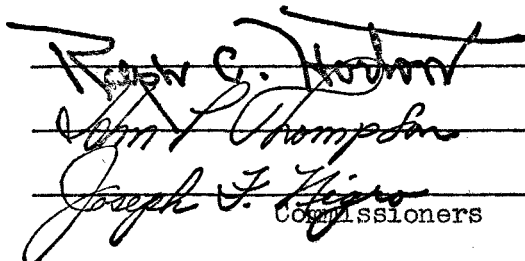
O R D E R

THE COMMISSION ORDERS:

That Raymond J. Hertz and E. L. Phillips be, and they are hereby, authorized to suspend their operations under Permit No. B-4320 until October 16, 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 26th day of April, 1957.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LYLE D. ARNOLD, BOX AA, MEEKER, )  
COLORADO. )

PERMIT NO. B-4803

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April 26, 1957  
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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-4803 be suspended for ~~six~~ months from April 7, 1957.

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 Lyle D. Arnold be, and he is hereby, authorized to suspend his operations under Permit No. B-4803 until October 7, 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. Holm*  
*John P. Thompson*  
*Joseph F. Higro*  
Commissioners

Dated at Denver, Colorado,  
this 26th day of April, 1957.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ( )  
GLENN C. POWELL, GENERAL DELIVERY, )  
FORT COLLINS, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE ) APPLICATION NO. 15244-PP  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

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April 22, 1957  
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Appearances: Glenn C. Powell, Fort  
Collins, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

By the instant application, Glenn C. Powell, Fort  
Collins, Colorado, seeks a Class "B" permit to operate as a  
private carrier by motor vehicle for hire for the transportation  
of logs from the forests in the State of Colorado to sawmills  
located within fifty miles of said forests.

Said application, pursuant to prior setting, after  
appropriate notice to all interested parties, was heard at the  
Court House in Fort Collins, Colorado, on April 10, 1957, and  
at the conclusion of the evidence, the matter was taken under  
advisement.

Applicant testified that he has been hauling forest  
products for the East Side Lumber Company, Fort Collins, Colorado,  
from the Chambers Lake area in Larimer County, and has been re-  
quested to file the instant application. He has had eighteen  
years experience in the transportation business. He uses a 1954  
Diamond-T 5-ton truck, fully equipped for this service, and his  
net worth is \$15,000.

Applicant testified that in order to give his customers  
the service requested in the timbered areas in which they operate,  
it is necessary to request an amendment of his application to

request such authority "within sixty-five miles of Fort Collins, Colorado." There being no protest, and it appearing that the operation of applicant in the territory he wishes to serve will not adversely affect the adequate service of any common carrier authorized to serve the same area, the amendment was allowed.

#### 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 should be granted, as amended at the hearing.

#### O R D E R

##### THE COMMISSION ORDERS:

That Glenn C. Powell, Fort Collins, Colorado, should be, and is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs from the forests within a radius of 65 miles of Fort Collins, Colorado, to sawmills located within said radius.

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,  
the 20th day of April, 1957.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MIKE ROTHMAN, 421 WEST 9TH STREET, )  
LOVELAND, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- ) APPLICATION NO. 15239  
CESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

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April 22, 1957  
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Appearances: Mike Rothman, Loveland,  
Colorado, pro se;  
Guy Hart, Longmont, Colo-  
rado, for Farm Hauling  
Service.

S T A T E M E N T

By the Commission:

By the instant application, as amended at the hearing,  
Mike Rothman, 421 West 9th Street, Loveland, Colorado, seeks a  
certificate of public convenience and necessity authorizing the  
transportation of farm products from farms within a 30-mile  
radius of Loveland, Colorado, to markets within said area.

Said application, pursuant to prior setting, after  
appropriate notice to all interested parties, was heard at the  
Court House in Fort Collins, Colorado, on April 10, 1957, and at  
the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he owns a 1952 1½-ton Inter-  
national truck, with beet-bed body, and his net worth is approx-  
imately \$15,000. He has been working for others and now wants to  
go into business for himself. He has had experience in hauling  
coal under a commercial permit since 1946, and has now been re-  
quested to obtain the certificate applied for so that he may haul  
peas to the Kuner-Empson Canning plants, wheat, corn, and other  
crops, from the farms to market and sugar beets from farms to  
beet dumps.



No one appeared to protest favorable action on the instant application. The operating experience and financial stability of applicant were established to the satisfaction of the Commission, and it appears to the Commission that the instant application for a certificate of public convenience and necessity should be granted.

#### 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 Mike Rothman, 421 West 9th Street, Loveland, Colorado, for the transportation of farm products from farms within a 30-mile radius of Loveland, Colorado, to markets within said area, 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

*Ralph C. Horton*  
*John P. Thompson*  
*Joseph F. Mason*  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

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(Decision No. 47800)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TOMMY E. JOHNSON AND LOIS JOHNSON, )  
CO-PARTNERS, 108 EAST 11TH STREET, )  
LOVELAND, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY, AUTHORIZING OPERATION AS )  
A COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 15237

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April 22, 1957  
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Appearances: Cross and Christensen, Esqs.,  
Loveland, Colorado, by  
John A. Cross, Esq., for  
Applicants;  
I. B. James, Boulder, Colorado,  
for Colorado Transportation  
Company.

S T A T E M E N T

By the Commission:

By the instant application, Tommy E. Johnson and Lois Johnson, co-partners, seek a certificate of public convenience and necessity authorizing transportation of passengers and baggage in sightseeing service, on conducted tours, between points and places in the city of Loveland, Colorado, and within a five-mile radius of said city, on the one hand, and to all points and places of interest in Colorado, on the other hand, all such service to be conducted on a round-trip basis only, all trips to originate and terminate within the five-mile radius of Loveland, Colorado, with the office to be maintained at Loveland, and no agents employed to solicit business outside the five-mile radius of Loveland, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Fort Collins, Colorado, on April 10, 1957, and at

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

Applicant Tommy E. Johnson testified that applicants are the present owners and operators of the Loveland Taxi (PUC No. 526), with authority to conduct a general taxicab business in Loveland and within a 75-mile radius thereof except into or out of Rocky Mountain National Parks, within which park Colorado Transportation Company has exclusive authority. Applicants' list of equipment and financial statement on file with the Commission were made a part of the record by reference. They wish to conduct a sightseeing service in connection with their other operations, maintaining an office in Loveland only. The sightseeing service will consist of round-trips only, originating and terminating at Loveland or within the five-mile radius. There is no similar service now available, based at Loveland. They expect to operate one 1954 Ford 9-passenger station wagon now available, and add additional units when required. Witness has had ten years experience in operating motor vehicles. Applicants have had many requests for this service from motel and hotel owners and others, particularly from tourists desiring to visit Colorado's scenic attractions. Their present rate of 30 cents per mile for taxicab service is not attractive to these prospective customers. Many of these tourists come to Loveland by bus or other conveyance and prefer to take a tour guided by those knowing the country, to the use of their own cars or to available bus service. The latter service does not cover transportation to many of the points of interest they wish to visit. Many are fearful of driving their own cars in mountainous areas to which they are not accustomed.

In support of the application, Donald H. Moore, Secretary of the Loveland Chamber of Commerce, testified that he had been contacted by many tourists desiring to make round-trip sightseeing tours. The Chamber issues a map outlining twelve sightseeing trips

in northern Colorado (Exhibit 1). Most of the trips in which the tourists are interested lie north and west of Loveland.

Edward F. Garrett, formerly president of the Chamber of Commerce, and now operating a garage in Loveland, corroborated the testimony of Mr. Moore as to the requests of tourists for sightseeing service, emphasizing the fact that many, being unaccustomed to driving over mountain roads, preferred to take a conducted tour.

Harvey Schroeder, operating a motel at Loveland, stated that some tourists come in at night and immediately inquire as to the possibility of taking a sightseeing tour the next day. Certain trips have been recommended to them by others to points that cannot be reached by bus, and many fear to drive their own cars in the mountains.

Rome Dietrick, who has charge of the "Hospitality Wagon" at Loveland, estimated the population of the city at 18,000, and stated there had been no sightseeing service based at Loveland for the past twenty-five years, although he hears many requests for such service. The bus rate to Estes Park is too high to appeal to the tourists and the bus does not reach the points they wish to visit.

In protest, I. B. James, President of Colorado Transportation Company, presented the printed schedules of his company's operations between Denver and Estes Park via Loveland, and also of its sightseeing tours (protestant's Exhibits A and B). A bus leaves Denver daily at 9:00 o'clock A. M., arriving at Loveland at 10:55 A. M., arriving at Estes Park at 12:10 P. M., January 15th through September 15th each year. His company sells forty to fifty tickets at Loveland per year, usually for a 260-mile round-trip from Denver, with stop-over privileges. Based on his survey and the number of passengers using the bus service, he is of the opinion that there is not sufficient sightseeing business available at Loveland to make the proposed operation of applicants economically feasible.

He stated, however, that he opposed only the proposed service from Loveland to or through the Estes Park area.

At the close of the testimony, applicants agreed that any authority issued should be limited to points within a 75-mile radius of Loveland, Colorado, excluding Mount Evans.

The Commission is of the opinion that a tourist center such as Loveland has become is entitled to a locally-based sightseeing service if the evidence shows sufficient demand for this service, and applicants are qualified by experience and from a financial standpoint to render the service requested. These elements were sufficiently proved in the instant case. Bus service which does not reach scenic points of interest, or taxicab service, does not appeal to the tourists. Taking a bus from Loveland to Estes Park gives them an opportunity to see much beautiful country, but when they return home they wish to discuss other scenic points not reached by bus. Taxicab service is too expensive. Many fear driving their own cars over mountainous roads. In fact, a conducted tour to chosen scenic points is the answer to their prayers, and they should be given the opportunity to obtain this service. Nor do we think that sightseeing service can be properly compared with point-to-point bus service to and through populated areas not off the beaten path. The Commission doubts that the granting of the instant application will reduce to any extent the number of tickets sold at Loveland by protestant for other round-trips originating and terminating at Denver. Such bus service is important to those having mountain cabins at Estes Park or visiting there over the weekend, but does not meet the needs of the tourist.

#### 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 public convenience and necessity require, and will require, the proposed sightseeing service of applicants, as limited in the following Order.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the motor vehicle call and demand operation of Tommy E. Johnson and Lois Johnson, Loveland, Colorado, in the transportation of passengers and their hand baggage, in sightseeing service on conducted tours between points and places in the city of Loveland, Colorado, and within a five-mile radius of Loveland on the one hand, and to all points and places of interest within a 75-mile radius of Loveland, excluding Mount Evans, on the other hand, all such service to be conducted on a round-trip basis only, all trips to originate and terminate at Loveland, Colorado, or within the five-mile radius thereof, their office to be maintained at Loveland, Colorado, only, and no agents employed to solicit business except within the five-mile radius of Loveland, Colorado, 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 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

*Ralph C. Horton*

*John P. Thompson*

*Joseph F. Higgins*  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS G. LITTON AND AILEEN K. )  
LITTON, CO-PARTNERS, DOING BUSINESS )  
AS "THE LITTON WAREHOUSE COMPANY," )  
433 SOUTH AVENUE, GRAND JUNCTION, ) APPLICATION NO. 15220-Extension  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO EX- )  
TEND OPERATIONS UNDER PUC NO. 344. )  
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April 25, 1957  
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Appearances: Cecil Haynie, Esq., Grand  
Junction, Colorado, for  
Applicants;  
Charles A. Petrie, Esq.,  
Montrose, Colorado, for  
Dunlap and Sons.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission, at the Rural Electrification Association Room, 120 North Seventh Street, Grand Junction, Colorado, April 4, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 1, 1957, the Commission, as provided by law, designated Anthony L. Mueller, 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 Anthony L. Mueller, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By the above-styled application, Thomas C. Litton and Aileen K. Litton, co-partners, doing business as "The Litton Warehouse Company,"



Grand Junction, Colorado, seek a certificate of public convenience and necessity, authorizing extension of operations under PUC No. 344, to include service to all points within the City Limits of Grand Junction, Mesa County, State of Colorado, under "Grandfather Rights."

Said applicants are presently the owners and operators of PUC No. 344, authorizing:

The conduct of a transfer, moving and general cartage business in the Counties of Mesa, Garfield, and Delta, State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions as follows:

For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicants shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers;

Applicants shall not operate on schedule between any points;

Applicants shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed in any other town or city than Grand Junction, Colorado for the purpose of developing business.

Report of said Examiner states that at the hearing, Thomas G. Litton, one of applicants herein, testified that he and Aileen K. Litton are co-partners, doing business as "The Litton Warehouse Company," operating under PUC No. 344; that they have been operating under said authority for ten years; that they were so operating 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; that they have eighteen units listed with the Commission, and that their net worth was one hundred thousand dollars.

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

The operating experience and financial responsibility of



applicants were established to the satisfaction of the Commission.

Report of said Examiner further states that applicants are fit and proper persons, have sufficient equipment, and are financially able to render the extended service sought by the instant application; that applicants were operating in the City of Grand Junction on January 1, 1955, thereby establishing "Grandfather Rights."

Report of said Examiner recommends that authority sought should be granted.

### 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 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 the Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Thomas G. Litton and Aileen K. Litton, co-partners, doing business as "The Litton Warehouse Company," Grand Junction, Colorado, under PUC No. 344, to include the right to operate within the City of Grand Junction, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

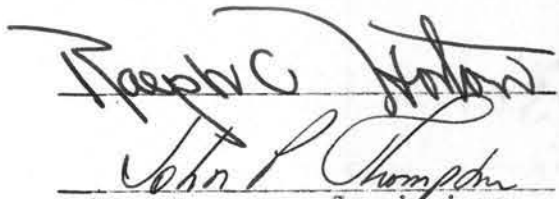
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 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.

COMMISSIONER NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 25th day of April, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT A. FRENCH, DOING BUSINESS AS )  
"RIO GRANDE TRANSFER COMPANY," 302 )  
SOUTH EIGHTH STREET, COLORADO )  
SPRINGS, COLORADO, FOR AUTHORITY TO )  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-4963. )

APPLICATION NO. 15166-PP-Extension

-----  
April 22, 1957  
-----

Appearances: C. Lee Goodbar, Jr., Esq.,  
Colorado Springs, Colo-  
rado, for Applicant;  
Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, by Paul  
Hupp, Esq., for McCann  
Brothers Transfer Company;  
Nicoll Warehousing Company,  
Inc.; Wandell & Lowe Trans-  
fer & Storage Co.; Cowan  
Transfer & Storage, Inc.

S T A T E M E N T

By the Commission:

By his application filed February 14, 1947, the applicant seeks authority to extend operations under Permit No. B-4963 to include the right to transport air cargo, from Peterson Field to points within a radius of twenty-five miles of Colorado Springs, Colorado; and also, removal of customer and size of truck restrictions presently on said Permit No. B-4963.

The matter was regularly set to be heard in Colorado Springs, Colorado, March 18, 1957, at which time and place it was agreed that the matter be continued for future hearing. By Decision No. 47615, dated March 29, 1957, said Application No. 15166-PP was continued to April 12, 1957, at Colorado Springs, with due notice to all interested parties.

When the matter was called up for hearing, Paul Hupp, Esq., Denver, Colorado, requested a further continuance to some future date convenient to the Commission. There being no objection, the request was granted.

F I N D I N G S

THE COMMISSION FINDS:

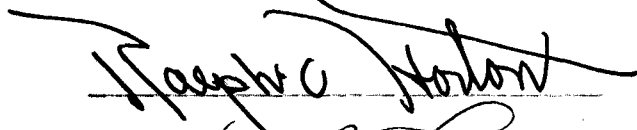


That the instant matter should be continued, to be heard at Colorado Springs, Colorado, at some future date, convenient to the Commission, with due notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application should be, and it hereby is, continued, to be heard at some future date convenient to the Commission, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) ALBERTA A. DUNBAR AND ANDY LEE ) SPINDEN, CO-PARTNERS, DOING BUSINESS ) AS "SPEEDY MESSENGER SERVICE," 1733 ) LARIMER STREET, DENVER, COLORADO, ) FOR AUTHORITY TO EXTEND OPERATIONS ) UNDER PUC NO. 2428. )	APPLICATION NO. 15214-Extension
--	---------------------------------

April 22, 1957

Appearances: Harold D. Torgan, Esq., Denver,  
Colorado, for Applicants;  
E. B. Evans, Esq., Denver,  
Colorado, for Westway Motor  
Freight, Inc.

S T A T E M E N T

By the Commission:

On March 18, 1957, Alberta A. Dunbar and Andy Lee Spinden, co-partners, doing business as "Speedy Messenger Service," Denver, Colorado, filed an application with the Commission, seeking authority to extend their operations under PUC No. 2428, by eliminating only the restriction therefrom "That no shipment shall exceed one hundred pounds in weight."

Applicants herein are the owners and operators of PUC No. 2428, which authorizes the following:

Transportation of:

packages and parcels weighing not in excess of one hundred pounds each, between Denver, Colorado, on the one hand, and, on the other, points and places within a radius of three miles thereof, subject, however, to the following conditions:

- (a) That service of applicants shall not be on schedule.
- (b) That no shipment shall exceed one hundred pounds in weight;

(c) That applicants shall file tariffs on rates, rules and regulations, as required by the rules and regulations of this Commission governing motor vehicle carriers within a period not to exceed twenty days from the date hereof;

(d) That applicants shall render reasonably continuous and adequate service to the public in pursuance of the authority granted, and failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate, except when such failure is due to Act of God, the public enemy, or extreme conditions beyond its control;

(e) This order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission;

(f) That in conducting operations under the certificate here granted, applicants shall be limited to the use of motor vehicles of the type commonly used in this type of operation, that is, motorcycles and bicycles, and panel trucks or station-wagons with a rated capacity not to exceed one-half-ton each;

(g) That exercise of the privileges granted by this certificate shall be subject to such reasonable terms, conditions, and limitations required by the public interest as may, from time to time, be prescribed by the Commission.

The above application was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 2, 1957, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Andy Lee Spinden, one of the co-partners, doing business as "Speedy Messenger Service," stated that the only relief they were asking for was that the restriction that shipments do not exceed one hundred pounds in weight be eliminated. He further stated that under his interpretation of the present authority, they can presently transport packages and parcels weighing up to one hundred pounds, and that they feel that the present restriction results in applicant only being able, in some instances, to carry one parcel for each of their customers, which, in the opinion of the witness, is an unfair hardship on their customers, and is not in the public inter-

est.

Several shipper witnesses appeared, who stated that they are presently using the delivery service of applicant, and on instances they consign to applicants several packages, the total weight of which exceeds one hundred pounds. Witnesses contended that this restriction is not in the public interest, and if said restriction is enforced, the service of applicant will not serve their delivery needs.

The Commission has carefully reviewed the record, and it does appear that the restriction is not clear, and in strict literal interpretation of the authority, could work a hardship on both applicant and the shippers using applicants' service.

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

##### THE COMMISSION FINDS:

That public convenience and necessity require the clarification or extension of the motor vehicle common carrier call and demand service of applicant, under Certificate of Public Convenience and Necessity No. 2428, by eliminating that portion of the authority designated "Paragraph (b)", which is as follows:

"(b) That no shipment shall exceed one hundred pounds in weight,"

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 elimination of the following restriction, as originally set forth in Decision No. 39182, authority designated as restriction "(b)", as follows:

"That no shipment shall exceed one hundred pounds in weight,"

and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

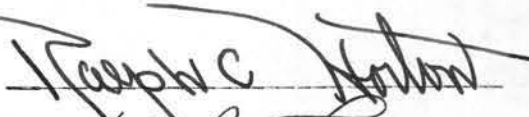

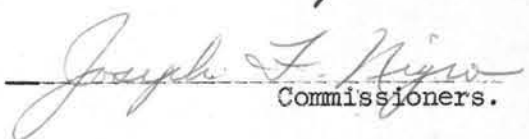
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 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 22nd day of April, 1957.

mls



original

(Decision No. 47804)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LESTER MADISON, 220 SOUTH CONEJOS )  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

APPLICATION NO. 15256

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April 22, 1957  
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Appearances: Lester Madison, Colorado  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

The present applicant formerly had authority as a motor vehicle common carrier to engage generally in the ash and trash business in the Colorado Springs area, an authority granted him by our Decision No. 35612, dated November 8, 1950. This authority was subsequently revoked for failure of the applicant to keep on file current evidence that he had the insurance required by our rules and regulations.

By his present application, filed February 25, 1957, he asks that this former authority be reinstated, specifically including the right to operate within the corporate limits of Colorado Springs.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, April 12, 1957, 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 one piece of equipment suitable to the work. His net worth is approximately \$1,000. He has straightened out his insurance difficulties and will in the future scrupulously abide by the rules and regulations of the Commission. He has actually engaged in this business at all times necessary to the establishment of rights to operate within the home-rule City of Colorado Springs, and has the required City licenses. He has discussed the application with others who are in the same business in the same area, and they have no objection to the granting of the authority, he said. He asks that the former number PUC-2194 be re-assigned to him. This will be done.

No one appeared in protest; no reason appears why the application 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:

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

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

That said operating rights should bear the number "PUC-2194," being the number of a certificate formerly held by 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 Lester Madison, Colorado Springs, Colorado, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within the Corporate Limits of Colorado

Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

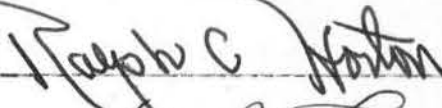


That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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

That the authority above granted shall bear the number "PUC 2194," being the number of the certificate formerly held by applicant.

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 22nd day of April, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LINTON C. AUSTIN, JOE F. ENRIGHT, )  
AND MELVIN A. CHANCE, DOING BUSINESS )  
AS "BOULDER-DENVER TRUCK LINES," ) APPLICATION NO. 15264-Extension  
2709 SPRUCE STREET, BOULDER, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO EXTEND )  
OPERATIONS UNDER PUC NO. 2635. )  
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April 22, 1957  
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Appearances: Reynolds & Brotzman, Esqs.,  
Boulder, Colorado, by  
Donald G. Brotzman, Esq.,  
for Applicant;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for  
McMullan Van & Storage,  
Pherson Trucking Company,  
Burger's Express, Boulder  
Transfer Company, Bailey  
Storage & Transfer Com-  
pany, and City Storage &  
Transfer Company.

S T A T E M E N T

By the Commission:

The applicant partnership presently has authority, in general, as a motor vehicle common carrier, to engage in the transportation of freight, excluding household goods, as defined by the Interstate Commerce Commission, and excluding freight which, because of its size and weight, requires special equipment for transportation, between Denver and Boulder, Colorado.

By the present application, filed February 20, 1957, as explained at the hearing of the matter, the applicants seek to have their authority extended in recognition of their "Grandfather Rights" within the City of Boulder, obtained prior to the time this Commission acquired authority over carriers in home-rule cities.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, April 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Melvin A. Chance, one of the applicant partners, testified in support of the application. He stated he has been with the Company since 1953. The only intra-city movements of freight he specified, prior to November, 1954, when this Commission acquired jurisdiction, were one movement of printing paper and one movement of sacked peat moss. He also cited a few intra-city movements since 1954. It is also clear from his testimony that there has been a large volume of regular and continuous pick up and delivery of goods which had a prior or subsequent movement on the line-haul service of the Company and moved on a single bill of lading, both before and since November, 1954.

The general nature of the operation conducted by the partnership under its present authority is that of a line-haul common carrier transporting freight between cities. The nature of the present application is in part for authority to operate a call and demand irregular route service for goods moving from one point to another within the City of Boulder, a service basically different from the inter-city line-haul operation. The evidence is not sufficient to warrant the conclusion that the applicants engaged in this type of operation as a regular business enterprise at any time prior to the time this Commission acquired jurisdiction in Boulder, nor continuously since. Instead, if any conclusion as to transportation can be drawn, it must be that the local operation there was irregular and sporadic and did not constitute a regular business enterprise diligently pursued. In this aspect, the application must therefore be denied.

It is clear, however, that the pick up and delivery of goods moving inter-city on a single bill of lading, as an adjunct of the applicants' inter-city line haul operation, has indeed been a regular and active business enterprise at all times here material and that the rights thus acquired are entitled to recognition. An Order will be entered accordingly.

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

##### THE COMMISSION FINDS:

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

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant, as set forth in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle service of Linton C. Austin, Joe F. Enright, and Melvin A. Chance, doing business as "Boulder-Denver Truck Lines," Boulder, Colorado, to operate a pick up and delivery service in the City of Boulder, Colorado, for freight having a prior or subsequent movement in connection with the existing line-haul common carrier service, where the entire movement is covered by a single bill of lading, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity.

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 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 22nd day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE BOARD OF COUNTY COMMISSIONERS )  
OF THE COUNTY OF CROWLEY, IN THE )  
STATE OF COLORADO, FOR AN ORDER )  
REQUIRING MISSOURI PACIFIC RAIL- )  
ROAD COMPANY TO CONSTRUCT HIGHWAY )  
CROSSING. )  
----- )

APPLICATION NO. 14726

-----  
April 22, 1957  
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Appearances: Harry E. Mast, Esq., Ordway,  
Colorado, for Applicant;  
J. W. Preston, Esq., Pueblo,  
Colorado, and  
Leo S. Altman, Esq., Pueblo,  
Colorado, for Missouri  
Pacific Railroad Company;  
J. L. McNeill, Denver, Colo-  
rado, for the Commission's  
Staff.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to interested parties and the owners of adjacent property, was set for hearing in the County Commissioners' Room, Court House, Pueblo, Colorado, on November 29, 1957, where the matter was heard and taken under advisement by the Commission.

By the instant application, the Board of County Commissioners is requesting an order of this Commission, directing the Missouri Pacific Railroad Company to construct a public grade crossing over its trackage and right-of-way on the section line between Sections 19 and 20, Township 21-South, Range 57-West of the 6th P. M., in Crowley County, Colorado. The proposed crossing is located two miles east from Crowley and  $3\frac{1}{2}$  miles west from Ordway, Colorado, on the main line of the Missouri Pacific Railroad serving eastward through Colorado to the Kansas State Line and



points beyond. Purpose of the new crossing is to secure another connection with State Highway No. 96, and to provide a continuous north-south section-line road from the Colorado Canal, some  $3\frac{1}{2}$  miles north of the rail line, to the Arkansas River,  $5\frac{1}{2}$  miles on the south.

The following exhibits were received and explanatory testimony given by Mr. Merle Bird, Commissioner of Crowley County District No. 1. The proposed crossing is in District No. 2 and is one mile east of the First District line.

Exhibit No. 1: Drawing to show the Townships of 21 and 22-South in Range 57-West; including also a designation of residence locations and land ownership in the West Half of both townships. Other features of proposed crossing site, local roadways, railroad and U. S. Highway No. 96 are also indicated.

Exhibit No. 2: State Highway Map of Crowley County to show further details of residence locations in respect to the local roads in the area of interest near the crossing.

Exhibit No. 3  
and

Exhibit No. 4: Petitions addressed to County Commissioners and bearing original signatures of 43 people living in the area who make request for opening of the proposed crossing.

Mr. Bird related that the county now maintains the north-south section line road for some  $3\frac{1}{2}$  miles to the north from the rail crossing as proposed on the line between Sections 19 and 20; that continuing southward from the rail line and between Sections 29 and 30 the road also extends for an additional five miles; with the proposed crossing, the road would become continuous and eliminate a certain amount of round-about travel to cross the rail line. He stated the nearest crossing was one-half mile to the east at the mid-line of Section 20, with another crossing one mile to the west on the west line of Section 19. He described the area as irrigated farming land that is crossed with various irrigation laterals; that as in his own case, farming operations by one man are often conducted at more than one location; hence, there is much inconvenience in the movement of equipment and the maintenance of irrigation ditches due to added distance

of traveling around to the existing crossing locations. It was his belief that standard crossing signs similar to the type now in use at other County roads would provide adequate crossing protection; that the existing adjacent crossings were good crossings but he believed there might be some advantage of longer sight distance at the proposed location.

Mr. B. H. Sweckard reported he was County Commissioner of District No. 2 for the past 16 years, and had participated in various meetings with the railroad to open the proposed crossing but had only succeeded in getting the power and telephone lines raised. He described the re-routing of the local roads at the time the existing Highway No. 96 was constructed; that a portion of the former roadway extended eastward for one-half mile along the north side of the railroad right-of-way to the center of Section 20 and involved a wooden bridge which was later weakened by fire, resulting in a complete closing of the old road. He reported he had not made any measurements at the proposed crossing, but it was his belief that the work would not cost too much, since the County proposed to supply the necessary drainage pipes and do the grading work to the rail line; it appeared to him the most cost would be to the railroad in raising the Western Union telegraph wires. In the matter of public convenience, Mr. Sweckard affirmed that it was necessary for the people living along Sections 19 and 20 to go around to the existing crossings for access to Highway No. 96; regarding ditch repairs, he reported that in his 16 years' term as County Commissioner, the County equipment had been utilized several times to work on the lateral, involving added cost to go around the present route and come back to the ditch near the rail line; he reported too, that there had been some complaints from the power and telephone companies about going around on the present roads to service their lines at the north side of the rail line.

We will briefly review other testimony on behalf of applicant that was given by the following as interested parties or residents of the nearby area, namely: E. E. Kircheval, H. L. Hodson, F. L. Merkord and Pete Peters. Mr. Kercheval reported he farmed 200 acres of land, part of which was in the southeast quarter of Section 19 and adjoined the rail line on the south. His home is in Section 19, on the west side of the road between Sections 19 and 20, and is located about three-eighths of a mile north from the railroad and approximately one-half mile south of the main east-west county road leading into Ordway, Colorado. He reported that in order to go to the paved road (U. S. No. 96), it is necessary to travel north one-half mile, east one-half mile and south three-fourths mile or a total of 1-3/4 miles compared to approximately one-half mile if the proposed crossing was opened. It was his contention that the absence of the proposed crossing imposed a serious hardship in the matter of additional travel during harvest season when sugar beets or other crops are to be moved from his farm land near the railroad. He reported he also farmed an area to the south of Highway No. 96, requiring the extra round-about travel as often as four round trips daily during irrigating season, and perhaps four times per week during other portions of the year. It was his belief the adjacent crossing at one-half mile to the east was in the nature of a substitute road and that approximately 90% of that crossing traffic would use the proposed crossing, since a longer north-south section line road would then be served.

Mr. Hodson related that he lived on the east-west section road in the NE $\frac{1}{4}$  of Section 19, and that he also farmed an area of some 137 acres on the south side of the rail line and Highway No. 96 in the NE $\frac{1}{4}$  of Section 30. With the proposed crossing, it would be possible for him to go directly south to the land in Section 30 and avoid his present extra travel of one-half mile east to the mid-section crossing and then return one-half mile westward to reach

the north-south section line road. He emphasized that during irrigation season he makes this trip some five to six times each twenty-four hours. In the other farming operations he also finds it inconvenient to move farm machinery over the added distance; machinery that is pulled by his tractor and usually moves at reduced speeds up to 12 miles per hour; hence, he reports the distance is his principal complaint and that the shorter route would be a big saving to him in gasoline and time during the period of a year.

Mr. Merkord lives about three miles west of Ordway, Colorado, on the old Highway No. 96. With reference to Exhibit No. 1, he also farms some 95 acres in the west one-half of Section 20; forty acres of the land is adjacent to the rail line and the roadway along the west line of Section 20, where the instant crossing is requested; remainder of the land faces onto the mid-section road of Section 20 where the present crossing is located. Mr. Merkord stated that all his crops from the 40 acres near the track could be very conveniently moved to the main road over the proposed crossing as compared to present movement north for three-quarters of a mile, thence one-half mile east and back south three-fourths of a mile or some two miles travel to cross the rail line in order to reach the main paved highway. He reported that other people living along the north and south extensions of the section-line road between Sections 19 and 20 were also compelled to make the one-half mile eastward jog in order to cross the rail line.

Mr. Peters is responsible for maintenance of the irrigation ditches controlled by the Boston Farm Lateral Association and serving some 5,530 acres of irrigated farm land. A principal lateral crosses under the rail line in Section 19, with a branch lateral extending about one-half mile along the north side of the tracks to another under-track crossing in Section 20. He reported that maintenance work is required both north and south of the rail line; that currently the ditcher machine must be loaded on a truck for highway movement around Section 20 to cross the rail line;

that the proposed crossing is centrally located and would eliminate the equipment delays and labor expense of the present round-about travel.

Testimony in behalf of protestants was given by Missouri Pacific officials:

F. M. Crump, Assistant Superintendent  
J. E. Padgett, Roadmaster  
B. V. Mitchell, Assistant Engineer

Mr. Crump reported the proposed crossing site had been examined by railroad people; that it appeared to him there would be excessive approach grades since the rail line was considerably higher than adjacent land; that he understood people wanting to cross the tracks could move in either direction -- east or west -- to a crossing with no inconvenience and that the only additional mileage would be for those living or farming on land within the 7/10ths of a mile along the road at the north of the rail line between Sections 19 and 20. It was his thought that the time lost and inconvenience due to present crossings was negligible in contrast to the continuous expense and hazards of another crossing. With the proposed crossing there would then be three grade crossings within a mile and a half of track which, according to their railroad experience, offered unnecessary exposure to accidents in comparison to the small volume of vehicular traffic involved.

Mr. Crump described daily rail traffic as high-speed trains consisting of six freight trains at 55 miles per hour and two passenger trains at 79 miles per hour. In addition, there is a local switching train in each direction daily, and occasionally extra freight and passenger trains are operated.

Mr. J. E. Padgett reported he was familiar with the crossing situation; he anticipated an abrupt break in grade at the crossing which would be hazardous; he reported visibility would be fair with vision for a mile in both ways; he described the track as being on a thirty-minute curve or very slight but there was a super-elevation of some two and five-eighths inches



on the outside or high rail which would add to the grading problem of the road and offer added maintenance difficulties. He affirmed the company experience in the matter of crossing accidents in that new crossings are opposed if there is any way to get along with the existing setup.

Mr. Mitchell, the Assistant Engineer carefully explained the investigation made and work done by the Engineering Department relative to crossing requests. He identified Exhibit A (being attached to the application), as a Map Sketch of the crossing showing:

- (a) Track location, right-of-way, basic elevations and grades of the main line.
- (b) Location of Highway No. 96, existing County roads with proposed connecting crossing.
- (c) Elevations in respect to the track of ground line, proposed roadway grades and Western Union wire lines.

Mr. Mitchell also identified protestants' Exhibit No. 5, being a detailed cost estimate for the proposed crossing to show the following:

Crossing work, materials, pipe and grading -	\$2,102.00
Raise Western Union wire lines -	500.00
	<u>\$2,602.00</u>
Flashing lights (if installed) -	\$5,430.00

In his discussion of the crossing, Mr. Mitchell noted the maximum grade of the roadway approach would be 3.62% upward to the track on the south side; for modern automobiles, grades of two to four per cent offer no problem of stopping or climbing; again, the angle of intersection is approximately right-angular with no vision restrictions. To complete his investigation, the cost estimate was also prepared as shown above, and that speaking personally, the use of flashing signals would offer him a greater feeling of safety for school bus traffic.

In matters of this kind it is not unusual to have two opposing lines of thought regarding matters of public safety, convenience and necessity. The testimony will bear out a commendable spirit of public interest and cooperation on the part of

the County relative to sharing costs, performing roadway grading, providing pipe materials and doing any other permissible work. The railroad points to the absence of any history pertaining to crossing accidents in Crowley County and opposes the new crossing on the basis of being contrary to its past successful safety practices of crossing control.

Testimony of the people emphasized the anticipated convenience of a through route along the section line and over the crossing as proposed; principal complaint being confined to the long distances required for movement of those crops near the rail line. Present crossing on the half section line was criticized as a detour, but there was an immediate objection when it was proposed the crossing be closed in connection with the opening of a new crossing.

The matter of personal convenience is readily understandable; this is apparent in the opposition of others when the one-half mile crossing was proposed for closure. However, there is the public convenience which goes beyond the local area and involves even the passengers on the trains and patrons of the freight service. As noted in the testimony, any crossing is dangerous and more crossings only increase the chances for accident to this wider segment of the public which is also entitled to protection.

In our consideration of these requests, we have always been reluctant to grant approval for any new grade crossing when there is the alternative that existing crossings may be more fully used or there is the possibility that a more completely protected crossing may be substituted for one or more existing crossings. A review of the traffic volumes offers a further element for consideration. Between the hours of 8:00 A. M. and 5:00 P. M., it was estimated an average of 21 vehicles used the one-half mile crossing at the east and 35 vehicles operated over the crossing one mile to the west. It appears then that the demands of public convenience are very minor from a traffic standpoint -- some three

to four vehicles per hour over each crossing -- hence, we can therefore find no justification for another crossing to meet public traffic needs.

As previously noted, the personal inconvenience for those directly affected through residence or farming operations is readily understandable, but there is exactly the same situation along the total length of the railroad for other farm land adjacent to the rail line and similarly located between grade crossings. These needs have been recognized as private in nature, being distinguished from public traffic, and the use of private crossings for working access has long existed as a result of private negotiations between land-owners and the railroads. We have no testimony to indicate that this remedy was exhausted.

It therefore appears that the factors of public convenience and necessity herein do not offer justification sufficient in extent and importance to equalize or counteract the hazards inherent in a public highway-railroad grade crossing involving the high-speed main line train travel of the instant proposal.

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

##### THE COMMISSION FINDS:

That the foregoing Statement, by reference, is made a part of these Findings.

That vehicular traffic in this rural area is light; that existing crossings have safely served and are now serving the public demands with no congestion.

That the requested new crossing offers an added potential source of public accident exposure and hazard; that the justification for said exposure has not been fully established since much of the alleged necessity is private in nature and subject to alternate remedy.

That the application of the Board of County Commissioners of Crowley County for an order to open a public highway-railroad grade crossing on the section line between Sections 19 and 20,



Township 21-South, Range 57-West in Crowley County, Colorado,  
and over the track and right-of-way of the Missouri Pacific  
Railroad Company should be denied.

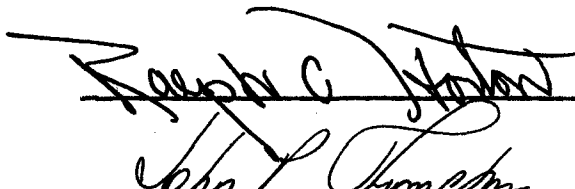
O R D E R

THE COMMISSION ORDERS:

That the application of the Board of County Commissioners  
of Crowley County for an order to open a public highway-railroad  
grade crossing on the section line between Sections 19 and 20,  
Township 21-South, Range 57-West in Crowley County, Colorado,  
and over the track and right-of-way of the Missouri Pacific Rail-  
road Company is hereby denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

ea.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WADE G. LOUDERMILK, BOX 4, MARBLE,  
COLORADO, FOR A CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY TO  
OPERATE AS A COMMON CARRIER BY  
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 15211

April 30, 1957

Appearances: Robert Delaney, Esq., Glenwood  
Springs, Colorado, and  
Robert B. Lee, Esq., Englewood,  
Colorado, for Applicant;  
Mrs. Harold L. Lesh, Glenwood  
Springs, Colorado, for Glen-  
wood Springs-Aspen Stage.

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 passengers, on call and demand, from applicant's ranch, at Marble, Colorado, to and from points within a radius of fifteen miles thereof.

Said application was regularly set for hearing before the Commission, at the District Court Room, Glenwood Springs, Colorado, April 3, 1957, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On April 1, 1957, as provided by law, the Commission designated Anthony L. Mueller, 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 Anthony L. Mueller, 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 herein testified that he seeks authority to operate a transportation service, mainly for the purpose of serving patrons of a resort he owns at Marble, Beaver Lake Cabins, which was opened in 1952; that a home-development is also planned for the future; that he has had demands from patrons for transportation from said location, to and from other resorts in the area, such as Chair Mountain Ranch; that his business has suffered because of lack of transportation facilities for his guests which number between one hundred and two hundred per season; that his net worth is in excess of \$100,000; that he is the owner of one 1956 G.M.C. pick-up, one 1956 Buick Station Wagon, and two Jeeps; that additional equipment will be available, if required; that there is to be an airport two miles southwest, and an increased demand for point to point transportation may be expected in the near future; that if any authority is granted, applicant will abide by all rules and regulations of this Commission.

Mrs. Harold Lesh, protestant, owner and operator of PUC No. 2347, testified and stated she could operate in the territory sought to be served by applicant, but does not now do so; that she has been operating since 1950, and makes fifteen to twenty trips per year from Glenwood Springs to Marble; that no trips have been made from point to point in the territory herein sought to be served; that if authority herein sought is granted, no competition with protestant's present operation would arise.

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

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 sought by the instant application; that there is presently a need for said service; that

no authorized carriers will be adversely affected by authority herein sought by applicant.

Report of the Examiner recommends that authority sought should be granted.

### 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 and foregoing Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Wade G. Loudermilk, Marble, Colorado, for the transportation of passengers, on call and demand, from and to Marble, Colorado, Gunnison County, State of Colorado, on the one hand, and, on the other hand, from point to point within a radius of fifteen miles therefrom, 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.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DOROTHY TINDALL AND ERNEST R. MARTIN, )  
CO-PARTNERS, DOING BUSINESS AS "GATE- )  
WAY-URAVAN STAGE," 274-25½ ROAD, GRAND )  
JUNCTION, COLORADO, FOR A CERTIFICATE ) APPLICATION NO. 15218-Extension  
OF PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 1216. )  
-----)

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April 30, 1957  
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Appearances: Cecil Haynie, Esq., Grand  
Junction, Colorado, for  
Applicants;  
Charles A. Petrie, Esq.,  
Montrose, Colorado, for  
Dunlap and Sons.

S T A T E M E N T

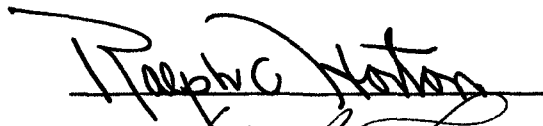

By the Commission:

Applicants herein are presently the owners and operators  
of PUC No. 1216, authorizing:

Transportation of freight, from, to and between  
Grand Junction, and Gateway, Colorado, and all  
intermediate points, save and except that no  
authority is granted to render service between  
Grand Junction and Whitewater, or Whitewater and  
Grand Junction or points intermediate thereto;  
freight, from, to, and between Grand Junction,  
Gateway, and Uravan, Colorado, via Colorado High-  
way No. 141, excluding therefrom the transportation  
of livestock, uncrated household goods and office  
furniture, and heavy commodities requiring special  
equipment for handling same, save and except no  
service is authorized between Grand Junction and  
Whitewater, or Whitewater and Grand Junction, or  
points intermediate thereto; passengers and ex-  
press, between Uravan and Grand Junction and inter-  
mediate points, via Highway Nos. 141, Uravan to  
Whitewater, and No. 50, Whitewater to Grand Junction,  
save and except that no service shall be rendered  
between Grand Junction and Whitewater, and inter-  
mediate points, and no express shall be carried  
between Gateway and Grand Junction, or between  
Grand Junction and Gateway, Colorado.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of April, 1957.

ea

By the instant application, said certificate-holders seek authority to extend operations under said PUC No. 1216, to include service at all points within the City Limits of Grand Junction, Mesa County, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Rural Electrification Association Room, 120 North Seventh Street, Grand Junction, Colorado, April 4, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 1, 1957, the Commission, as provided by law, designated Anthony L. Mueller, 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 Anthony L. Mueller, 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, Ernest E. Martin, one of applicants herein, testified that he and Dorothy Tindall are co-partners, operating Gateway-Uravan Stage, under PUC No. 1216; that he has been operating for four years, since he took over the authority from his brother-in-law; that he has been operating under said operating rights in the City of Grand Junction, 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; that he and Dorothy Tindall are the owners of four vehicles; that their net worth is ten thousand dollars.

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

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

Report of said Examiner further states that applicants are fit and proper persons, have sufficient equipment, and are financially able to render the extended service herein sought; that applicants were engaged in transportation service in the City of Grand Junction on January 1, 1955, thereby establishing "Grandfather Rights."

Report of the Examiner recommends that authority herein sought be granted.

#### 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 extended 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 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 Dorothy Tindall and Ernest E. Martin, co-partners, doing business as "Gateway-Uravan Stage," Grand Junction, Colorado, under PUC No. 1216, for service within the City of Grand Junction, Colorado, 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

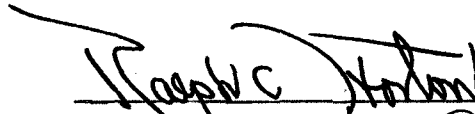



Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by 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.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of April, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PETITION OF NATIONAL BUS )  
TRAFFIC ASSOCIATION, INC., AGENT, )  
FOR AND ON BEHALF OF CERTAIN )  
NAMED MOTOR CARRIERS OF PASSEN- )  
GERS FOR A GENERAL INCREASE OF )  
FIVE (5) PER CENT IN PASSENGER )  
FARES. )  
-----

APPLICATION NO. 15002

-----  
April 22, 1957  
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Appearances: John R. Barry, Esq., 738 Majestic Bldg.,  
Denver, Colorado, for Applicants;  
A. L. Mueller, Esq., T.S. Wood and  
S. J. Philipponne, for the Commission.

S T A T E M E N T

By the Commission:

On January 7, 1957, there was filed with this Commission an  
Application (No. 28), by the National Bus Traffic Association, Inc., Agent,  
by P. J. Campbell, its Chairman, acting for and on behalf of the following  
interested motor carriers of passengers:

American Bus Lines, Inc. (R. W. Smith, Trustee and  
W. F. Aikman, Additional Trustee of);  
Chama Valley Lines (Wess Clark and Floyd W. Clark, DBA);  
Colorado Motorway, Inc.;  
Continental Bus System, Inc.;  
Continental Bus System, Inc. (Continental Rocky Mountain  
Lines);  
Colorado Springs-Limon Transportation Company (Fred C.  
Taylor, DBA);  
Denver-Boulder Bus Company;  
Denver-Colorado Springs-Pueblo Motor Way, Inc.;  
Denver-Salt Lake-Pacific Stages, Inc.;  
Greyhound Corporation, The (Northland Greyhound Lines  
Division);  
Southwestern Greyhound Lines, Inc.;  
Transcontinental Bus System, Inc. (Continental Central  
Lines);  
Valley Transit Lines, Inc., N. S. L.;

requesting authority to depart from the tariff publishing rules, regulations and requirements of the Commission to the extent necessary to enable the interested motor carriers and their publishing agent to effect a general increase of five (5) per cent in passenger fares by means of a Master Conversion Table Tariff and Connecting Line Supplements, or revisions, amendments or reissues to currently effective tariff, whichever is most expeditious, and to make such tariff publications effective on less than statutory notice of ten (10) days, but not prior to the interstate effective date of similar filings made with the Interstate Commerce Commission. The interstate increase became effective January 4, 1957.

The Master Conversion Table Tariff provides a basis for increasing currently effective fares by five (5) per cent, increased to the next "0" or "5."

On January 17, 1957, Decision No. 47165, this Commission assigned this matter for hearing on February 8, 1957, before Examiner Joseph W. Hawley, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

The hearing was held as assigned and at its conclusion the matter was taken under advisement by the Examiner. The Examiner now submits his Report of the proceedings as follows:

The intercity motor bus carrier has been and is confronted with substantial increases in labor costs and on the prices of materials and supplies and also a steady decline in the number of passengers carried. The following are typical examples as presented by exhibits and incorporated herein:

Comparative cost figures representing major expense items between the years 1952 and 1956 for Transcontinental Bus System, Inc. (Continental Central Lines Division).

<u>Description</u>	<u>1952</u>	<u>1956</u>	<u>Per Cent of Increase</u>
Bus	\$31,685.00	\$35,513.00	12.08%
Cylinder Block	394.25	884.00	124.22%
Cylinder Head	247.95	549.00	121.42%
Crank Shaft	343.90	564.00	64.00%
Fly Wheel Assembly	161.00	198.00	22.98%
Cylinder Head Gasket	3.78	5.94	57.14%
Machinist	1.81 per hr.	2.06 per hr.	13.81%
Lubricator	1.28 per hr.	1.87 per hr.	46.09%
Ticket Agent	1.39 per hr.	1.85 per hr.	33.09%
Rate Clerks	1.67 per hr.	1.83 per hr.	9.58%
Fuel Taxes - per gallon	.069	.083	20.29%

Federal increases effective July 1, 1956, on motor fuel, 1¢ per gallon; \$1.50 per 1,000 lbs. over 26,000 lbs. gross weight of vehicle, and 3¢ per pound on tires.

System figures showing passengers handled and operating expenses per bus mile for the years 1944 through 1956 for Southwestern Greyhound Lines, Inc.

<u>Year</u>	<u>Passengers Handled</u>	<u>Operating Expenses Per Mile Before Income Taxes</u> (cents)
1944	11,288,621	23.76
1945	10,214,031	26.69
1946	10,530,599	28.42
1947	9,928,856	29.54
1948	10,153,644	29.49
1949	9,280,271	32.50
1950	7,986,556	32.30
1951	8,261,888	33.35
1952	7,895,923	34.09
1953	7,048,691	35.79
1954	6,494,594	36.22
1955	6,205,988	37.41
1956	6,009,931	38.81

In making an analysis of the comparison of the figures as presented, shown in Appendix "A" attached hereto, the operating ratios are indicative as to the financial conditions of various carriers and is a means useful to determine the needs of increases in charges. The Interstate Commerce Commission in Investigation of Bus Fares, I. C. C. Docket No. MC-C-550, has given approval to this method. The theory in using the operating ratio as a basis is that one of 85% before normal income taxes as a group is a criterion sometimes used. In averaging the ratios as shown in the Appendix, 93.51% is the resultant figure.

As will be noted two separate sets of figures for the Chama Valley Lines are shown. According to Witness Wess Clark, the carrier operates 33 miles intrastate in Colorado and interstate 110 miles. Basically the reasons for such a low operating ratio is the fact of the U. S. Mail Contract wherein this carrier realized proportionately one half of its revenue from this source. An increase in mail revenue was granted this operator in September of 1956, retroactive to March 1, 1956, which was all included in the revenue for the last six months' period of 1956. If it were not for the Mail Contracts, this carrier would be in dire financial straits and its operating ratio would soar well above 100%.

The relationship of rates between rail coach fares and motor bus carriers in Colorado by granting this 5% increase in fares will place the motor carriers in a competitive position with the rail carriers that have been in existence, particularly between major traffic centers. The rails were granted a 6% increase early in 1956, followed by the same increase to the motor carriers by Decision No. 46012, dated June 18, 1956. The rails were granted an additional 5% increase effective January 1, 1957. This also will alleviate the ceiling that had been placed upon the bus fares prior to the increase granted to the rails January 1, 1957.

The petition requests authority for a general increase of 5% in passenger fares, which broadly construed could include charter party fares; however, in Decision No. 46012, dated June 18, 1956, this was excluded and will be likewise excluded in this order.

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

##### THE COMMISSION FINDS, That:

1. The above and foregoing Statement is hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.
2. The passenger fares of petitioners should be increased by five (5) per cent, increased to the next "0" or "5."
3. In consideration of Amendment No. 1 to Application No. 28, wherein applicants were unable to comply with the provisions of Decision No. 46012 regarding the reissue of the respective tariffs and are now in a position to do so as per Paragraph (d) in Amendment No. 1, new schedules are in order, on or before the effective date set by the Interstate Commerce Commission.
4. In issuing the new schedules applicable on Colorado intrastate traffic, specific reference to this order should be shown by decision number and date.
5. The increase as herein authorized should not apply on charter coach fares.

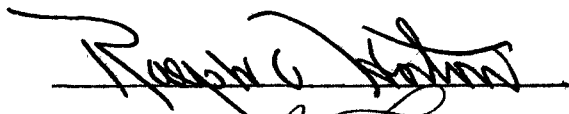
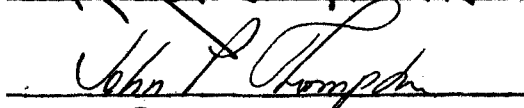
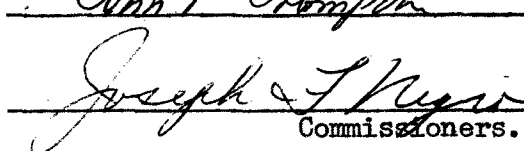


O R D E R

THE COMMISSION ORDERS, That:

1. The Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.
2. The Statement and Findings hereinbefore set forth, be, and they are hereby made a part hereof.
3. This order shall become effective forthwith.
4. The petitioners are hereby authorized to increase their passengers fares by five (5) per cent, increased to the next "0" or "5."
5. In consideration of Amendment No. 1 to Application No. 28, wherein applicants were unable to comply with the provisions of Decision No. 46012 regarding the reissue of the respective tariffs and are now in a position to do so as per Paragraph (d) in Amendment No. 1, new schedules are in order, on or before the effective date set by the Interstate Commerce Commission.
6. In issuing the new schedules applicable on Colorado intrastate traffic, specific reference to this order should be shown by decision number and date.
7. The increase as herein authorized shall not apply on charter coach rates.
8. The increase herein authorized may be made to become effective on or before May 1, 1957, on notice to this Commission and the general public by not less than one (1) days' filing and posting in the manner prescribed by law and the rules and regulations 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.

Dated at Denver, Colorado,  
this 22nd day of April 1957.

ma

APPENDIX "A"

	Operating Revenue	Operating Expenses <u>System</u>	Net Opera- ting Income	Operating Ratio
<u>American Buslines, Inc.</u>				
Jan. thru Nov. 1956	\$7,830,071.	\$7,908,758	(\$78,687.)	101.00%
(Parenthesis ( ) denotes a red figure.)				
<u>Chama Valley Lines</u>				
Jan. thru June 1956		No depreciation shown in these figures		
Passenger & Express	\$11,336.80			
U. S. Mail Contracts	<u>10,093.29</u>			
	\$21,430.09	\$18,974.48	\$2,455.61	88.54%
July thru Dec. 1956				
Passenger & Express	\$12,331.64			
U. S. Mail Contracts	<u>12,957.30</u>			
	\$25,288.94	\$19,298.82	\$5,990.12	76.31%
<u>Colorado Motor Way Inc.</u>				
Jan. thru Nov. 1956				
Passenger Revenue	\$148,554.55			
Express	19,779.86			
Mail	1,086.48			
Other	<u>845.50</u>			
	\$170,266.39	\$149,124.83	\$21,141.56	87.58%
<u>Continental Bus System, Inc.</u>				
(Rocky Mountain Lines)		<u>FOR COLORADO</u>		
Passenger Revenue	\$676,024.17			
Special Bus Revenue	49,973.26			
Express Revenue	38,105.98			
All Other Revenue	<u>4,686.83</u>			
	\$768,790.24	\$708,119.17	\$60,671.07	92.00%
<u>Denver-Boulder Bus Co.</u>				
Jan. thru Dec. 1956				
Passenger Revenue	\$159,587.27			
Special Bus Revenue	66,459.98			
Express	11,524.13			
Other	<u>3,689.41</u>			
	\$241,260.79	\$223,926.20	\$17,334.59	92.81%
<u>Denver-Salt Lake-Pacific Stages, Inc.</u>				
Jan. thru Nov. 1956		<u>System</u>		
Passenger Revenue	\$169,091.			
Other Operating Revenues	<u>28,536.</u>			
	\$197,627.	\$219,079.	(\$21,452.)	110.85%
<u>For Colorado</u>				
Passenger Revenue	\$107,373.			
Other Operating Revenues	<u>20,871.</u>			
	\$128,244.	\$132,497.	(\$4,253.)	103.32%

Parenthesis ( ) denotes a red figure.

	Operating Revenue	Operating Expenses	Net Opera- ting Income	Operating Ratio
Denver-Colorado Springs-Pueblo Motorway, Inc. Jan. thru Nov. 1956				
Passenger Revenue	\$663,426.			
Other Operating Revenue	<u>163,105.</u>			
	\$826,531.	\$748,591.	\$77,940.	90.57%
Greyhound Corporation, The (Northland Greyhound Line Division Year 1956 <u>System</u>				
	\$25,890,546	\$24,411,546	\$1,479,000.	94.3%
Southwestern Greyhound Lines, Inc. Year 1956 <u>For Colorado</u>				
Passenger Revenue	\$739,793.05			
Special Bus Revenue)				
Express Revenue )	<u>92,432.78</u>			
Other Revenue )				
	\$832,225.83	\$796,364.25	\$35,861.58	90.45%
Transcontinental Bus System, Inc. (Continental Central Lines) Year 1956 <u>For Colorado</u>				
Passenger Revenue	\$398,752.21			
Special Bus Revenue	8,877.50			
Baggage Revenue	46.80			
Express Revenue	14,283.41			
Newspaper Revenue	1,543.06			
Misc. Station Revenue	<u>4,886.73</u>			
	\$428,389.71	\$404,535.78	\$23,853.93	94.43%



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PUBLICATION OF A RATE OF \$8.30 PER )  
TON OF 2,000 POUNDS ON ORE CONCENTRATES, )  
MINIMUM WEIGHT 40,000 POUNDS, FROM CLIMAX, )  
COLORADO, TO DENVER FEDERAL CENTER, COLO- )  
RADO, FOR ACCOUNT OF GOLDSTEIN TRANSPOR- )  
TATION & STORAGE, INC. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 395

-----  
April 29, 1957  
-----

Appearances: Le Grand A. Carlston, Esq.,  
4045 Pecos Street, Denver 11, Colorado, for  
Goldstein Transportation & Storage, Inc.;  
R. E. Turano, 774 Wazee Street, Denver 4,  
Colorado, for Rio Grande Motor Way, Inc.,  
Larson Transportation Co., and Denver-Climax  
Truck Line;  
A. L. Mueller, Esq., Denver, Colorado, for  
the Staff of the Commission.

S T A T E M E N T

By the Commission:

On December 10, 1956, John P. Beck, as agent, filed with this Commission for account of Goldstein Transportation & Storage, Inc., 10th Revised Page No. 184, Colorado Motor Freight Tariff No. 1-A, Colorado P.U.C. No. 3, to become effective January 11, 1957. By this filing, Goldstein proposes a rate of \$8.30 per net ton on "ore concentrates, minimum weight 40,000 pounds" moving from Climax, Colorado, to Denver Federal Center, applicable to Goldstein only. By our Decision No. 47087, dated January 9, 1957, the operation of the proposal was suspended until May 10, 1957, unless otherwise ordered, and the matter was set for hearing in Denver on February 7, 1957. At the conclusion of that hearing, the matter was taken under advisement.

The testimony and records of the Commission show that the Federal Government is engaged from time to time in purchasing tungsten ore concentrates at the Molybdenum Company mine at Climax; these concentrates are then brought to the Denver Federal Center (Remaco), some eight miles west of Denver, for storage or later transshipment. Until recently, no special intrastate rate was in effect for such shipment by truck; if any concentrates moved, they did so only under the class rate structure.

If Goldstein does this work, it will do it under its common carrier call and demand authority, PUC-3171, which authorizes it to engage in the:

Conduct of a transfer moving and general cartage business, from point to point in the State of Colorado, subject to the following conditions:

(a) for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which in all cases shall be at least twenty percent in excess of those charged by the scheduled carriers.

(b) \* \* \*

This restriction as to rates when competing with scheduled carriers has come down from the original decision granting this authority (formerly numbered PUC-578) to Goldstein's predecessors W. E. Powers and F. J. Knauer. That decision (Decision No. 3514, dated July 6, 1931) said in part:

The Commission heretofore has issued a number of certificates authorizing operations similar to the one the applicants herein desire to conduct. It has, however, in each and every case conditioned the authority upon the requirement that in the transportation of all freight except household goods between points served singly or in combination by scheduled carriers, a rate must be charged which shall be at least twenty percent in excess of the scheduled carriers' rates, so that such carriers whose service to the public is of more importance may be protected against injurious competition.

No reason appears why this philosophy should now be rejected. The concentrates involved are in packages or containers, well suited to transportation by line-haul carriers. The movement is a backhaul for the scheduled carrier serving Climax, permitting it to use equipment which must otherwise return substantially empty; it is thus the sort of revenue we ought, if reasonably possible, to secure to our line haul carriers.

There is no single scheduled motor carrier with authority to engage in this transportation. Denver-Climax Truck Line, a protestant here, serves between Denver and Climax, but is not authorized to serve intermediate points, and thus cannot serve the Federal Center, which is intermediate. Its publication, effective November 28, 1956, (Item 1103 of the same tariff) of a rate of \$8.30 per ton of 2,000 pounds, on "tungsten, minimum weight 40,000 lbs." from Climax to Denver, therefore cannot be said to be such a publication as to bring to bear the 20% penalty provision of Goldstein's authority.

There is, however, a combination of scheduled carriers which can perform this transportation: Denver-Climax Truck Line to Denver, and Westway Motor Freight, Inc., from Denver out to the Federal Center. It is not a valid objection that these two carriers participate in different tariffs; our tariff rules require such carriers to interline freight, albeit at local rates only. However, nothing prohibits such carriers, if they wish, from concurring in a single special through rate for such transportation; these two carriers have not yet done so.

Ratewise, we thus have no prescribed rate for scheduled carriers with whom Goldstein would compete, except the local commodity rate of Denver-Climax (noted above) plus the local class rate of Westway Motor Freight, the lowest of which, fifth class, is \$5.60 per comparable ton. The sum of these is \$13.90, which compares with Goldstein's published willingness to do the work for \$8.30 per ton, and Denver-Climax's published willingness to haul it eight miles farther beyond the Federal Center for the same price. There was also some evidence in this proceeding that Goldstein's proposal might be economically feasible traveling empty one way; in the case of the scheduled carriers, virtually all of the transportation would be a more profitable back-haul.

In light of all these circumstances, we are compelled to conclude that the sum of the local rates cited is unreasonably high for the work, and that \$8.30, if not itself reasonable, is at least more nearly so. In this connection, we note that the only feasibility data consisted of the average of costs per mile of Goldstein's entire system, much, if not most, of which operates

in plains territory; but the particular transportation involved here is over roads as mountainous and difficult as any in Colorado regularly used by motor carriers. Goldstein's data therefore may indicate, but do not conclusively establish, that its proposal is reasonable.

It must be apparent that the considerations are not all on one side. All things considered, however, we feel that in the particular circumstances, we should encourage the scheduled carrier, which serves Climax in all seasons on a regular basis, to perform this transportation of packaged concentrates, if it can do so at reasonable rates, by combining with another scheduled carrier. Regular scheduled service to the small mountain community of Climax, without right to serve intermediate points, can hardly be described as lucrative; yet the service is an essential one, and one which we feel should be nurtured.

We find that this service can be performed by a combination of scheduled carriers, and that the rate of such carriers for such transportation is \$13.90 per ton. As Goldstein's proposed rate is not 20% in excess of this rate, it is interdicted, and must be rejected.

So that there may be no misapprehension of our views, however, we now inform the two scheduled carriers involved that if they want this work, they will be well advised to file a concurrent rate in short order, in line with what has been indicated herein. In the absence of such filing by May 15, 1957, the Commission will be disposed to entertain a new filing by Goldstein.

An Order will be entered accordingly.

#### 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 tariff filing of John P. Beck, Agent, for account of Goldstein Transportation and Storage, Inc., described above, should be rejected.

O R D E R

THE COMMISSION ORDERS:

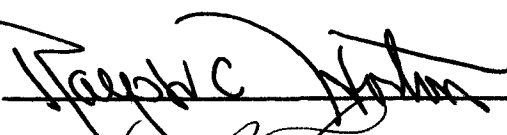

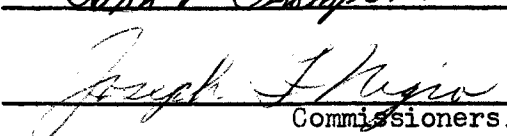
That the tariff filing of John P. Beck, Agent, for account of Goldstein Transportation and Storage, Inc., described above, should be, and the same hereby is, rejected.

A copy of this order shall be sent to Westway Motor Freight, Inc., for its information.

Effective as of day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(S S A L)  
ATTEST.  
True  
[illegible]  
[illegible]

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of April, 1957.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
I. SANDER, INC., A UTAH CORPORATION, )  
P. O. BOX 2305, SALT LAKE CITY, UTAH, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- ) APPLICATION NO. 15221  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----)

-----  
April 30, 1957  
-----

Appearances: Bell & Bell, Esqs., Salt Lake  
City, Utah, for Applicant;  
Charles A. Petrie, Esq.,  
Montrose, Colorado, for  
Norwood Truck Line, Telluride  
Transfer Company, O. Dunlap &  
Son, Merritt B. Gilmore, Estes  
Trucking Company, and E. D.  
Finahcer;  
R. Deane Moyer, Esq., Albuquerque,  
New Mexico for Curnow Trans-  
portation Company and Fairplay  
Motor Company;  
Cecil S. Haynie, Esq., Grand  
Junction, Colorado, and  
Garrison, Diltz & Hancock, Esqs.,  
Cortez, Colorado, for Dolores  
Truck Line;  
George S. Graham, Esq., Grand  
Junction, Colorado, for W. R.  
Hall Transportation & Storage  
Company;  
Marion F. Jones, Esq., Denver,  
Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

By the instant application, I. Sander, Inc., a Utah  
corporation, P. O. Box 2305, Salt Lake City, Utah, seeks a certifi-  
cate of public convenience and necessity authorizing the trans-  
portation of uranium and other mineral-bearing ores, in bulk,  
within a radius of 200 miles of Uravan, Colorado.

Said application was assigned for hearing before Examiner  
A. L. Mueller, at Grand Junction, Colorado, on April 4, 1957, after  
due notice to all interested parties, and was there heard and taken

under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

When the matter was called for hearing, a motion was made by Cecil S. Haynie, Esq., Grand Junction, Colorado, attorney for protestant Dolores Truck Line, to continue the hearing for the reason that representatives of said company were not able to appear due to weather conditions, which motion was denied.

By stipulation, applicant was allowed to amend its application by the exclusion of the Counties of Gilpin, Clear Creek, Jefferson, Lake, Park, Grand and Summit. On this basis, R. Deane Moyer withdrew the protests of his clients listed above.

Corrected amendments to Articles of Incorporation were received in evidence, and marked Exhibit No. 1. Exhibit No. 2 was offered and received, being the Articles of Incorporation of I. Sander, Inc., licensed by the State of Utah.

Gregory F. Hosford was the first witness for applicant, testifying that he is Vice President and General Manager of applicant corporation; that his company is operating as a contract and common carrier in Utah, as a private carrier in Colorado, and at the present time is in good standing with the Commissions of both states. A financial statement, marked as applicant's Exhibit 3 was offered, and showed net assets of \$375,844.21 as of August 31, 1956, the exhibit being verified by the witness as Vice President and General Manager. Exhibit 4 was offered and received, showing that 25 pieces of equipment are presently owned, and that 13 pieces of equipment are either being negotiated for or are on order. Exhibit 5 was offered and received, showing the type of equipment intended to be operated if this application is granted. The witness testified that special equipment is presently being used, and is necessary for the transportation of the commodities applied for, especially in this territory. Six pieces of special equipment are now in use and another one scheduled for delivery on April 5, 1957.

Temporary authority was granted on March 8, 1957, and additional equipment can be added as needed. Applicant has an option to purchase terminals in the territory applied for. Upon cross-examination by Cecil S. Haynie, attorney for protestants, the witness testified that competitive bidding is common practice in this territory in regard to the transportation of ore and ore concentrates; that the equipment being used is not now proper equipment for operation in the State of Colorado, and that the present area of operation is Uravan and a 75-mile radius thereof. Initial operation by applicant was started in Colorado on April 1, 1957.

John Emerson, of Grand Junction, Colorado, a representative of Union Carbide Company, testified that his company takes care of 75% of the production of ore in the area, and that the principal movement of ore is from mine to mill. He stated the ordinary practice is to contract with truckers, the contracts being let on the basis of the lowest bid. In his opinion, tonnage will increase as mill capacity is being increased. The present transportation has been satisfactory, except in one instance in 1957, due to weather conditions, ore could not be delivered to the mill. The witness does not know of any common carrier service being offered at the present time. Upon cross-examination, it was developed that his chief interest is to get delivery at the lowest cost possible, and that no common carrier ever solicited his business, but that he would use a common carrier in an emergency.

A. F. Skalla, of Norwood Truck Lines (PUC-943), appeared in protest, and testified that he has common carrier authority dating from 1947, and is in the business of transporting ore and that his company bids and hauls under contract. He stated they operate 5 trucks with a value of \$24,500, which equipment is listed in the files of the Commission, and which list was made a part of the record by reference. Protestant's Exhibit A shows that Norwood Truck Line has net assets of \$91,403.16. It was the opinion of the witness that there is no need for additional service. Upon cross-examination, it



developed that there is no tariff under which witness operates on file with the Commission; that in order to obtain business he has built his own roads and has contacted Union Carbide Company for transportation business but that his bid was too high.

E. D. Fincher also appeared in protest, testifying that he has operated for nine years as a private carrier. He has eight 5-ton capacity ore trucks, with a value of \$100,000, and that he has bid on transportation for Union Carbide Company and lost the bid because it was too high. The witness further stated that he called Mr. Sander at Salt Lake City in regard to leasing of equipment in February of 1957. No lease was executed by the witness, but his authority was used by applicant, I. Sander, Inc., through his drivers, without permission from the witness. On cross-examination, it developed that no contract was filed with the Colorado Public Utilities Commission, and the witness had information that no tariff was required to be filed on ore or concentrates and, therefore, never was filed.

Leslie F. Estes, doing business as "Estes Trucking Company" of Rifle, Colorado, owner of PUC-1971, testified that they have occasional hauls of uranium ore and operate five dump trucks with a value of \$50,000; that their net worth is \$130,000, but they do not operate dump trailers for the reason that there has been no demand for them, but have answered all demands for transportation service.

Merritt G. Gilmore, of Uravan, Colorado, holder of PUC-4031, appeared in protest and testified that he had been in operation for 8 years, and at the present time has four tandem units idle; that his customer list has been filed with the Commission; that he has bid on Union Carbide Company contracts, and has hauled for said company on negotiated rates. He stated his net worth is \$75,000.

Harold R. Dunlap, representing Orville Dunlap & Son, of Montrose, Colorado, (PUC-876 and PUC-1861-I), covering Norwood and a 50-mile radius thereof, testified that he is not generally hauling ore but will haul ore and has solicited this type of traffic. He stated they own 10 tractors and one dump truck, and would be willing

to convert equipment if required for this type of transportation.  
The equipment is valued at \$100,000 and their net worth at \$130,000.

From the records and files of the Commission, as well as the testimony adduced at the hearing, the Examiner is of the opinion that public convenience and necessity of the shippers in the territory applied for do not require the rendition of the proposed service as set forth in the application, or as amended at the hearing. It appears that protestants are giving adequate service, have ample equipment, and are willing and able to furnish all the transportation needed in the territory applied for, and said Examiner recommends that the instant application be denied.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That public convenience and necessity do not require the granting of the instant application.

#### O R D E R



##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings be, and is hereby, approved.

That the instant application of I. Sander, Inc., of Salt Lake City, Utah, being Application No. 15221, be, and is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of April, 1957.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
OVERLAND MOTOR EXPRESS, INC., A	)	
COLORADO CORPORATION, 2709 SPRUCE	)	
STREET, BOULDER, COLORADO, FOR A	)	<u>APPLICATION NO. 15265-Extension</u>
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO EXTEND OPERATIONS	)	
UNDER PUC NO. 3058.	)	
-----	)	

-----  
April 30, 1957  
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Appearances: Reynolds & Brotzman, Esqs.,  
Boulder, Colorado, by  
Donald G. Brotzman, Esq.,  
for Applicant;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for  
McMullan Van & Storage,  
Pherson Trucking Company,  
Burger's Express, Boulder  
Transfer Company, Bailey  
Storage & Transfer Company,  
and City Storage & Transfer  
Company.

S T A T E M E N T

By the Commission:

By its present application, as explained at the hearing of the matter, the applicant seeks to have its common carrier motor vehicle authority extended to give recognition to its "Grandfather Rights" to engage in transportation of freight and express, except household goods, as defined by the Interstate Commerce Commission in 17 MCC 467, within the City of Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, April 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Melvin A. Chance, Secretary-Treasurer of the applicant corporation, testified in support of the application. He stated that the present authority of the company derives from the former

PUC No. 2, which was split to transfer the household goods authority, as explained above, to another company, the applicant retaining the general freight rights, except household goods, in Overland Motor Express. He was himself not connected with the company prior to November, 1954, when this Commission acquired jurisdiction over common carriers in home-rule cities and has not been able to locate the records of the company which would show what movements of freight were made from point to point within the City of Boulder during the time prior to his association with it. He testified concerning one intra-city delivery which he personally saw prior to that time, consisting of what he believes were clothing racks, or some such commodity. He brought no record of any intra-city movements since he has been connected with the company. He did testify, however, concerning goods picked up in Boulder, or delivered in Boulder, in connection with the line-haul operation which the company conducts between Denver and Boulder. These goods had either a prior or subsequent movement on the line-haul operation, however, and moved on a single bill of lading. These pickup and delivery movements, in connection with the line-haul operation, were in large volume and continuous at all times before and since this Commission acquired jurisdiction, according to the testimony of Mr. Chance.

The operation of the applicant is that of a line-haul common carrier moving between two cities. The present application for intra-city authority is that of a call and demand irregular route operation, basically different from the line-haul inter-city operation. There was no evidence to warrant the conclusion that the applicant company, prior to the date we acquired jurisdiction, or since has regularly or continuously engaged in a call and demand service within the City of Boulder. Instead, the evidence leads to the conclusion that, if the operation was conducted at all, it was irregular and sporadic, and not a regular business diligently pursued and entitled to recognition on a "Grandfather Rights" basis. There was no showing that

the public convenience and necessity requires the proposed intra-city service, except for the pick up and delivery of goods having a prior or subsequent movement on the line-haul service and where the entire movement is covered by a single bill of lading. The application must accordingly be denied, except as an adjunct to the line-haul service, as set forth in the following Order.

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

##### THE COMMISSION FINDS:

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

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant, as set forth in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle service of Overland Motor Express, Inc., a Colorado corporation, Boulder, Colorado, to operate a pick up and delivery service in the City of Boulder, Colorado, for freight having a prior or subsequent movement in connection with the existing line-haul common carrier service, where the entire movement is covered by a single bill of lading.

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.

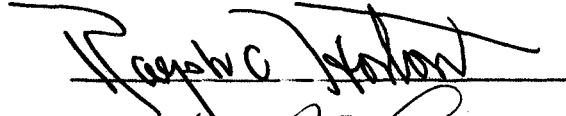
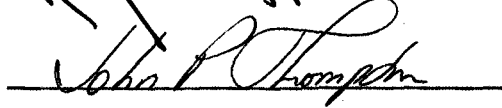

That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That, in all other respects, said application 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 30th day of April, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
KENNETH D. BELVILL, ROUTE 1, BOX 86, )	
BROOMFIELD, COLORADO, FOR A CLASS )	<u>APPLICATION NO. 15241-PP</u>
"B" PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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May 1, 1957  
-----

S T A T E M E N T

By the Commission:

The instant application was set for hearing at the Court House, Fort Collins, Colorado, on April 10, 1957, with due notice to all interested parties.

Applicant did not appear either in person or by counsel. The files were made a part of the record and the matter taken under advisement.

In the meantime, to-wit: April 8, 1957, applicant addressed a letter to the Commission, advising that he was not in a position to use any authority issued at the present time and requesting that the setting be vacated.

F I N D I N G S

THE COMMISSION FINDS:

That the request of the applicant herein should be granted and setting vacated and the application re-set at some future time convenient to the Commission, when requested by applicant.

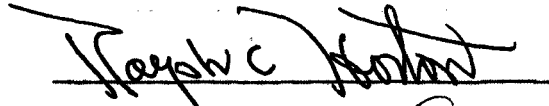


O R D E R

THE COMMISSION ORDERS:

That the hearing herein be, and the same is hereby, vacated, the application to be re-set at some future time convenient to the

Commission, with due notice to all interested parties, when requested  
by applicant.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of May, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HAROLD HEIDENREICH, 21 WEST 70TH )	
AVENUE, DENVER, COLORADO, FOR AUTH- )	APPLICATION NO. 15274-Transfer
ORITY TO TRANSFER PUC NO. 3289 TO )	
PHILLIP BOTT, 4615 WEST MONCRIEFF )	
PLACE, DENVER, COLORADO. )	

-----

-----  
May 1, 1957  
-----

Appearances: Harold Heidenreich, Denver,  
Colorado, pro se;  
Phillip Bott, Denver, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Harold Heidenreich, Denver, Colorado, is the owner of PUC  
No. 3289, authorizing:

Transportation of ashes, trash and other  
refuse, 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.

By the instant application, the certificate holder seeks  
authority to transfer his operating rights under said certificate to  
Phillip Bott, 4615 West Moncrieff Place, Denver, Colorado.

Said application was assigned for hearing before Examiner  
Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on  
April 16, 1957, after due notice to all interested parties, and was  
there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings,  
as follows:

Transferee Bott testified that the consideration for the

transfer of the certificate and one 1955 Chevrolet 1½-ton dump truck is \$5,750, which has been paid. He has had 25 years experience in the operation of trucks in construction work, and his net worth is \$15,000. Transferor has been serving 63 customers under the certificate involved.

There were no protests against favorable action on the proposed transfer.

The operating experience and financial stability of transferee have been established to the satisfaction of the Commission, and the said transfer appears to be in the public interest, and in the opinion of the Examiner should be approved.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the proposed transfer is in the public interest and should be authorized.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings be, and is hereby, approved.

That Harold Heidenreich, 21 West 70th Avenue, Denver, Colorado, be, and is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 3289 -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Phillip Bott, 4615 West Moncrieff Place, Denver, Colorado, subject to outstanding indebtedness if any there be.

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

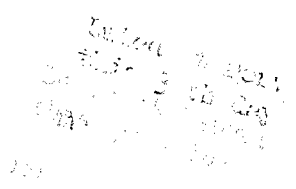
with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the 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

  
Ralph C. Horton  
John P. Thompson  
Joseph F. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of May, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. E. SNIDER AND MARGARET J. SNIDER, )  
CO-PARTNERS, DOING BUSINESS AS "NEWS )  
& FILM SERVICE," 1820 WEST GUNNISON )  
PLACE, DENVER, COLORADO, FOR AUTH- )  
ORITY TO EXTEND OPERATIONS UNDER )  
PERMITS NOS. A-4500 AND A-4500-I. )  
----- )

APPLICATION NO. 15276-PP-Extension

-----  
May 1, 1957  
-----

Appearances: Bruce Owenby, Esq., Denver,  
Colorado, for Applicants;  
Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, by John R.  
Barry, Esq., for Continental  
Bus System, Inc., and Rocky  
Mountain Lines;  
T. A. White, Esq., Denver,  
Colorado, and  
R. E. Turano, Denver, Colorado,  
for Rio Grande Motor Way,  
Inc.; Ashlock Truck Line;  
and Denver-Climax Truck Line.

S T A T E M E N T

By the Commission:

A. E. Snider and Margaret J. Snider, co-partners, doing  
business as "News & Film Service," Denver, Colorado, are the owners  
of Private Permits Nos. A-4500 and A-4500-I, with extensive auth-  
ority for the transportation of newspapers intrastate and interstate.

By the instant application, they seek authority to extend  
operations under said permits to include the right to transport news-  
papers over regular routes, in unscheduled service, from Denver,  
Colorado, over U. S. Highways Nos. 6 and 40, to the junction of  
said highways with Colorado Highway No. 91; thence over said Colo-  
rado Highway No. 91 to Leadville, Colorado, with return over the  
same route, serving all intermediate points, and also Empire, Colo-  
rado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 16, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner now submits his Report of the proceedings, as follows:

A. E. Snider, one of applicants, reviewed the authority of applicants under the permits and identified Exhibit No. 1, which was received in evidence, being applicant's financial statement showing net worth of \$16,700. He has had eight years experience in this type of business. He stated that the partners operate three units of equipment, a 1955 two-ton Chevrolet, a 1956 one and one-half ton Chevrolet, a 1957 one-ton Ford, and by rotating their units can perform the proposed service with the same units, but will purchase others if required. The Traffic Manager of the Denver Post has requested them to file the application and, under the proposal, they will provide daily service, Monday through Friday, with two trips on Saturday, timed to meet the convenience of the Denver Post. The tentative schedule is to leave Denver at 11:30 A. M., dropping off newspapers at the intermediate points of Idaho Springs, Dumont, Lawson, Empire, Silver Plume, Dillon, Frisco and Climax, with a few drop-offs to individual customers along the line. All trips from Denver to Leadville will require approximately  $3\frac{1}{2}$  hours. The delivery of the noon edition of the Post at Leadville will be made at approximately 3:00 P. M., and the truck will return to Denver the same day. No other commodity will be transported in the same truck. The distance involved is 130 miles each way and, based on his experience, he can operate at a cost of 10¢ per mile in this terrain, plus driver's pay, or for approximately \$40.00 per trip, and could enjoy a profit under the contract he is now negotiating with the Post.

H. E. Corvin, Traffic Manager of the Denver Post, appeared in support of the application, stating that it is his duty to see

that the various editions of his paper are dispatched in a manner to best meet the convenience of his subscribers. The paper is now delivered to Leadville in the afternoon, bearing date of the following day. The home edition of the Post will in the future be issued about 11:15 A. M., and delivered by applicant at Leadville at about 3:00 P. M., and the subscribers there can read the edition about the same time it is delivered to Denver readers. He is familiar with the bus service available for the transportation of the Post to Leadville, but bus express is not advisable. A bus does not provide sufficient storage space and will not permit the use of vacant seats for newspaper transportation. These shipments consist of about 75 bundles and of an average weight approximately 3,500 pounds. After delivery to intermediate points, about 20 bundles reach Leadville. On some days, the shipments are larger, but the average shipment over-taxes the capacity of a bus for express shipments. He has used the bus service to other points, has been refused service by bus to some points and has not contacted Continental relative to the new proposed service to Leadville, as its schedules do not fit in with the printing schedules of the Post, and from his experience transportation of newspapers by truck is preferable to their transportation by bus. The proposed service of applicants will result in the delivery of the Post to the points involved on the same day the paper comes off the press, while presently readers at these points receive pre-dated issues.

In protest, Ralph Berndt, Assistant Traffic Manager of Continental Bus System, Rocky Mountain Division, testified as to the two schedules operated by his company between Denver and Leadville. One schedule leaves Denver at 8:45 A. M., follows the same route proposed by applicants, arriving at Leadville at 1:15 P. M. Naturally, this schedule does not provide same day delivery of the noon edition of the Post. The other schedule leaves Denver at 1:30 P. M., and could pick up this edition. However, it follows the route through South Park to Buena Vista, where the papers could be transferred to a shuttle bus to Leadville, arriving at the latter

point in the evening. There could be no service by this bus to the intermediate points between Leadville and Denver, the only service thereto being furnished by the earlier bus leaving Denver before the Post is published on that day. One intermediate point only, the Town of Idaho Springs, is served by five schedules from Denver daily. Mr. Berndt stated that the capacity of the baggage department of the bus varies. Normally, a bus cannot handle 75 bundles of newspapers. It would require three busses on the afternoon schedule from Denver to Buena Vista (the Durango bus) to handle the 75 bundles, and but the one bus is used.

He stated that his company sustains a substantial loss on its bus operations between Denver and Leadville and any business taken from the bus line would increase the loss. However, he admitted that he is not now transporting these newspapers.

In the opinion of the Examiner, applicants propose a service that will be convenient to and is needed by the publishers of the Denver Post and its readers at Leadville and the intermediate points to be served. At the present time, readers receive a pre-dated issue of the newspaper only. Under the proposal, they will receive the home edition of the Post on the day it leaves the presses. It is evident from the testimony that applicants are qualified by experience in this type of work to expand their service in Colorado by adding this additional schedule; that they already have adequate equipment, and from a financial standpoint are able to serve the public under the authority requested. It is equally evident that protestant is unable to furnish the same type of service on its present schedule, or any proposed schedule. It furnishes no timely service to the intermediate points involved and its busses do not have the storage capacity to handle the proposed shipments. Applicants will furnish a convenient specialized service which no other carrier now furnishes, or proposes to furnish.

The Examiner is of the opinion that the instant application should be granted.

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 the Report of the Examiner referred to therein should be approved.

That the extension sought should be granted.

O R D E R


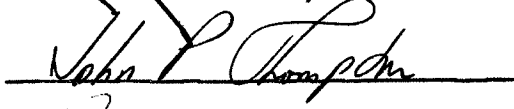

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That A. E. Snider and Margaret J. Snider, co-partners, doing business as "News & Film Service," Denver, Colorado, should be, and they are hereby, authorized to extend operations under Permits Nos. A-4500 and A-4500-I, to include the right to transport newspapers over regular routes, in unscheduled service, from Denver, Colorado, over U. S. Highways Nos. 6 and 40, to the junction of said highways with Colorado Highway No. 91; thence over said Colorado Highway No. 91 to Leadville, Colorado, with return over the same route, serving all intermediate points, and also Empire, Colorado.

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 1st day of May, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. B. WOLGAMOTT, STRATTON, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. ) APPLICATION NO. 14939-PP-Transfer  
B-1267 TO WILLIAM SCHEOPNER, BOX )  
186, STRATTON, COLORADO. )  
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May 2, 1957  
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Appearances: A. B. Wolgamott, Stratton,  
Colorado, pro se;  
William Scheopner, Stratton,  
Colorado, pro se;  
E. B. Evans, Esq., Denver,  
Colorado, for M. K. Mc-  
Elfresh and Paul G. Zim-  
merman.

S T A T E M E N T

By the Commission:

The instant application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 18, 1957, at 2:00 o'clock P. M.

The Examiner has submitted his Report of the proceedings, as follows:

The parties hereto referred to a letter of date February 26, 1957, addressed to the Commission by Richard L. Banta, Jr., Esq., Attorney for transferor, suggesting a continuance of the hearing. Counsel for protestants stated that Mr. Banta had discussed the proposed continuance and he had not objected thereto and for the convenience of the parties it was agreed that the present setting should be vacated and the application re-set for hearing on some future date convenient to the Commission in the latter part of June, 1957.

The Examiner is of the opinion that the agreement of the parties should be approved.

### 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 the Report of the Examiner referred to therein should be approved.

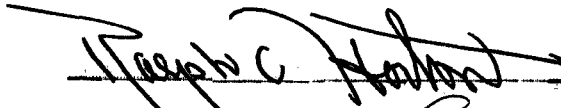

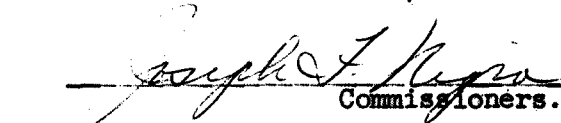
That the hearing herein should be vacated and the application re-set for hearing at some future date convenient to the Commission, in the latter part of June, 1957.

### O R D E R

#### THE COMMISSION ORDERS:

That the hearing herein of Application No. 14939-PP-Transfer be, and the same is hereby, vacated, to be re-set at some future date convenient to the Commission, with due notice to all interested parties, in the latter part of June, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN M. AIRHART, 860 PROSPECT PLACE, )  
MANITOU SPRINGS, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15249

-----  
May 2, 1957  
-----

Appearances: John M. Airhart, Manitou  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed February 11, 1957, applicant seeks authority to operate as a common carrier by motor vehicle for hire for the transportation of ashes and trash in the City of Manitou Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, April 12, 1957, 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 authority he seeks is limited to collection in the City of Manitou Springs, the refuse there collected to be taken to dumping grounds designated by officials of the City, or otherwise available to him.

He has two pieces of equipment suitable to the work and has obtained a license from City officials. His net worth is approximately \$1,000. He has talked with others authorized to engage in this business in this general area and they have no objection to his

having the authority provided he limit his operation to Manitou Springs. As this is exactly what he has in mind, he consented to that limitation.

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 be made a part of these Findings by reference.

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 John J. Airhart, Manitou Springs, Colorado, for the transportation of ashes and trash in the City of Manitou Springs, Colorado, only.

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

*Joseph C. Thompson*  
*John R. Thompson*  
*Joseph F. Nye*  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1957.  
mls

original

(Decision No. 47818)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAYMOND L. MAULDIN, DOING BUSINESS )  
AS "DENVER DELIVERY SERVICE CO.," )  
HANGAR #4, STAPLETON AIR FIELD, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING HIM TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

APPLICATION NO. 14228-Amended

-----  
May 2, 1957  
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Appearances: Stockton, Linville and Lewis,  
Esqs., by John H. Lewis,  
Esq., Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

By the instant application, Raymond L. Mauldin, doing business as "Denver Delivery Service Co.," Denver, Colorado, seeks a certificate of public convenience and necessity authorizing him to operate as a common carrier by motor vehicle for hire.

Said application was assigned for hearing before Examiner Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on April 16, 1957, at ten o'clock A. M.

Said Examiner has submitted his Report of the proceedings, as follows:

When the application was called for hearing, attorney for applicant moved for dismissal of the application, and the Examiner recommends that said motion should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the motion of counsel for applicant for dismissal of

the instant application should be granted.

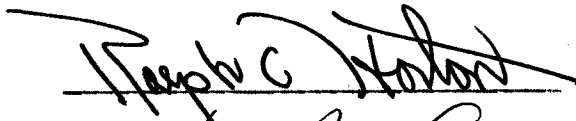


O R D E R

THE COMMISSION ORDERS:

That Application No. 14228-Amended should be, and is hereby, dismissed, at the request of counsel for applicant.

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 2nd day of May, 1957.

mls

original

(Decision No. 47819)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
K. C. BAILEY AND E. W. DRISCOLL, CO- )  
PARTNERS, DOING BUSINESS AS "ACKLEY ) APPLICATION NO. 15273-Transfer  
TRUCK LINE," BRUSH, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 620 )  
AND PUC NO. 620-I TO E. W. DRISCOLL, )  
DOING BUSINESS AS "ACKLEY TRUCK )  
LINE," BRUSH, COLORADO. )  
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-----  
May 2, 1957  
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Appearances: Marion F. Jones, Esq., Den-  
ver, Colorado,  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
and  
John H. Lewis, Esq., Denver,  
Colorado, for Transferors  
and Transferee.

S T A T E M E N T

By the Commission:

K. C. Bailey and E. W. Driscoll, co-partners, doing business  
as "Ackley Truck Line," Brush, Colorado, are the owners of PUC No. 620  
and 620-I, authorizing:

- (1) Transportation of freight generally be-  
tween Denver and Snyder;
- (2) Transportation of livestock to Denver  
from the territory surrounding the Town of  
Snyder extending on the south to the Brush-  
Sterling Highway, 5 miles from Snyder on the  
west, 10 miles therefrom on the north, and 10  
miles therefrom on the east, and
- (3) Household goods to and from Snyder and  
the above described territory from and to  
all points in the State of Colorado, in both  
intrastate and interstate commerce.

Transportation of livestock from and to all  
points within the following described terri-  
tory to and from all points within the State  
of Colorado, and for the transportation of  
agricultural products other than livestock

from point to point within said territory,  
said territory being described as follows:

Commencing at the NW corner of Section 4,  
Township 5-North, Range 57-West, running  
thence easterly for a distance of 20 miles  
to a point which is the NE corner of Sec-  
tion 3, Township 5-North, Range 54-West,  
running thence in a southerly direction for  
a distance of 53 miles to a point which is  
the NW corner of Section 34, Township 4-  
South, Range 54-West, running thence in a  
westerly direction for a distance of 20  
miles to a point which is the NW corner of  
Section 33, Township 4-South, Range 57-West,  
running thence in a northerly direction a  
distance of 53 miles to the place of be-  
ginning; PROVIDED, HOWEVER, that the said  
Ackley shall not directly or indirectly com-  
bine his operations under his Private Permit  
A-18 and his operations under Certificate of  
Public Convenience and Necessity and shall  
not engage in business as a common carrier  
and a private carrier with the same equipment  
over the same route at the same time. Fur-  
ther, that said W. F. Ackley shall not trans-  
port as a private carrier under his Private  
Permit A-18 between points he is authorized  
to serve under the certificate herein trans-  
ferred, the commodities, or any of them,  
which he is authorized to transport under  
said certificate, and that said permit should  
be and hereby is amended and modified to ex-  
clude such transportation service.

By transfer of Certificate No. 964: Irregu-  
lar transportation upon call and demand of  
coal, sand, rock, gravel, cement, and other  
building material, farm products, including  
livestock, feed, farm equipment and used  
household goods (when moving farmers) from  
point to point within the following described  
territory:

Beginning at a point 4 miles to the north of  
Brush; thence due east 14 miles to Range Line  
54-West, thence south 34 miles; thence west  
24 miles; thence due north 24 miles along  
Range Line 58-West; thence northeast to Lodi;  
thence due north to the South Platte River,  
thence northeast following the river to the  
point of beginning, and from and to said area  
to other points in the State of Colorado, ex-  
cept no authority is granted to transport  
livestock to and from sales pavilions or to  
the Denver market in competition with any au-  
thorized motor vehicle common carrier, and no  
line haul service shall be rendered by appli-  
cant between Brush and towns already served  
by motor vehicle common carriers, save and  
except that no authority is granted to trans-



port all classes of freight in a town to town service from Brush to Gary and Woodrow, including the right to perform local cartage service within the Town of Brush.

Transportation of milk from points within a radius of 25 miles of Brush, to Brush, Colorado, with return of empty containers; also transportation of milk on call and demand from creameries located at Brush and Fort Morgan, Colorado, to all points in the State of Colorado with return of empty containers.

By the instant application, said applicants seek authority to transfer said operating rights to E. W. Driscoll, doing business as "Ackley Truck Line," Brush, Colorado.

Said application was set for hearing before Examiner Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, April 16, 1957, where the matter was heard and taken under advisement.

The Examiner submitted his Report of the proceedings, as follows:

K. C. Bailey testified that transferors have agreed to dissolve their partnership and that he has agreed to sell his interest in the partnership to E. W. Driscoll for the sum of \$6,400. A copy of their contract is on file with their application, by the terms of which Bailey agrees to transfer to Driscoll all his right, title, and interest in and to the Ackley Truck Line and the good will thereof, together with all franchises, permits, certificates of public convenience and necessity, and all other rights and privileges, all trucks, trailers, tractors, garage equipment, accounts receivable, cash on hand, and all other property jointly owned by the partners, or in the name of Ackley Truck Line, as well as the trade name. The sum of \$3,000 was paid in cash and the balance of \$3,400, with interest, due to one William Ackley as a lien on the home of Bailey at Snyder, Colorado, is to be paid if and when the proposed transfer is approved by the Commission. Driscoll is to assume all outstanding indebtedness of the partnership.

Transferee Driscoll corroborated the testimony of Mr. Bailey. He further stated that his net worth, including the property purchased under the contract, is \$117,500 (financial statement is on file with the application). He has had experience in the transportation business since 1930. He will use the same equipment formerly used by the partners in their operations under the authorities referred to with the addition of one newly-acquired tractor.

There were no protests against favorable action on the proposed transfer, and said transfer appears to be compatible with the public interest. The Examiner recommended approval of the transfer.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

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 Report of the Examiner referred to in the above and foregoing Findings should be, and is hereby, approved.

That K. C. Bailey and E. W. Driscoll, co-partners, doing business as "Ackley Truck Line," Brush, Colorado, be, and are hereby, authorized to transfer all their right, title, and interest in and to PUC No. 620 and PUC No. 620-I -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to E. W. Driscoll, doing business as "Ackley Truck Line," Brush, Colorado, K. C. Bailey being desirous of withdrawing from the partnership; interstate authority transferred herein being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That said transfer shall become effective only if and when,

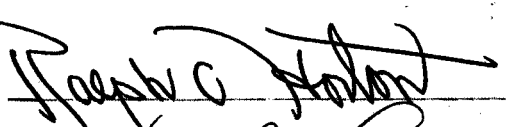


but not before, said transferors and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and 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 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 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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
A CORPORATION ORGANIZED AND EXIST- )  
ING UNDER THE LAWS OF THE STATE OF )  
COLORADO, FOR AN ORDER AUTHORIZING )  
THE ISSUANCE OF \$30,000,000 PRIN- )  
CIPAL AMOUNT OF ITS FIRST MORTGAGE )  
BONDS. )  
----- )

APPLICATION NO. 15301-Securities  
AMENDED

-----  
May 2, 1957  
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Appearances: E. A. Stansfield, Esq., of  
Lee, Bryans, Kelly and  
Stansfield, 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:

Pursuant to 115-1-4 C. R. S. '53, Public Service Company of Colorado, a Colorado corporation, hereinafter called "Applicant," filed with this Commission on April 11, 1957, its application (which was amended by its filing on April 19, 1957 of its Amendment No. 1 thereto), for an Order of this Commission, authorizing it to issue and sell \$30,000,000 principal amount of First Mortgage Bonds, to be dated May 1, 1957, to mature May 1, 1987, to bear interest at a rate not in excess of 4-3/4% per annum, and to be issued as a new series under and to be secured by the Applicant's Indenture of Mortgage to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and the indentures supplemental thereto, including a proposed Supplemental Indenture to be dated as of May 1, 1957.

By Decision No. 47718, dated April 12, 1957, this Commission ordered that a public hearing be held commencing on Tuesday, April 23, 1957, at 9:00 o'clock A. M., at 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in these proceedings. Interested parties, municipalities, and representatives of interested consumers or security holders of Applicant, or any other person whose participation in these proceedings 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 April 18, 1957.

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 hearing on the aforesaid application was held on April 23, 1957, after due notice to all interested parties, and the matter was heard and taken under advisement.

Applicant is a corporation, organized and existing under the laws of the State of Colorado, and is a public utility operating company engaged principally in the generation, purchase, transmission, distribution, and sale of electricity, and in the purchase, distribution, and sale of natural gas. Applicant's operations are wholly within the State of Colorado.

Applicant is the owner of all the outstanding capital stock of Colorado-Wyoming Gas Company, a Delaware corporation, The Pueblo Gas and Fuel Company, a Colorado corporation, Western Slope Gas Company, a Colorado corporation, and the Green and Clear Lakes Company, a New York corporation. It is also the owner of all the outstanding capital stock (other than Directors' qualifying shares) of the Cheyenne Light, Fuel, and Power Company, a Wyoming corporation. Applicant also holds a controlling interest in two other relatively small companies.

For the year ended December 31, 1956, Applicant reported operating revenues of \$74,332,250, and net income, that is the amount

available for dividends and surplus, of \$10,012,893. During the year ended December 31, 1956, the amount of \$1,456,250 was appropriated for cash dividends on preferred stock, and the amount of \$5,615,220 for cash dividends on common stock. Earnings in prior years have been satisfactory.

As of December 31, 1956, Applicant's Balance Sheet is as follows:

ASSETS

Property, Plant, Equipment, and Investments	\$254,526,493
Cash	7,925,768
Other Current Assets	12,968,149
Deferred Charges	<u>3,176,709</u>
 TOTAL ASSETS -	 \$278,597,119

LIABILITIES

Capital Stock	\$67,520,000
Premiums on Capital Stock	27,203,290
Earned Surplus	15,792,878
Earned Surplus Restricted for Future	
Federal Income Taxes	4,022,200
Funded Debt and Notes Payable	91,580,000
Current Liabilities	22,092,247
Other Liabilities	2,203,775
Reserves	40,245,079
Contributions in Aid of Construction	<u>7,937,650</u>
 TOTAL LIABILITIES -	 \$278,597,119

The Certificate of Incorporation of Applicant, as amended, provides for an authorized capital stock of \$115,000,000 divided into 650,000 shares of Cumulative Preferred Stock of a par value of \$100 each, and 5,000,000 shares of Common Stock of a par value of \$10 each. Applicant's Cumulative Preferred Stock, pursuant to the powers contained in its Certificate of Incorporation, as amended, is issuable in one or more series.

The Company had issued and outstanding, as of December 31, 1956:

- (a) \$40,000,000 principal amount of First Mortgage Bonds, 2-7/8% series due 1977, issued under and secured by Applicant's Indenture of Mortgage to Guaranty Trust Company of New York, as Trustee,

dated as of December 1, 1939, and indentures supplemental thereto, including the Supplemental Indenture with respect to such bonds dated as of June 1, 1947;

- (b) \$10,000,000 principal amount of First Mortgage Bonds, 3-1/8% Series due 1978, issued under and secured by Applicant's Indenture of Mortgage to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and indentures supplemental thereto, including the Supplemental Indenture with respect to such bonds dated as of October 1, 1948;
- (c) \$15,000,000 principal amount of First Mortgage Bonds, 3-1/4% Series due 1981, issued under and secured by Applicant's Indenture of Mortgage to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and indentures supplemental thereto, including the Supplemental Indenture with respect to such bonds dated as of October 1, 1951;
- (d) \$20,000,000 principal amount of First Mortgage Bonds, 3-1/8% Series due 1984 issued and secured by Applicant's Indenture of Mortgage to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and indentures supplemental thereto, including the Supplemental Indenture with respect to such bonds dated as of October 1, 1954;
- (e) 175,000 shares of Cumulative Preferred Stock designated as the initial series and known as "4-1/4% Cumulative Preferred Stock" of the par value of \$100 each;

- (f) 100,000 shares of Cumulative Preferred Stock known as "4.20% Cumulative Preferred Stock" of the par value of \$100 each;
- (g) 65,000 shares of Cumulative Preferred Stock known as "4-1/2% Cumulative Preferred Stock" of the par value of \$100 each; and
- (h) 3,352,000 shares of Common Stock of the par value of \$10 each.

By the proposed issuance and sale of \$30,000,000 of its First Mortgage Bonds, Applicant proposes to raise approximately \$30,000,000 (before expenses) which will be used to retire outstanding unsecured promissory notes in the amount of \$10,580,000 as of the date of the hearing; for plant additions, extensions and improvements to assist in its construction program; and to reimburse Applicant's treasury for funds derived from Company sources which have been used in such construction program.

The estimated aggregate amount to be spent by the Applicant in its construction program during the three years, 1957-1959, as set forth in Exhibit "J" is \$93,467,000. Of this amount, according to the testimony of W. D. Virtue, a Vice President of Applicant, given at the hearing, approximately \$6,344,000 had been expended as of April 1, 1957.

After giving effect to the proposed issuance and sale of the new securities for which authorization is herein sought, the pro forma capital structure of the company, excluding earned surplus restricted for future Federal Income Taxes, as of December 31, 1956, will be as follows, with the percentages of each item to total capitalization being shown in the right-hand column:

First Mortgage Bonds	\$115,000,000	50.99%
Preferred Stock, inc. Premium	34,007,500	15.08%
Common Stock	33,520,000 )	
Premium on Common Stock	27,195,790 )	33.93%
Earned Surplus	15,792,878 )	
<hr/>		
Total Capitalization -	\$225,516,168	100.00%



It was represented that Applicant intends to offer at competitive bidding the proposed issue of \$30,000,000 First Mortgage Bonds, at a price to the Company of not less than 99% of principal amount of the Bonds. The interest rate on the First Mortgage Bonds to be so sold will be fixed as the result of the competitive bidding; the interest rate, however, to be not in excess of 4-3/4% per annum. The Supplemental Indenture to be dated as of May 1, 1957, will set forth the terms and provisions of the new series of First Mortgage Bonds to be issued.

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

##### THE COMMISSION FINDS:

That the Applicant, Public Service Company of Colorado, a Colorado corporation, is a public utility, as defined by 115-1-3, C. R. S. 1953;

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

That this Commission is fully advised in the premises;

That the proposed issuance and sale by Applicant of \$30,000,000 principal amount of its First Mortgage Bonds, as hereinabove set forth, is reasonably required and necessary for its proper 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, C. R. S. 1953; and

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

#### O R D E R

##### THE COMMISSION ORDERS:

That the Applicant, Public Service Company of Colorado, be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage Bonds in the principal amount of

\$30,000,000, at the best price obtainable through competitive bidding but at a price to Applicant which shall not be less than 99% of the principal amount thereof, to be dated May 1, 1957, to mature May 1, 1987, to bear interest at a rate not in excess of 4-3/4% per annum, and to be secured by the Indenture of Applicant to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and the indentures supplemental thereto, including a Supplemental Indenture to be dated as of May 1, 1957, substantially in the form of "Exhibit I," but with such modifications as Applicant or its counsel may deem necessary or proper or find desirable in arranging for the disposition of said Bonds or the qualification of said Indenture under the provisions of the Trust Indenture Act of 1939; and it is further

ORDERED, That Applicant be, and it hereby is, authorized to use and apply the proceeds derived from the issuance and sale of the \$30,000,000 principal amount of its First Mortgage Bonds for the retirement of short-term promissory notes; for the acquisition of property; for the construction, completion, extension and improvement of its facilities; including the construction program for the Years 1957, 1958, and 1959; and for the reimbursement of moneys actually expended by Applicant for said purposes from income or from any other moneys in Applicant's Treasury not secured by or obtained from the issue of securities within five years next prior to April 1, 1957, the date of the filing of the application with the Commission for the required authorization to issue such Bonds; and it is further

ORDERED, That the First Mortgage Bonds authorized to be issued and sold hereunder shall bear on the face thereof a serial number for proper and easy identification; and that within sixty (60) days from the issuance and delivery of said Bonds, Applicant shall make verified report to this Commission of such serial numbers placed on such Bonds as are initially issued; and it is further

ORDERED, That Applicant be, and it hereby is, required to offer the First Mortgage Bonds authorized hereunder for sale at competitive bidding under the following conditions:

1. That bids be invited by newspaper publication, stating where copies of the bidding documents may be obtained;
2. That all bids be publicly opened at a specified date, hour, and place, at which time representatives of the various bidders may be present to examine each bid submitted; and
3. That as soon as possible after the conclusion of the bidding, Applicant shall file a statement with the Commission, showing all bids received and which bid, or bids, were accepted, the coupon rate, the price to Applicant, and the cost of money to Applicant;

and it is further

ORDERED, 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 various accounting entries in accordance with the Uniform System of Account for Electric and Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted by this Commission on October 19, 1938; and it is further

ORDERED, That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the First Mortgage Bonds authorized hereunder, or the interest thereon, on the part of the State of Colorado; and it is further

ORDERED, That within sixty (60) days after the issue and sale of said Bonds, Applicant shall file with this Commission a copy of all amendments to the registration statement filed with the Securities and Exchange Commission and a conformed copy of the

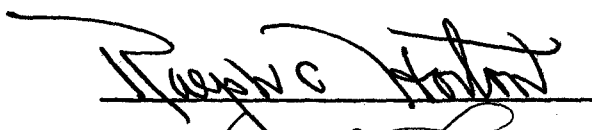
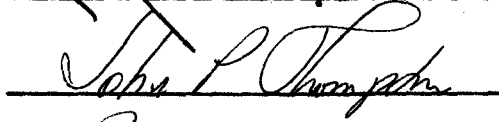

Supplemental Indenture to be dated May 1, 1957, covering the issue of Bonds to be sold hereunder; and it is further

ORDERED, That within ninety (90) days from the date of the sale of the Bonds authorized to be issued and sold hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue and disposition of said Bonds, the fees, commission, and expenses incident to such sale, accompanying such report with a new balance sheet reflecting the issuance and sale of said Bonds 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 financing; and it is further

ORDERED, That the Commission 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 exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE PUBLICATION OF REDUCED )  
RATES ON PETROLEUM AND PETROLEUM )  
PRODUCTS, AS DESCRIBED IN ITEM )  
NO. 20 TO COLORADO MOTOR CARRIERS' )  
ASSOCIATION, AGENT, MOTOR FREIGHT )  
TARIFF NO. 7, COLORADO P.U.C. NO. 8, )  
BETWEEN GILSONITE, COLORADO AND )  
VARIOUS POINTS ON THE WESTERN SLOPE, )  
IN CONJUNCTION WITH OTHER CARRIERS )  
FILING THEIR OWN TARIFFS. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 398

-----  
May 1, 1957  
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By the Commission:

There was filed with this Commission on statutory notice,  
issued March 15, 1957, and to be effective April 17, 1957, schedules  
as follows:

19th Revised Page No. 17 to Colorado Motor Carriers'  
Association, Agent, Motor Freight Tariff No. 7,  
Colorado P.U.C. No. 8;

1st Revised Page No. 31 to Barlow's Service, Inc.,  
Motor Freight Tariff No. 4, Colorado P.U.C. No. 4;

Original Page No. 33-A to M & M Oil & Transportation,  
Inc., Motor Freight Tariff No. 1, Colorado P.U.C. No. 1;

Original Page No. 20-C to Melton Transport Company,  
Motor Freight Tariff No. C-3, Colorado P.U.C. No. 2;

Original Page No. 23-D to R. B. "Dick" Wilson, Inc.,  
Motor Freight Tariff No. C-3, Colorado P.U.C. No. 3.

The above schedules contain the following rates:

"Rates in cents per gallon on Petroleum and Petroleum Products, as  
described in Item No. 20 herein, applicable on shipments originating  
at or destined to points in Mountain Territory."

Between And	Gilsonite, Colorado (13 miles west of Grand Junction)	Between And	Gilsonite, Colorado (13 miles west of Gr. Junction)
Artesia	2.112	Montrose	.990
Axial	1.716	Mt. Harris	2.178
Blue Mountain	2.112	Naturita	1.848
Bonita	1.848	New Castle	1.188
Craig	1.848	Norwood	1.716
Delta	.792	Olathe	.924
Eagle	1.584	Ouray	1.452
Elk Springs	2.244	Palisade	.528
Fairview	1.056	Placerville	1.518
Glenwood Springs	1.320	Rangely	1.848
Grand Junction	.462	Rifle	1.056
Grand Valley	.858	Ridgeway	1.320
Gunnison	1.716	Sapinero	1.452
Lujane	1.089	Sargents	1.980
Maybell	2.178	Silt	1.089
Mayfield	1.188	Steamboat Springs	2.244
Massadona	2.244	Steele	1.716
Meeker	1.452	Skull Creek	2.178
Minturn	1.848	Wolcott	1.716

On April 16, 1957 (Decision No. 47755), the Commission upon its own motion without formal pleading suspended the proposed tariff until the 16th day of August, 1957, unless otherwise ordered, and assigned the matter for hearing May 13, 1957, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

On April 26, 1957, The Colorado Motor Carriers' Association, as Agent, filed Application No. 88; Barlow's Service, Inc., Application No. 6; M & M Oil & Transportation, Inc., Application No. 3; Melton Transport Company, Application No. 2; and R. B. "Dick" Wilson, Inc., Application No. 6, requesting authority to cancel the matter involved herein and to discontinue the proceeding.

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

##### THE COMMISSION FINDS:

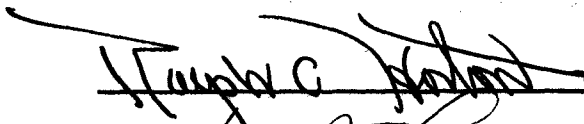
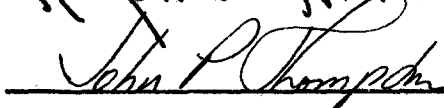

That under the requests of the named applicants in the above statement, an order should be entered requiring the cancellation of the suspended schedules, and that the hearing now scheduled for May 13, 1957, be vacated and the proceeding be discontinued.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings be, and they are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The Colorado Motor Carriers' Association, as Agent; Barlow's Service, Inc.; M & M Oil & Transportation, Inc.; Melton Transport Company; and R. B. "Dick" Wilson, Inc., be and they are hereby notified and required to cancel the schedules involved in this proceeding on or before May 13, 1957, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed by law and the rules and regulations of this Commission.
4. The hearing now scheduled for May 13, 1957, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, be and the same is hereby vacated and set aside and this proceeding be and is hereby discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 1st day of May, 1957.

mem

original

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 )	APPLICATION NO. 15203-Clarification
LINCOLN STREET, ENGLEWOOD, COLORADO, )	
FOR CLARIFICATION OF OPERATING )	
RIGHTS UNDER PUC NO. 2515. (RE BUS )	
OPERATIONS IN THE CITY OF AURORA, )	
COLORADO.) )	
-----	

-----  
May 2, 1957  
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Appearances: Julius Bussard, Englewood,  
Colorado, pro se;  
Thomas P. Williams, Denver,  
Colorado, for Denver Tram-  
way Corporation;  
J. L. McNeill, Denver, Colo-  
rado, and  
Isidor Bernheim, Denver,  
Colorado, for the Commis-  
sion.

S T A T E M E N T

By the Commission:

Julius Bussard, doing business as "Bussard Bus Service,"  
Englewood, Colorado, is the owner of PUC No. 2515, authorizing:

Transportation of passengers, for a trial  
period of one year, on schedule, as required  
by the public convenience, between points in  
the City of Aurora, State of Colorado; be-  
tween points in said City and Hoffman Heights,  
an unincorporated area situated southeast of  
said City, and between points intermediate to  
said City and the end of the route in Hoffman  
Heights, excluding, however, all service from  
point to point on Colfax Avenue between  
Yosemite Street and Peoria Street. That  
routes to be operated over are as follows:

ROUTE 1 - Beginning at Dayton Street & East  
Colfax Avenue; thence east to Lima Street;  
thence south to 12th Avenue; thence west to  
Havana Street; thence south to 8th Avenue;  
thence west to Fulton Street; thence north  
to 11th Avenue; thence west to Dayton Street;  
thence north to point of beginning.



ROUTE 2 - Beginning at Dayton Street & Colfax Avenue; thence east to Peoria Street; thence south to Hoffman Boulevard; thence east to Vaughn Street; thence back over same route to point of beginning. If and when 13th Avenue is opened and put in condition for safe & satisfactory operation thereover, buses will be operated on this Route 2 between the intersection of Colfax Avenue and Lima Street and Hoffman Boulevard on Lima Street between Colfax Avenue and 13th Avenue, and on 13th Avenue between Lima Street and Hoffman Boulevard.

ROUTE 3 - Beginning at Dayton Street and Colfax Avenue; thence east to Lima Street; thence north to Montview Boulevard; thence west to Dayton Street; thence south to point of beginning.

That fares to be charged for a one-way trip shall be 15¢ for adults and 10¢ for children over 5 and under the age of 13 years. Said fares shall not be changed without order or approval of the Commission, and routes hereinbefore described within the City Limits of the City of Aurora shall not be changed without approval of the City Council of Aurora, and the routes outside of the City Limits of the City of Aurora shall not be changed without order and approval of this Commission.

By the instant application, he seeks an Order of the Commission establishing the boundaries of the areas he is authorized to serve under said certificate, in lieu of the description of routes as fixed by Decision No. 39553, of date October 24, 1952, the boundaries sought in the instant application being the City Limits of the City of Aurora, Colorado, as now existing, and as will hereafter exist after including such areas as may be annexed to said City in the future.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 28, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant Bussard testified that his purpose in filing the application was to obtain an Order of the Commission establishing an area of service under said certificate that will include and enclose the area now served by his present routes. By Decision No. 39553, of date October 24, 1952, he was authorized to operate a bus service for a trial period of one year on schedule over three specified routes covering generally operations between points in the City of Aurora, between points in said City of Aurora and Hoffman Heights, and between points intermediate to said City and the end of the route in Hoffman Heights, excluding service from point to point on Colfax Avenue between Yosemite Street and Peoria Street. By Decision No. 41746, of date December 11, 1953, the temporary authority was made permanent, except for certain specified changes in the routes.

Applicant further testified that the designation of an enlarged area surrounding the specific routes would simplify future route changes which it may be necessary to make in order to meet the demands of new housing annexations and population shifts. He assured the Examiner of his full cooperation in making future route changes and his full compliance with the rules and regulations of the Commission, especially in the following particulars:

1. Notice to patrons to be posted in vehicles operated, thirty days in advance of any proposed change.
2. Filing of proposed new routes and schedules with the Commission, including letter explaining necessity for the same.
3. All operations to be subject to investigation and review by the Commission's staff.

No one appeared in protest.

The Commission's staff, in cooperation with applicant, has

furnished the Examiner with a detailed description of an area of service under the instant application, which embraces the location of all present or proposed routes operated or to be operated by the applicant in the affected area. These boundaries vary somewhat from the area requested by applicant, in that a portion of the City of Aurora has been eliminated and the boundaries are actually designated and will include operations to Hoffman Heights. These changes have been agreed to by applicant.

In the opinion of the Examiner, the Order should authorize the substitution of this area in lieu of any routes authorized to be served, as set forth in the Order following.

#### 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 the Report of the Examiner referred to therein should be approved.

That the authority of applicant under PUC No. 2515 should be amended as provided in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That the 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 and will require the common carrier motor bus service of Julius Bussard, doing business as "Bussard Bus Service," Englewood, Colorado, for the transportation of passengers and their hand baggage on schedule as required by the public convenience between points in the following described area, to-wit:

Transportation of passengers on schedule  
within the area described as follows:

excluding, however, all service from point to point on East Colfax Avenue between Yosemite Street and Peoria Street, to-wit: starting at Yosemite Street; thence East on East Colfax Avenue to Zion Street; thence South on Zion Street to East 6th Avenue; thence West along East 6th Avenue to Dayton Street; thence North on Dayton Street to East 11th Avenue; thence West on East 11th Avenue to Yosemite Street; thence North on Yosemite Street to point of beginning at East Colfax Avenue, with around the block turn-around privilege as required along the north side of East Colfax Avenue,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the above described area shall be deemed substituted for the specific routes over which applicant was authorized to operate by Decision No. 39553, of date October 24, 1952, and Decision No. 41746, of date December 11, 1953; provided, however, that service shall continue to be maintained over presently existing routes on present schedules until authority to depart therefrom is granted by future Order of the Commission.

That said Julius Bussard, doing business as "Bussard Bus Service," Englewood, Colorado, shall file with the Commission any new schedules or routes established or discontinued in the area above described, containing the routes and time when effective with notice to this Commission and notice to the general public by posting in vehicles operated of not less than thirty days, any changes to be subject to the jurisdiction of this Commission.

That the present routes and those hereafter established within that part of the City of Aurora, Colorado, lying within the above described area shall not be changed without approval of the City Council of said City.

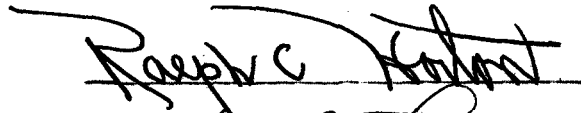


That applicant shall operate his transit system according to the schedules filed, except when prevented by Act of God, the public enemy or extreme weather conditions.

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

That a copy of this Order shall be forthwith served upon the City of Aurora, Colorado; Hoffman Heights Association, 1104 Salem Street, Denver, Colorado; the Denver Tramway Corporation, Denver, Colorado; and applicant.

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 2nd day of May, 1957.

mls

original

(Decision No. 47823)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE Y-W ELECTRIC ASSOCIATION, INC., )  
A COLORADO CORPORATION, AKRON, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO EXERCISE )  
FRANCHISE RIGHTS IN THE TOWN OF AKRON, )  
WASHINGTON COUNTY, COLORADO, FOR THE )  
ERECTION, CONSTRUCTION, OPERATION, )  
AND MAINTENANCE OF AN ELECTRIC SYSTEM )  
AND FOR THE USE OF THE STREETS AND )  
ALLEYS OF THE TOWN FOR SUCH PURPOSES. )  
----- )

APPLICATION NO. 15279

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May 2, 1957  
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Appearances: Chutkow and Adler, Esqs.,  
Akron, Colorado, by  
Edward I. Haligman, Esq.,  
Denver, Colorado, for  
Applicant;  
J. M. McNulty, Denver, Colo-  
rado,  
E. R. Thompson, Denver, Colo-  
rado, and  
P. M. Brown, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

This is an application by Y-W Electric Association, Inc., hereinafter called the "Applicant," for a certificate of public convenience and necessity to exercise franchise rights in the Town of Akron, Washington County, Colorado, for the purchase, generation, transmission, distribution and sale of electric energy in said Town.

The matter was set for hearing, after due notice to all interested parties, on April 18, 1957, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-entitled application for hearing, and it was heard on a consolidated record, together with Applications Nos. 15280 and 15281, all three

applications being made by Y-W Electric Association, Inc. At the conclusion of said hearing, the matter was taken under advisement.

No one appeared at the hearing in opposition to the authority sought to be granted by this application.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility subject to the jurisdiction of this Commission, engaged primarily in the generation, purchase, transmission, distribution and sale of electric energy at various locations within Yuma and Washington Counties, in the State of Colorado.

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

The application showed that on December 15, 1947, the Board of Trustees of the Town of Akron duly passed and adopted Ordinance No. 211 of said Town, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE TO Y-W ELECTRIC ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE TOWN OF AKRON, COLORADO, AND TO USE THE STREETS AND ALLEYS OF THE TOWN FOR SUCH PURPOSES."

The term of the franchise is for a period of twenty-five years. A certified copy of the franchise contained in the Ordinance, together with a certificate of publication of the franchise Ordinance, and subsequent acceptance by the Applicant of said franchise, were filed with the application and identified at the hearing.

Applicant's witness, C. R. Darling, President of Y-W Electric Association, Inc., testified that the Applicant had been distributing electric energy in Washington and Yuma Counties, including the communities of Akron, Otis, Eckley, Joes, Kirk, Cope, and rural areas surrounding these communities, since 1948, at which time the Applicant was organized and began the business of distribution and sale of electricity.

There is no other utility engaged in the distribution of electric energy within this area.

Mr. C. L. Wilkins, Manager of Y-W Electric Association, Inc., testified that the Town of Akron is within the area certificated to Applicant by the Commission in Application No. 13661, Decision No. 47069. He further testified Applicant had adequate power by its own generation and through current contracts with the Bureau of Reclamation, and that power supply will be augmented in 1961 by the Tri-State Generating and Transmission Cooperative, of which Applicant is a member. There is presently a generating station in the Town of Akron of sufficient capacity to more than supply the Town's requirements.

During the remaining term of this franchise, Applicant anticipates additional capital investment of \$30,000. This amount will be used as the basis for the fee for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed this application and the evidence presented by the Applicant in support thereof, and believes the authority sought should be granted.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Y-W Electric Association, Inc., and of the subject matter involved in this application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That public convenience and necessity require, and will require, the exercise by Y-W Electric Association, Inc., of the franchise rights granted in and by Ordinance No. 211 of the Town of Akron, dated December 15, 1947, for the purchase, generation, transmission, distribution, and sale of electricity in said Town by



Y-W Electric Association, Inc., and that the permission sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Y-W Electric Association, Inc., of franchise rights granted in and by Ordinance No. 211 of the Town of Akron, State of Colorado, dated December 15, 1947, identified as "Exhibit 1" herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution, and sale of electricity by Y-W Electric Association, Inc., in said Town, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Y-W Electric Association, Inc., shall install, operate and maintain its electric system and service supply in the area heretofore designated in accordance with its schedules of rates, rules and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission.

That Y-W Electric Association, Inc., shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*

*John P. Thompson*

*Joseph F. Higgins*  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1957.  
ea

original

(Decision No. 47824)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE Y-W ELECTRIC ASSOCIATION, INC., )  
A COLORADO CORPORATION, AKRON, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO EXERCISE )  
FRANCHISE RIGHTS IN THE TOWN OF ECKLEY, )  
YUMA COUNTY, COLORADO, FOR THE ERECTION, )  
CONSTRUCTION, OPERATION, AND MAINTENANCE )  
OF AN ELECTRIC SYSTEM AND FOR THE USE )  
OF THE STREETS AND ALLEYS OF THE TOWN )  
FOR SUCH PURPOSES. )  
----- )

APPLICATION NO. 15280

-----  
May 2, 1957  
-----

Appearances: Chutkow and Adler, Esqs.,  
Akron, Colorado, by  
Edward I. Haligman, Esq.,  
Denver, Colorado, for  
Applicant;  
J. M. McNulty, Denver, Colo-  
rado,  
E. R. Thompson, Denver, Colo-  
rado, and  
P. M. Brown, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

This is an application by Y-W Electric Association, Inc.,  
hereinafter called the "Applicant," for a certificate of public  
convenience and necessity to exercise franchise rights in the Town  
of Eckley, Yuma County, Colorado, for the purchase, generation,  
transmission, distribution, and sale of electric energy in said Town.

The matter was set for hearing, after due notice to all  
interested parties, on April 18, 1957, at the Hearing Room of the  
Commission, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-  
entitled application for hearing, and it was heard on a consoli-  
dated record, together with Applications Nos. 15279 and 15281,  
all three applications being by Y-W Electric Association, Inc.

At the conclusion of said hearing, the matter was taken under advisement.

No one appeared at the hearing in opposition to the authority sought to be granted by this application.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility subject to the jurisdiction of this Commission, engaged primarily in the purchase, generation, transmission, distribution, and sale of electric energy at various locations within Yuma and Washington Counties in the State of Colorado.

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

The application showed that on November 20, 1947, the Board of Trustees of the Town of Eckley duly passed and adopted Ordinance No. 21 of said Town, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE TO Y-W ELECTRIC ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE TOWN OF ECKLEY, COLORADO, AND TO USE THE STREETS OR ALLEYS OF THE TOWN FOR SUCH PURPOSES."

The term of the franchise is for a period of twenty-five years. A certified copy of the franchise contained in the Ordinance together with a certificate of publication of the franchise Ordinance and subsequent acceptance by the Applicant of said franchise were filed with the application and identified at the hearing.

Applicant's witness, C. R. Darling, President of Y-W Electric Association, Inc., testified that the Applicant had been distributing electric energy in Washington and Yuma Counties including the communities of Akron, Otis, Eckley, Joes, Kirk, Cope and rural areas surrounding these communities since 1948, at which time the Applicant was organized and began the business of distribution and sale of electricity.

There is no other utility engaged in the distribution of electric energy within this area.

Mr. C. L. Wilkins, Manager of Y-W Electric Association, Inc., testified that the Town of Eckley is within the area certificated to Applicant by the Commission in Application No. 13661, Decision No. 47069. He further testified Applicant had adequate power by its own generation and through current contracts with the Bureau of Reclamation and that power supply will be augmented in 1961 by the Tri-State Generating and Transmission Cooperative of which Applicant is a member. A contract between Applicant and the Town of Wray provides for standby power to supply the Town of Eckley when needed.

During the remaining term of this franchise Applicant anticipates no substantial additional capital investment. On this basis a minimum fee will be charged for the issuance of the certificate sought herein but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed this application and the evidence presented by the Applicant in support thereof and believes the authority sought herein should be granted.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Y-W Electric Association, Inc., and of the subject matter involved in this application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That public convenience and necessity require, and will require, the exercise by Y-W Electric Association, Inc., of the franchise rights granted in and by Ordinance No. 21 of the Town of Eckley, dated November 20, 1947, for the purchase, generation, transmission, distribution, and sale of electricity in said Town by Y-W Electric Association, Inc., and that the permission sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

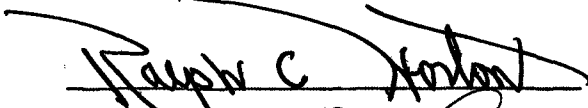

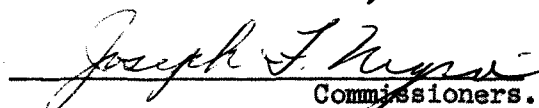
That public convenience and necessity require, and will require, the exercise by Y-W Electric Association, Inc., of franchise rights granted in and by Ordinance No. 21 of the Town of Eckley, State of Colorado, dated November 20, 1947, identified as Exhibit No. 3 herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Y-W Electric Association, Inc., in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Y-W Electric Association, Inc., shall install, operate and maintain its electric system and service supply in the area heretofore designated in accordance with its schedules of rates, rules and regulations now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

That Y-W Electric Association, Inc., shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall be come effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1957.

ea

original

(Decision No. 47825)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE Y-W ELECTRIC ASSOCIATION, INC., )  
A COLORADO CORPORATION, AKRON, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO EXERCISE )  
FRANCHISE RIGHTS IN THE TOWN OF OTIS, )  
WASHINGTON COUNTY, COLORADO, FOR THE )  
ERECTION, CONSTRUCTION, OPERATION AND )  
MAINTENANCE OF AN ELECTRIC SYSTEM AND )  
FOR THE USE OF THE STREETS AND ALLEYS )  
OF THE TOWN FOR SUCH PURPOSES. )  
- - - - - )

APPLICATION NO. 15281

- - - - -  
May 2, 1957  
- - - - -

Appearances: Chutkow and Adler, Esqs.,  
Akron, Colorado, by  
Edward I. Haligman, Esq.,  
Denver, Colorado, for  
Applicant;  
J. M. McNulty, Denver, Colo-  
rado,  
E. R. Thompson, Denver, Colo-  
rado, and  
P. M. Brown, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

This is an application by Y-W Electric Association, Inc.,  
hereinafter called the "Applicant," for a certificate of public  
convenience and necessity to exercise franchise rights in the Town  
of Otis, Washington County, Colorado, for the purchase, generation,  
transmission, distribution and sale of electric energy in said Town.

The matter was set for hearing, after due notice to all  
interested parties, on April 18, 1957, at the Hearing Room of the  
Commission, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-  
entitled application for hearing, and it was heard on a consolidated  
record, together with Applications Nos. 15279 and 15280, all three

applications being made by Y-W Electric Association, Inc. At the conclusion of said hearing, the matter was taken under advisement.

No one appeared at the hearing in opposition to the authority sought to be granted by this application.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility subject to the jurisdiction of this Commission, engaged primarily in the generation, purchase, transmission, distribution and sale of electric energy at various locations within Yuma and Washington Counties in the State of Colorado.

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

The application showed that on February 3, 1948, the Board of Trustees of the Town of Otis duly passed and adopted Ordinance No. 65 of the Town of Otis, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE TO Y-W ELECTRIC ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE TOWN OF OTIS, COLORADO, AND TO USE THE STREETS AND ALLEYS OF THE TOWN FOR SUCH PURPOSES."

The term of the franchise is for a period of twenty-five years. A certified copy of the franchise contained in the Ordinance, together with a certificate of publication of the franchise Ordinance and subsequent acceptance by the Applicant of said franchise, were filed with the application and identified at the hearing.

Applicant's witness, C. R. Darling, President of Y-W Electric Association, Inc., testified that the Applicant had been distributing electric energy in Washington and Yuma Counties including the communities of Akron, Otis, Eckley, Joes, Kirk, Cope, and rural areas surrounding these communities since 1948, at which time the Applicant was organized and began the business of distribution and sale of electricity.

There is no other utility engaged in the distribution of electric energy within this area.

Mr. C. L. Wilkins, Manager of Y-W Electric Association, Inc., testified that the Town of Otis is within the area certificated to Applicant by the Commission in Application No. 13661, Decision No. 47069. He further testified Applicant had adequate power by its own generation and through current contracts with the Bureau of Reclamation, and that power supply will be augmented in 1961 by the Tri-State Generating and Transmission Cooperative of which Applicant is a member. There is presently a generating station in the Town of Akron of sufficient capacity to supply the requirements of the Town of Otis, as well as the requirements of Akron.

During the remaining term of this franchise, Applicant anticipates additional capital investment of \$5,000.00. On this basis a minimum fee will be charged for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed this application and the evidence presented by the Applicant in support thereof, and believes the authority sought herein should be granted.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Y-W Electric Association, Inc., and of the subject matter involved in this application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That public convenience and necessity require, and will require, the exercise by Y-W Electric Association, Inc., of the franchise rights granted in and by Ordinance No. 65 of the Town of Otis, dated February 3, 1948, for the purchase, generation, transmission, distribution, and sale of electricity in said Town by



Y-W Electric Association, Inc., and that the permission sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

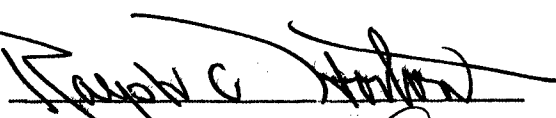


That public convenience and necessity require, and will require, the exercise by Y-W Electric Association, Inc., of franchise rights granted in and by Ordinance No. 65 of the Town of Otis, State of Colorado, dated February 3, 1948, identified as Exhibit No. 2 herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution, and sale of electricity by Y-W Electric Association, Inc., in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Y-W Electric Association, Inc., shall install, operate and maintain its electric system and service supply in the area heretofore designated in accordance with its schedules of rates, rules and regulations now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

That Y-W Electric Association, Inc., shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1957.  
ea

original

(Decision No. 47826)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
UNION RURAL ELECTRIC ASSOCIATION, )	
INC., BRIGHTON, COLORADO, FOR AUTH- )	APPLICATION NO. 15299-Extension
ORITY TO EXTEND FACILITIES IN THE )	
SOUTHWEST QUARTER OF SECTION 33, )	
TOWNSHIP 1 NORTH, RANGE 71 WEST. )	
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-----  
May 6, 1957  
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S T A T E M E N T

By the Commission:

On April 10, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct 740 feet of new line. The extension is to serve a cabin owned by Raymond J. Jones at a location in Section 33, Township 1 North, Range 71 West. The extension consists of the building of primary line and the setting of a transformer and extending secondaries to serve a mountain cabin. The estimated cost of construction is \$440.65.

This application was filed pursuant to the Commission's Order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing and being fully informed in the matter will issue its Order granting the construction as requested. The Commission has received a

letter from the Public Service Company of Colorado, dated April 16, 1957, and a letter from the Colorado Central Power Company, dated April 12, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by Union in the instant application.

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

##### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Raymond J. Jones at a location in Section 33, Township 1 North, Range 71 West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

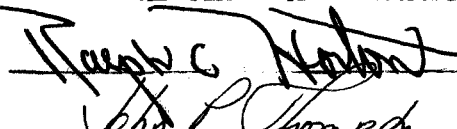
#### O R D E R

##### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve Raymond J. Jones at a location in Section 33, Township 1 North, Range 71 West, all in accordance with the application for Electric Service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

This application shall become effective as of the day and date hereof

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

COMMISSIONER NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1957.  
mls

original

(Decision No. 47827)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
IVAN GLOVER, DOING BUSINESS AS )  
"GLOVER TRUCK LINE," SIMLA, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. B-4541 TO IVAN GLOVER, )  
AND EDWARD E. GLOVER, CO-PARTNERS, )  
DOING BUSINESS AS "GLOVER TRUCK )  
LINE," SIMLA, COLORADO. )

APPLICATION NO. 14583-PP-Transfer  
SUPPLEMENTAL ORDER

-----  
May 6, 1957  
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S T A T E M E N T

By the Commission:

On August 13, 1956, in Application No. 14583-PP, the Commission entered its Decision No. 46278, authorizing Ivan Glover, doing business as "Glover Truck Line," Simla, Colorado, to transfer Permit No. B-4541 to Ivan Glover and Edward E. Glover, co-partners, doing business as "Glover Truck Line," Simla, Colorado, subject to certain terms and conditions therein set forth.

It appears that transferees complied with all requirements of said Decision No. 46278, within the required time, with the exception of filing of insurance, covering said transferred operating rights.

Therefore, on November 13, 1956, said operating rights were restored to transferor herein on the records of the Commission.

The Commission is now advised that said transferees were not informed of the fact that proper insurance filing was not made during the time allowed by said Decision No. 46278, and it appears that all requirements of said Decision No. 46278 have now been fully met by said transferees.

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 Permit No. B-4541, as provided by Decision No. 46278.

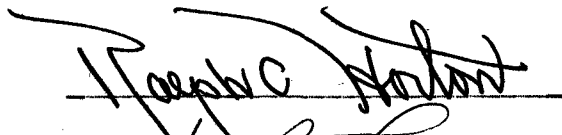

O R D E R

THE COMMISSION ORDERS:

That transfer of Permit No. B-4541, from Ivan Glover, doing business as "Glover Truck Line," Simla, Colorado, to Ivan Glover and Edward E. Glover, co-partners, doing business as "Glover Truck Line," Simla, Colorado, as authorized by Decision N . 46278, of date August 13, 1956, 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.

COMMISSIONER NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1957.

mls

original

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, COLORADO, ) APPLICATION NO. 15206-Clarification  
FOR CLARIFICATION OF OPERATING )  
RIGHTS UNDER PUC NO. 1450 (RE BUS )  
OPERATIONS IN ENGLEWOOD, COLORADO.) )  
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-----  
May 6, 1957  
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Appearances: Julius Bussard, Englewood,  
Colorado, for applicant;  
Thomas P. Williams, Denver,  
Colorado, for The Denver  
Tramway Corporation;  
J. L. McNeill, Denver, Colo-  
rado, and  
I. Bernheim, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Julius Bussard, doing business as "Bussard Bus Service," Englewood, Colorado, is the owner of PUC No. 1450, authorizing extensive passenger bus operations in Denver and vicinity, as shown by the records of the Commission. Portions of this authority have been operated separately as "The Englewood Bus Operation," "The Lakewood Bus Operation," "The Arapahoe County Fair Grounds Operation," "Charter Bus Operation," "The Englewood Franchise," and "The Centennial Turf Club Operation."

By the instant application, said Julius Bussard seeks an order of the Commission establishing the boundaries of the area he is authorized to serve under that portion of the certificate known as "The Englewood Operation," said area to include the territory wherein service is now being rendered on routes heretofore established and approved by the Commission. Further, application is

made to clarify the remaining portions of the authority.

The application was assigned for hearing before Examiner Joseph W. Hawley, on March 28, 1957, at 330 State Office Building, Denver, Colorado, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

The records of the Commission show that in connection with PUC No. 1450, there have been extensions, abandonments, leases, sales and transfer of both taxicab and bus operations, hence the proposal to clarify the authority and designate a territory for the operation of the "Englewood Bus Operation," and it is in the public interest to comply with the request of applicant to establish an area of service for the Englewood Bus Operation as requested, and to review the records and by proper decision clarify the current operating authority under PUC No. 1450.

In Application No. 15205, decision has been rendered on this day, fixing the boundaries of an area for service under that part of PUC No. 1450 designated as the "Lakewood Operation" now under lease to one Robert B. Smith, and reference is made to the decision of said application for the description of said area.

At the hearing, applicant testified as to the necessity for an order clarifying that part of PUC No. 1450 not embraced within the Lakewood operation; namely, the "Englewood Bus Operation," and the designation of an area for service of the latter operation. The history of the certificate is so complicated that it is desirable to set out in the order requested a full description of the present operating rights of applicant under said certificate. This will simplify future route changes which it might be necessary to make in order to meet the demands of new housing projects and population shifts. Applicant assured the Examiner of his full cooperation in making future

route changes and his full compliance with the laws, rules and regulations of the Commission, especially in the following particulars:

1. Notice to patrons to be posted in vehicles operated, 30 days in advance of any proposed change.
2. Filing of the proposed new routes and schedules with the Commission, including a letter explaining necessity for the same.
3. All operations to be subject to investigation and review by the Commission's staff.

No one appeared in protest.

The Commission's staff, in cooperation with applicant and with the Denver Tramway Corporation, has furnished the Examiner with a detailed description of an area of service to be certificated to that part of PUC No. 1450 known as the "Englewood Bus Operation," which embraces the location of all present or proposed routes operated or to be operated by applicant in the affected area. These boundaries vary somewhat from the area requested by applicant, but have been agreed to by applicant.

Applicant has also conferred with the staff relative to the proper interpretation and clarification of the remaining portions of the certificate, and the present authority under the remaining portion of PUC No. 1450 that should be set out in detail in the order requested. In effect, the order portion of the proposed decision will set forth fully the present and future authority under said PUC No. 1450.

#### 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, and the Report of the Examiner referred to therein should be approved.

That the authority of applicant under the "Englewood Bus Operation," a portion of PUC No. 1450, should be amended, as provided in the following Order.



That the present authority of applicant under said PUC No. 1450 should be set out in detail in an appropriate Order.

O R D E R

THE COMMISSION ORDERS:

That the 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, and will require, the common carrier motor bus service of Julius Bussard, doing business as "Bussard Bus Service," Englewood, Colorado, for the transportation of passengers and their hand baggage, on schedule, as required by the public convenience, between points in the following described area, to-wit:

Englewood Bus Operation

Transportation of passengers on schedule within the following described area:

Bounded on the North by the City Limits of Denver starting at the intersection of West Hampden Avenue and Sheridan Boulevard; thence Northeasterly along the City Limits of Denver to the intersection of West Yale Avenue and South Federal Boulevard; thence Easterly along West Yale to a junction with the Denver City Limits at South Pecos Street; thence Easterly along said Yale Avenue and following the City Limit line to South Downing Street; thence Southeasterly along the Denver City Limits line to South Colorado Boulevard; thence South along South Colorado Boulevard as extended to Belleview Road; thence West along Belleview Road to the Arapahoe County line, being South Sheridan Boulevard; thence North along South Sheridan Boulevard to West Hampden Avenue, the point of beginning. Including that portion of a route extending within the Denver City Limits from South Downing Street East on Yale Avenue to Franklin Street; thence South on Franklin Street to East Amherst Avenue,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the present and future authority of Julius Bussard, doing business as "Bussard Bus Service," Englewood, Colorado, under PUC

No. 1450, shall be, and is hereby, defined to be as follows:

Englewood Bus Operation

Authority as set forth in the second paragraph of this Order, supra.

Arapahoe County Fairgrounds

Transportation by bus between Englewood, Colorado, and the property of the Arapahoe County Fair Association located at the intersection of North Windemere Avenue and West Belleview Avenue in the County of Arapahoe, State of Colorado, provided applicant will not pick up any passengers from Englewood for discharge at any other point than the Fair Grounds; neither shall applicant, on his return trip, pick up any passengers between the Fair Grounds and any other point between there and Englewood; however, applicant shall have the right to discharge passengers picked up at the Fair Grounds at all points between the Fair Grounds and Englewood.

Charter Bus Operation

Transportation of school and church groups by motor vehicle on call and demand in chartered coaches between Englewood, Colorado, and Littleton, Colorado, and between either of said points on the one hand, and all other points in Colorado on the other hand, without the usual restriction as to the origin of the chartered service when the same originates in either Englewood or Littleton.

Centennial Turf Club Operation

Transportation of passengers over the following routes when passengers are destined to the Centennial Turf Club or are destined to Littleton, Colorado or Englewood, Colorado from the Centennial Turf Club:

Route 1: Starting at a point at the intersection of Girard and Lincoln Streets, in Englewood, proceeding South on Lincoln to Hampden; thence West on Hampden to the intersection of Santa Fe Drive (which is also U. S. Highway No. 85-87); thence South on Santa Fe Drive to Belleview; thence West on Belleview to the Centennial Turf Club, and returning on Belleview east to Santa Fe Drive; thence North on Santa Fe Drive to Hampden; thence East on Hampden to Bannock Street; thence North on Bannock to Girard; thence East on Girard to the intersection of Lincoln Street, the origin point.

Route 2: Commencing at a point in Littleton, Colorado, at the intersection of Main and Prince Streets and going northwesterly along Prince Street to the intersection of Santa Fe Drive; thence north on Santa Fe Drive to Belleview; thence west on Belleview to the Centennial Turf Club, and returning east on Belleview to Santa Fe Drive; thence south on Santa Fe Drive to Prince Street; thence southeasterly on Prince Street to the intersection of Main Street in Littleton, the origin point.

#### Englewood Franchise

Authority to exercise the franchise right granted to applicant by the City Council of the City of Englewood in Ordinance No. 12, Series of 1952.

#### Lakewood Bus Operation

Transportation of passengers, by bus, within the area embraced within the following boundaries, to-wit:

Beginning at the intersection of West 20th Avenue and Sheridan Boulevard; thence South on Sheridan Boulevard to West 14th Avenue; thence West on West 14th Avenue to Lee Street; thence North on Lee Street to West 26th Avenue; thence East on West 26th Avenue to Wadsworth Boulevard; thence South on Wadsworth Boulevard to West 20th Avenue; thence East on West 20th Avenue to Sheridan Boulevard, the point of beginning, said area being immediately adjacent to the City of Denver, Colorado,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the above described areas shall be deemed substituted for the specific routes over which applicant has heretofore been authorized to operate by this Commission; provided, however, that service shall continue to be maintained over presently existing routes on present schedules until authority to depart therefrom is granted by future Order of the Commission.

That Julius Bussard, doing business as "Bussard Bus Service," 3395 South Lincoln Street, Englewood, Colorado, shall file with the Commission any new schedules or routes established or discontinued in

the areas above described, containing the routes and time when effective, with notice to this Commission and notice to the general public, by posting in vehicles operated not less than thirty days in advance of any proposed change, any changes to be subject to the jurisdiction of this Commission.

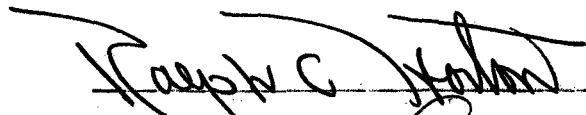


That applicant shall operate his transit system according to the schedules filed, except when prevented by Act of God, the public enemy or extreme weather conditions.

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

That a copy of this Order shall be forthwith served upon all cities and towns named in the routes above described, to the Denver Tramway Corporation, and the applicant.

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 6th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTH ADAMS TRANSIT CO., INC., 3395 )  
SOUTH LINCOLN STREET, ENGLEWOOD, )  
COLORADO, FOR CLARIFICATION OF OP- ) APPLICATION NO. 15204-Clarification  
ERATING RIGHTS UNDER PUC NO. 50 )  
(RE BUS OPERATIONS IN LITTLETON- )  
ENGLEWOOD AREA.) )  
----- )

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May 6, 1957  
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Appearances: Julius Bussard, Englewood,  
Colorado, for applicant;  
Thomas P. Williams, Denver,  
Colorado, for The Denver  
Tramway Corporation;  
J. L. McNeill, Denver, Colo-  
rado, and  
I. Bernheim, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

South Adams Transit Company, a Colorado corporation, is the owner of PUC No. 50, authorizing "transportation of passengers, express and parcels between the City of Englewood, Colorado, and the Town of Littleton, Colorado, and intermediate points."

By the instant application, applicant seeks an order of the Commission establishing the boundaries of the area it is authorized to serve under said certificate, said area to include the area wherein service is now being rendered in accordance with routes heretofore established and authorized or approved by this Commission.

Said application was assigned for hearing before Examiner Joseph W. Hawley, on March 28, 1957, at 330 State Office Building, Denver, Colorado, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Julius Bussard testified that his purpose in filing the instant application was to obtain the proposed order substituting an area description for a route description which would simplify future route changes that might become necessary because of the growth of the territory served, with new subdivisions being developed and highways and roads being constantly changed. Further, hearings on minor route changes would be eliminated and the necessary changes could be made in less time than at present, with advantage to the riding public. He assured the Examiner of his full cooperation in making future route changes in such an area and his full compliance with the rules and regulations of this Commission, especially in the following particulars:

1. Notice to patrons to be posted in vehicles operated, 30 days in advance of any proposed change.
2. Filing of the proposed new routes and schedules with the Commission, including a letter explaining necessity for the same.
3. All operations to be subject to investigation and review by the Commission's staff.

No one appeared in protest.

The Commission's staff, in cooperation with applicant, has furnished the Examiner with a detailed description of an area of service under the instant application which embraces the location of all present or proposed routes operated or to be operated by applicant in the affected area. These boundaries are in accordance with Exhibit No. 1, being a map of the area as submitted by applicant at the hearing.

In the opinion of the Examiner, the order should authorize the substitution of this area in lieu of any routes authorized to be served.

#### 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, and the Report of the Examiner referred to therein should be approved.

That the authority of applicant under PUC No. 50 should be amended, as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That the 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, and will require, the common carrier motor bus service of South Adams Transit Company, a Colorado corporation, 3395 South Lincoln Street, Englewood, Colorado, for the transportation of passengers and their hand baggage, on schedule, as required by the public convenience, between points in the following described area, embraced within the following boundaries, to-wit:

Beginning at Girard Street and Broadway in Englewood; thence South along South Broadway to Littleton Boulevard; thence West along Littleton Boulevard and Main Street to Littleton, Colorado, and return by the same route, including also service in the following described area: bounded on the South and West by the Arapahoe County line; on the North by Belleview Road; on the East by Colorado Boulevard as extended,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the above-described area shall be deemed substituted for the specific routes over which applicant has heretofore been authorized to operate by this Commission; provided, however, that service shall continue to be maintained over presently existing routes on present schedules until authority to depart therefrom is granted by future Order of the Commission.

That South Adams Transit Co., Inc., Englewood, Colorado, shall file with the Commission any new schedules or routes established or discontinued in the area above described, containing the routes and time when effective, with notice to this Commission and notice to the general public, by posting in vehicles operated, not less than thirty days in advance of any proposed change, any changes

to be subject to the jurisdiction of this Commission.

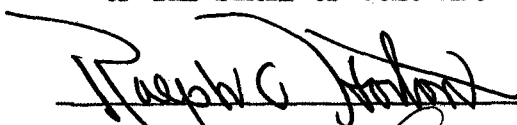
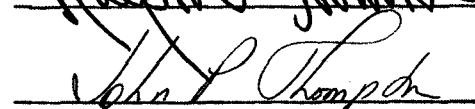
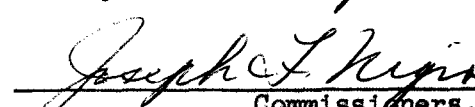
That applicant shall operate its transit system according to the schedules filed except when prevented by Act of God, the public enemy or extreme weather conditions.

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

That a copy of this Order shall be forthwith served upon the City of Englewood, Colorado; the Town of Littleton, Colorado; the Denver Tramway Corporation, Denver, Colorado, and Applicant.

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 6th day of May, 1957.

ea



original

(Decision No. 47830)

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, COLORADO, ) APPLICATION NO. 15205-Clarification  
FOR CLARIFICATION OF OPERATING )  
RIGHTS UNDER PUC NO. 1450 (RE BUS )  
OPERATIONS IN LAKEWOOD, COLORADO )  
AREA.) )  
-----)

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May 6, 1957  
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Appearances: Julius Bussard, Englewood,  
Colorado, for applicant;  
Thomas P. Williams, Denver,  
Colorado, for The Denver  
Tramway Corporation;  
J. L. McNeill, Denver, Colo-  
rado, and  
I. Bernheim, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

Julius Bussard, doing business as "Bussard Bus Service,"  
Englewood, Colorado, is the owner of PUC No. 1450 with extensive  
authority for the operation of a bus service, which authority is  
as shown by the records of the Commission.

That portion of said certificate authorizing the operation  
of a bus system west of Denver, termed "Lakewood Bus Line" is now  
being operated by one Robert B. Smith under lease and conditional  
sales agreement, approved by the Commission by Decision No. 46919,  
of date December 4, 1956. In said decision Julius Bussard was re-  
quired to file application with the Commission for amendment of  
said certificate insofar as the certificated area and routes of  
the Lakewood Bus Line does not conform to the actual operation of  
the system.

By the instant application, said Julius Bussard seeks an  
order of the Commission establishing the boundaries of the area he

is authorized to serve under that portion of the certificate referred to, said area to include the territory wherein service is now being rendered on routes heretofore established and approved by the Commission.

The application was assigned for hearing before Examiner Joseph W. Hawley, on March 28, 1957, at 330 State Office Building, Denver, Colorado, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Julius Bussard testified that the application was filed pursuant to the directive in Decision No. 46919, supra, and desires the substitution of an area of service for all specific route authority now of record. This would simplify future route changes that may become necessary because of the growth of the territory served, new housing projects, changes in location of highways and roads, and population shifts. Hearings on minor route changes would be eliminated and the necessary changes could be made in less time than at present, to the advantage of the riding public. He assured the Examiner of his full cooperation in making future route changes in such an area and his full compliance with the law and the rules and regulations of the Commission, especially in the following particulars:

1. Notice to patrons to be posted in vehicles operated, 30 days in advance of any proposed change.
2. Filing of the proposed new routes and schedules with the Commission, including a letter explaining necessity for the same.
3. All operations to be subject to investigation and review by the Commission's staff.

Mr. Bussard described the proposed area as follows:

Extending on Sheridan Boulevard from West 20th Avenue to West 13th Avenue; thence West on West 13th Avenue to Lee Street; thence North on Lee Street to West 26th Avenue; thence East on West 26th Avenue to Wadsworth Boulevard; thence South on Wadsworth Boulevard to West 20th Avenue; thence East on West 20th Avenue to Sheridan Boulevard; thence to place of beginning.

This would establish the South boundary of the area as West 13th Avenue.

On behalf of The Denver Tramway Corporation, Mr. Williams recommended that West Colfax Avenue be established as the South boundary, while Mr. Robert Smith, lessee and operator, recommended as a compromise that the South boundary be established as West 14th Avenue.

The Commission's staff, in cooperation with applicant, has furnished the Examiner with a detailed description of an area of service under the instant application which embraces the location of all present or proposed routes operated or to be operated by applicant in the affected area. The boundaries of the proposed area vary somewhat from those requested by applicant but have been agreed to by applicant.

In the opinion of the Examiner, the order should authorize the substitution of this area in lieu of any routes now authorized to be served.

#### 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, and the Report of the Examiner referred to therein should be approved.

That the authority of applicant under PUC No. 1450 should be amended, as provided in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That the 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, and will require, the common carrier motor bus service of Julius Bussard, doing business as "Bussard Bus Service," 3395 South Lincoln Street, Englewood, Colorado, for the transportation of passengers and their hand baggage, on schedule, as required by public convenience, between

points in the following described area, embraced within the following boundaries, to-wit:

Beginning at the intersection of West 20th Avenue and Sheridan Boulevard; thence South on Sheridan Boulevard to West 14th Avenue; thence West on West 14th Avenue to Lee Street; thence North on Lee Street to West 26th Avenue; thence East on West 26th Avenue to Wadsworth Boulevard; thence South on Wadsworth Boulevard to West 20th Avenue; thence East on West 20th Avenue to Sheridan Boulevard, the point of beginning, said area being immediately adjacent to the City of Denver, Colorado,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the above-described area shall be deemed substituted for the specific routes over which applicant has heretofore been authorized to operate by this Commission, in the operation of his "Lakewood Bus Line;" provided, however, that service shall continue to be maintained over presently existing routes on present schedules until authority to depart therefrom is granted by future Order of the Commission.

That Julius Bussard, doing business as "Bussard Bus Service," 3395 South Lincoln Street, Englewood, Colorado, shall file with the Commission any new schedules or routes established or discontinued in the area above described, containing the routes and time when effective, with notice to this Commission and notice to the general public, by posting in vehicles operated, not less than thirty days in advance of any proposed change, any changes to be subject to the jurisdiction of this Commission.

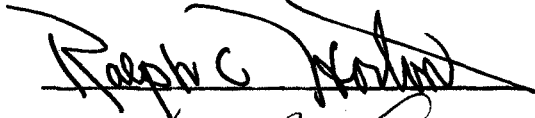


That applicant shall operate his transit system according to the schedules filed except when prevented by Act of God, the public enemy or extreme weather conditions.

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

That a copy of this Order shall be forthwith served upon The Denver Tramway Corporation, Denver, Colorado, and applicant.

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 6th day of May, 1957.

ea

original

(Decision No. 47831)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VERNON FURTNEY AND MARGARET FURTNEY, )  
CO-PARTNERS, 8150 WEST 48TH AVENUE, ) APPLICATION NO. 15290-PP-Extension  
ARVADA, COLORADO, FOR AUTHORITY TO )  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-4829. )  
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May 6, 1957  
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Appearances: Margaret Furtney, Arvada,  
Colorado, for Applicants;  
Marion F. Jones, Esq., Den-  
ver, 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:

Vernon Furtney and Margaret Furtney, co-partners, Arvada,  
Colorado, are the owners of Private Permit No. B-4829, authorizing:

Transportation of sand, gravel and other  
road-surfacing materials used in the con-  
struction of roads and highways from pits  
and supply points in the State of Colo-  
rado, to road jobs within a radius of  
fifty (50) 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; and coal  
from Florence-Canon City coal fields to  
points within a radius of fifteen miles of  
Manitou Springs, Colorado.

By the instant application, they seek authority to extend  
operations under said permit to include the same type of transporta-  
tion, in addition to insulrock, the purpose being to eliminate the  
limitation in their original permit, excluding service in Boulder,  
Clear Creek and Gilpin Counties.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has now submitted his Report of the proceedings, as follows:

Margaret Furtney, one of applicants, testified that she and her husband have had two years experience in operating under the instant permit. They have worked for a period of one and one-half years, and are now working for Schmidt Construction Company, which now has a road contract in Boulder County. Their list of equipment on file with the Commission was made a part of the record, by reference. She stated that the net worth of the partners is \$6,000. She agreed that any authority issued should be restricted to the use of dump trucks only.

No evidence was given in protest.

The operating experience and financial responsibility of applicants 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 hereby made a part of these Findings by reference, and the Report of the Examiner referred to therein should be approved.

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

#### O R D E R

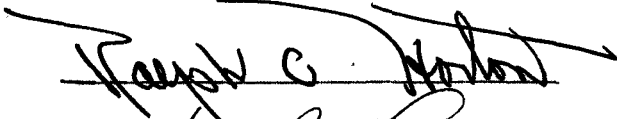

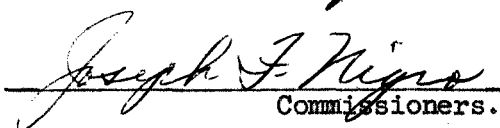
##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Vernon Furtney and Margaret Furtney, co-partners, Arvada, Colorado, should be, and they are hereby, authorized to extend operations under Permit No. B-4829, to include the transportation, in dump trucks only, 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.

This Order is made a 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 6th day of May, 1957.

mls



original

(Decision No. 47832)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED J. KISSLER, 1435 JAY STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15291-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-2864. )  
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May 6, 1957  
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Appearances: Fred J. Kissler, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, 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:

Fred J. Kissler, Denver, Colorado, is the owner of Private  
Permit No. 2864, authorizing:

Transportation of sand, gravel, dirt, rock,  
and other road-surfacing materials from  
pits and supply points in the State of Colo-  
rado to road and building construction jobs  
within a radius of 50 miles of said pits and  
supply points, excluding service in Boulder,  
Clear Creek and Gilpin Counties, except the  
allowance of the right to serve the Atomic  
Plant being built on the Rocky Flats north-  
west of Denver, in Boulder County, Colorado.

Transportation of coal from the strip mine  
operated by Mr. Edward Lasnik, approximately  
14 miles from Hayden, to the Tipple at Hayden.

By the instant application, he seeks authority to extend  
operations under said permit to include the transportation of sand,  
gravel, etc. state-wide, the purpose being to eliminate the restric-  
tion in his original permit excluding service in Boulder, Clear  
Creek and Gilpin Counties.

The application was assigned for hearing before Examiner,

Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant testified that he has been requested to obtain this authority by James B. Kenney Construction Company, now operating in Clear Creek County, and has had requests for service from contractors in Boulder and Gilpin Counties. He has had experience in this type of work since 1940. His equipment list is on file and was made a part of the record by reference. He agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

The operating experience and financial stability 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 hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

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

#### O R D E R

##### THE COMMISSION ORDERS:

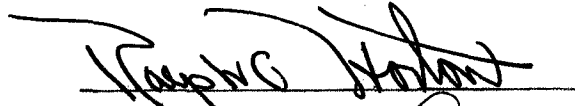

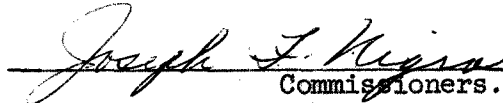
That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Fred J. Kissler, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-2864, to include the transportation, in dump trucks only, 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.

This Order is made a 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 6th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAYMOND LUCERO, 1522 JULIAN STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15292-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-3227. )  
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May 6, 1957  
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Appearances: Pauline Lucero, Denver,  
Colorado, for applicant;  
Marion F. Jones, Esq., Den-  
ver, 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:

Raymond Lucero, Denver, Colorado, is the owner of Private  
Permit No. B-3227, authorizing:

Transportation of sand, gravel, and other  
road surfacing materials from pits and  
supply points in the State of Colorado to  
jobs within a radius of 50 miles of said  
pits and supply points, excluding service  
in Boulder, Clear Creek and Gilpin  
Counties; and coal from mines in the  
northern Colorado coal fields to Denver  
and to points within a radius of five (5)  
miles of Denver, Colorado.

Transportation of sand, gravel, dirt,  
stone and refuse, from and to building  
construction jobs, to and from points with-  
in a radius of 50 miles of said jobs, ex-  
cluding service in Boulder, Clear Creek  
and Gilpin Counties.

By the instant application, he seeks authority to extend  
his operations under said permit to include the transportation of  
sand, gravel, road-surfacing materials, dirt, stone and refuse and  
insulrock, the intention being to remove the restriction in the

original permit excluding service in Boulder, Clear Creek and Gilpin Counties.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant's wife testified that her husband is working for the C. L. Hubner Company on west Colfax Avenue in Denver. He has had 15 years experience in this type of work and his net worth is \$10,000. A list of his equipment on file with the Commission was made a part of the record by reference. He has been requested to obtain this authority by the Western Paving Construction Company which now has a road job in Boulder County. She agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

It is the opinion of the Examiner that the extension sought should be granted as restricted in the following Order.

The operating experience and financial stability 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 hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

That the instant application should be granted as restricted in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

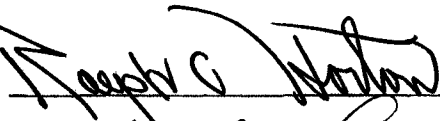


That the Report of the Examiner referred to in the above

and foregoing Findings should be, and the same hereby is, approved.

That Raymond Lucero, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3227, to include the transportation, in dump trucks only, 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.

This Order is made a 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 6th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARNOLD E. POST, 6781 EAST 75TH PLACE, )  
DERBY, COLORADO, FOR A CLASS "B" PER- )  
MIT TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 15293-PP

-----  
May 6, 1957  
-----

Appearances: Arnold E. Post, Derby, Colo-  
rado, pro se;  
Marion F. Jones, Esq., Den-  
ver, 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:

By the instant application, Arnold E. Post, Derby, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of sand, gravel, road-surfacing materials, dirt, stone, refuse, and insulrock, the application being in the usual form.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has now submitted his Report of the proceedings, as follows:

Applicant testified that he is working for the Bramley Earth Moving Company in Littleton, mostly on road work. He has had two and one-half years experience in the transportation of sand and gravel, etc. He owns a 1953 GMC 4-ton dump truck and his net worth is \$22,000. He

agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

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 hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

That the instant application should be authorized, as restricted in the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Arnold E. Post, Derby, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, in dump trucks only, 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



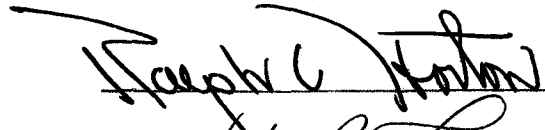
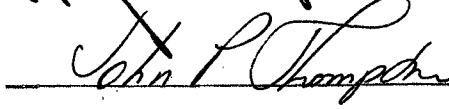

operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 6th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIE HARRIS, 2112 LAFAYETTE )  
STREET, DENVER, COLORADO. )  
-----

PERMIT NO. B-4639  
CASE NO. 77102-INS.

-----  
May 6, 1957  
-----

S T A T E M E N T

By the Commission:

On August 8, 1956, the Commission, in Case No. 77102-Ins., entered its Order, revoking Permit No. B-4639 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:

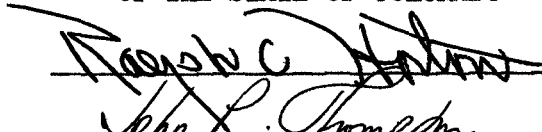
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4639 should be, and the same hereby is, reinstated, as of August 8, 1956, revocation order entered by the Commission on said date, in Case No. 77102-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

COMMISSIONER NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. W. HENRY, DOVE CREEK, COLO- )  
RADO. )  
-----

PERMIT NO. B-4690  
CASE NO. 79838-INS.

-----  
May 6, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission entered its Order in Case No. 79838-Ins., revoking Permit No. B-4690 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:

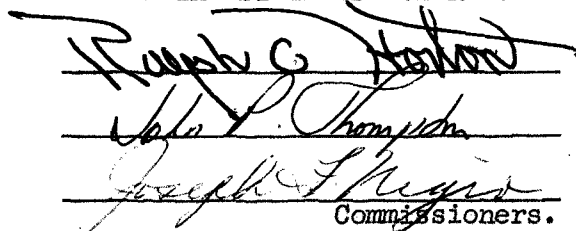
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4690 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 79838-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 6th day of May, 1957.

mls

(Decision No. 47837)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK ZELLITTI, JR., 635 SECOND )  
AVENUE, DURANGO, COLORADO. )  
-----

PERMIT NO. M-5185  
CASE NO. 79801-Ins.

-----  
May 6, 1957  
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S T A T E M E N T

By the Commission:

On February 20, 1957, the Commission entered its Order in Case No. 79801-Ins., revoking Permit No. M-5185 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-5185 should be, and the same hereby is, reinstated, as of February 20, 1957, revocation order entered by the Commission on said date in Case No. 79801-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 6th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. R. HALL TRANSPORTATION AND STOR- )  
AGE COMPANY, A CORPORATION, 604 )  
NORTH AVENUE, GRAND JUNCTION, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY, AUTHOR- )  
IZING EXTENSION OF OPERATIONS UNDER )  
PUC NO. 345 AND PUC NO. 345-I. )  
----- )

APPLICATION NO. 15219-Extension

-----  
May 6, 1957  
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Appearances: W. R. Hall, Grand Junction,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein, owner of PUC No. 345 and PUC No. 345-I,  
seeks authority to extend operations under said certificates, to  
include the right to operate within the City of Grand Junction,  
Colorado, said PUC No. 345 and PUC No. 345-I being the right to  
operate as a common carrier by motor vehicle for hire, for the  
conduct of:

a transfer, moving and general cartage business  
within the Counties of Mesa, Garfield and Delta,  
State of Colorado, and for occasional service  
throughout the State of Colorado, and in each of  
the counties thereof, subject to the following  
terms and conditions:

for the transportation of commodities other than  
household goods between points served singly or  
in combination by scheduled carriers, applicant  
shall charge rates which shall be as much as  
twenty per cent higher in all cases than those  
charged by scheduled carriers;

applicant shall not operate on schedule between  
any points;

applicant shall not be permitted, without further  
authority from the Commission, to establish a  
branch office or to have an agent employed in  
any other town or city than Grand Junction for  
the purpose of developing business;

between all points in the State of Colorado and the Colorado State Boundary Lines, in interstate commerce, where all highways cross same, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said application was regularly set for hearing before the Commission, at the Rural Electrification Association Room, 120 North Seventh Street, Grand Junction, Colorado, April 4, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 1, 1957, the Commission, as provided by law, designated Anthony L. Mueller, 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 Anthony L. Mueller, 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, W. R. Hall, appearing for applicant herein, testified that he is one of the members of the corporation operating W. R. Hall Transportation and Storage Company, operating under PUC No. 345 and PUC No. 345-I; that said corporation was incorporated in 1953; that said company has been operating under said authority within the City of Grand Junction for many years past, and was so engaged to, and on, January 1, 1955; that it has complied with all rules and regulations of the Commission; that it has a net worth of \$130,000.00.

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

Report of said Examiner further states that applicant is financially able to render the service herein sought; that it has adequate and proper equipment to perform said service; that it has been engaged in the transportation business for many years, 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, thereby establishing "Grandfather Rights."

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

Report of said 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 extended 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 and foregoing Findings should be, and hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of W. R. Hall Transportation and Storage Company, Grand Junction, Colorado, under PUC No. 345 and PUC No. 345-I, to include the City of Grand Junction, Colorado, under "Grandfather Rights," and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

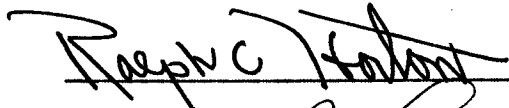

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERNEST C. LEWIS, 5195 ELM COURT, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 15277

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May 6, 1957  
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Appearances: Milton Berger, Esq., Denver,  
Colorado, for Applicant;  
Harold D. Torgan, Esq., Denver,  
Colorado, for U. S. Transfer  
and Storage, Morgan Transfer  
and Storage;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Package  
Delivery Service.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle, for the delivery of packages and furniture items, between points within Denver, and between Denver and points within a radius of ten miles of Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 17, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 16, 1957, 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, applicant herein testified that he has been engaged in the transportation business within the City and County of Denver, transporting small packages not to exceed two hundred pounds in weight, and an occasional movement of small pieces of furniture; that he has been so engaged continuously since 1949; that during that time he has been serving eight to ten customers; that he used only one truck, which he drove himself; that his gross income was approximately six hundred dollars per month; that he agreed to amend his application, so that he would not transport furniture or appliances, and would further limit any authority granted to the use of one truck, not to exceed a capacity of one-ton; that he owns his truck and his home.

Protestants joined in a motion that applicant be limited to the eight or ten customers presently served by him.

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

Report of said Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to perform the services proposed; that he has been engaged in the transportation business since 1949, and was so engaged on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission jurisdiction over common carriers operating in home-rule cities, thereby establishing "Grandfather Rights;" that while applicant testified that he had served only eight to ten customers, there is no evidence that he would not have served other customers had he been called upon, nor that applicant intended to operate as a private carrier by motor vehicle.

Report of said Examiner recommends that certificate of public convenience and necessity should issue to applicant herein, as hereinafter set forth; that protestants' motion 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 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.

That protestants' motion 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 public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Ernest C. Lewis, Denver, Colorado, for the transportation of packages not exceeding two hundred pounds in weight, between points within the City and County of Denver, provided, however, that in the transportation service herein authorized, no furniture or appliances shall be moved, and provided further, that applicant be limited to the use of one truck, of a capacity of one ton, based upon manufacturers rating, 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.

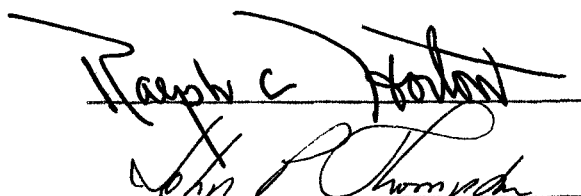
That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That motion of protestants should be, and hereby is,  
denied.

That Application No. 15277, insofar as it pertains to  
service outside the City and County of Denver, State of Colorado,  
should be, and hereby is, continued, to be re-set for hearing at  
a future date to be determined by the Commission, with notice to  
all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY P. REYNOLDS, 4700 WEST EVANS, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 15278  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----)

-----  
May 6, 1957  
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Appearances: Milton Berger, Esq., Denver,  
Colorado, for Applicant;  
Harold D. Torgan, Esq., Denver,  
Colorado, for U. S. Transfer  
and Storage, Morgan Transfer  
and Storage;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Package  
Delivery Service.

S T A T E M E N T

By the Commission:

By the above-styled application, Ray P. Reynolds,  
Denver, Colorado, seeks a certificate of public convenience and  
necessity, authorizing him to operate as a common carrier by  
motor vehicle, for delivering of packages and furniture items,  
between points within Denver, and between Denver and points  
within a radius of ten miles of Denver, Colorado.

Said application was regularly set for hearing before  
the Commission, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, April 17, 1957, at ten o'clock  
A. M., due notice thereof being forwarded to all parties in interest.

On April 16, 1957, 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, applicant herein amended his application to show that he did not seek any authority to operate outside the City and County of Denver, stating he did not desire to transport household goods and appliances, and that the motor vehicle equipment to be used might be limited to one truck, of one-ton capacity; that he has been engaged in the transportation of packages of less than two hundred pounds within the City and County of Denver since 1948; that during that time, he has been serving four or five customers, and assisting Ernest C. Lewis, who is also making deliveries within Denver; that he is the owner of a 1956 Chevrolet Truck, of one-ton capacity; that he owns his home; that his operations gross approximately \$725.00 per month.

Report of said Examiner further states that at the hearing, protestants joined in a motion that applicant be limited to the customers he has been serving, including customers now being served by Ernest C. Lewis.

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

Report of said Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service proposed; that applicant has been engaged in transportation of packages within the City and County of Denver since 1948; that he 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, thereby establishing "Grandfather Rights;" that while applicant testified he has served only four or five customers of his own, and assisted another carrier who only had from eight to ten customers, there is

no evidence that he would not have served other customers, if he had been asked, or that he had any intention to operate as a private carrier by motor vehicle.

Report of said Examiner recommends that certificate of public convenience and necessity be granted to applicant herein, limited to the use of one truck of one-ton capacity; that protestants' motion 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 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.

That protestants' motion 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 public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Ray P. Reynolds, Denver, Colorado, for the transportation of packages not exceeding two hundred pounds in weight, between points within the City and County of Denver; provided, however, that in transportation herein authorized, no furniture or appliances shall be moved, and provided, further, that equipment used in the conduct of said operation be limited to one truck, of a capacity of one ton, based upon manufacturers rating, 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.

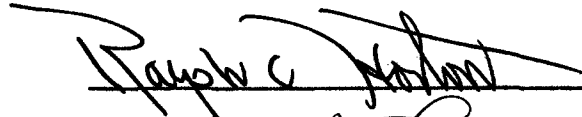

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That protestants' motion 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.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. A. SMITH, 6560 TELLER STREET, )  
ARVADA, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15294-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-2460. )  
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May 6, 1957  
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Appearances: W. A. Smith, Arvada, Colo-  
rado, pro se;  
Marion F. Jones, Esq., Den-  
ver, 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:

W. A. Smith, Arvada, Colorado, is the owner of Private Per-  
mit No. B-2460, authorizing:

Transportation of sand, gravel, and other  
road surfacing materials from pits and  
supply points in the State of Colorado to  
construction jobs within a 50 mile radius  
of said pits and supply points, excluding  
service in Boulder, Clear Creek, and Gil-  
pin Counties, and coal from mines in the  
northern Colorado coal fields to Denver.

Extended to include the transportation of  
brick, cinder blocks, cement blocks, and  
rock lath, between points within a radius  
of ten (10) miles of Denver, Colorado.

The present application is in effect an application to re-  
move the limitation on his service in the original permit which ex-  
cluded service in Boulder, Clear Creek and Gilpin Counties, the appli-  
cation being for an extension of authority under his present permit.

The application was assigned for hearing before Examiner,  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State

Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant appeared in support of his application, and testified that he has had 30 years experience in this type of work. He has worked for the H & W Paving Company of Arvada, Colorado, and has been hauling sand, gravel, etc., from Wheatridge, to points in the suburban area. The Company for which he is now working has paving contracts in the three Counties here involved, to-wit: Boulder, Clear Creek, and Gilpin Counties. Applicant's equipment list is on file and same was made a part hereof by reference. He stated his net worth is \$35,000. He operates two brick trucks and one dump truck.

In his application, in addition to the usual sand and gravel, he applies for authority to transport brick, cinder blocks, cement blocks, and sewer pipe, between all points in the State of Colorado. The original authority permits the transportation of such commodities within a radius of ten miles of Denver, Colorado, and applicant stated that he has no reason to ask for authority to transport brick beyond said area, so asked that the instant application be amended by elimination of his request for the transportation of brick, and granted in all other particulars. He agreed that any authority issued should be restricted to the use of dump trucks only.

No evidence was given in protest.

It is the opinion of the Examiner that the extension sought should be granted, as restricted in the following Order.

The operating experience and financial stability 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 hereby made a part

of these Findings by reference and the Report of the Examiner referred to therein should be approved.

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

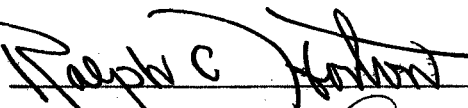

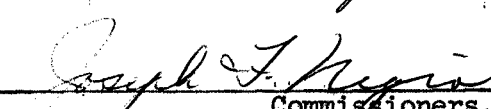
O R D E R

THE COMMISSION ORDERS:

That W. A. Smith, Arvada, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-2460, to include the transportation, in dump trucks only, 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.

This Order is made a 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 6th day of May, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) DURWARD E. WALKER, 5991 GLENCOE ) STREET, DENVER, COLORADO, FOR A ) CLASS "B" PERMIT TO OPERATE AS A ) PRIVATE CARRIER BY MOTOR VEHICLE ) FOR HIRE. )	<u>APPLICATION NO. 15295-PP</u>
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May 6, 1957  
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Appearances: Durward E. Walker, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, 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:

By the instant application, Durward E. Walker, Denver, Colo-  
rado, seeks a Class "B" permit to operate as a private carrier by motor  
vehicle for hire, for the transportation of sand, gravel, road-surfac-  
ing materials, dirt, stone, refuse, and insulrock, the application be-  
ing in the usual form.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, April 24, 1957, with due notice to  
all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as  
follows:

Applicant testified that he is now operating dump trucks for  
a contractor by the name of Reffel on road work on North Federal Boule-  
vard, Denver. He has had 15 years experience in this type of work.

He owns a 1941 Chevrolet dump truck, and his net worth is \$25,000. He agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

The operating experience and financial stability 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 hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Durward E. Walker, 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, in dump trucks only, 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

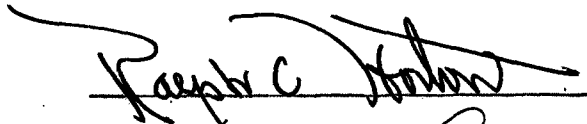


operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 6th day of May, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AUGUST HAAS, 4045 JAY STREET, WHEAT- )  
RIDGE, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15297-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-2746. )  
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May 6, 1957  
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Appearances: Martha Haas, Wheatridge,  
Colorado, for Applicant;  
Marion F. Jones, Esq., Den-  
ver, 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:

August Haas, Wheatridge, Colorado, is the owner of Private  
Permit No. B-2746, authorizing:

Transportation of sand, gravel and other  
road surfacing materials from pits and  
supply points in the State of Colorado,  
to jobs within a radius of 50 miles of  
said pits and supply points, excluding  
service in Boulder, Clear Creek and Gil-  
pin Counties, Colorado, so far as the  
transportation of said materials is con-  
cerned.

Extended to include the transportation of  
coal, only, from the northern Colorado  
coal fields to Denver, Colorado, and to  
the Valmont Plant of the Public Service  
Company, near Boulder, Colorado.

By the instant application, he seeks authority to extend  
his operations to include the same transportation he is now conduct-  
ing under the permit, in Boulder, Clear Creek and Gilpin Counties,  
service in said Counties having been excluded in his original author-  
ity.

The application was assigned for hearing before Examiner, Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Martha Haas, wife of applicant, appeared in support of the application.

The equipment list and financial statement of applicant on file with the Commission were made a part of the record by reference. She stated that applicant is now working for Schmidt Construction Company in Arvada on a road job in Boulder County and has been requested to obtain this authority by said Company. Prior to working for this Company, he was hauling filter rock to meet Army specifications from Table Rock Mountain north of Golden, Colorado, to the Air Force Academy north of Colorado Springs, for Warner Construction Company, Inc., only, and wishes authority to continue such operation in the future, provided there is further need. She agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

It is the opinion of the Examiner that the extension sought should be granted, but restricted to the use of dump trucks only.

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 hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

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



O R D E R

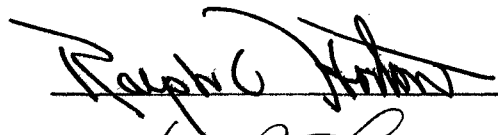

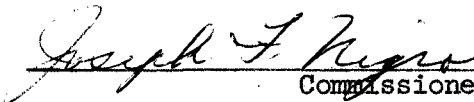
THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That August Haas, Wheatridge, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-2746, to include the right to transport, in dump trucks only, 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; filter rock, to meet army specifications, from Table Rock Mountain, North of Golden, Colorado, to the Air Force Academy, North of Colorado Springs, Colorado, for Warner Construction Company, Inc., only.

This Order is made a 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 6th day of May, 1957.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GERALD V. MYERS, ROUTE 1, GRAND )  
JUNCTION, COLORADO, FOR A CLASS "A" ) APPLICATION NO. 15223-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----)

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May 7, 1957  
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Appearances: Gerald V. Myers, Grand  
Junction, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class  
"A" private carrier by motor vehicle for hire, for the transporta-  
tion of trash, from Safeway Stores, in the City of Grand Junction,  
Colorado, to City Dump, located three miles west of said City,  
and to home of Applicant, located one mile east of the City of  
Grand Junction, on Indian School Road.

Said application was regularly set for hearing before  
the Commission, at the Rural Electrification Association Room,  
120 North Seventh Street, Grand Junction, Colorado, April 4, 1957,  
at ten o'clock A. M., due notice thereof being forwarded to all  
parties in interest.

On April 1, 1957, the Commission, as provided by law,  
designated Anthony L. Mueller, 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 Anthony L. Mueller, as Examiner, con-  
ducting the hearing, he thereafter submitting a report of said pro-  
ceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified that he has been operating in the City of Grand Junction for the last eight years; that he has a license authorizing said operations from the City of Grand Junction; that he has a net worth of \$5,000.

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

Report of the Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the services sought by the instant application; that applicant was operating in the City of Grand Junction on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over operations in home-rule cities, thereby establishing "Grandfather Rights."

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

It did not appear that applicant's proposed operations will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of said Examiner recommends that permit 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 applicant herein should be authorized to operate as a Class "A" private carrier by motor vehicle for hire, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above

and foregoing Findings should be, and the same hereby is, approved.

That Gerald V. Myers, Grand Junction, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire, for the transportation of ashes, trash, and other waste materials, from Safeway Store in the City of Grand Junction, Colorado, to regularly-designated dumps and disposal places designated by the City of Grand Junction, Colorado.

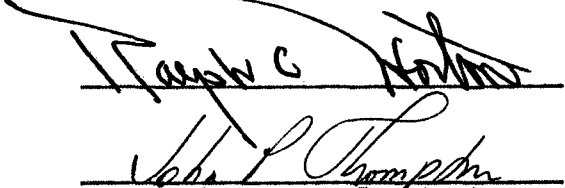
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of May, 1957.

ea

original

(Decision No. 47845)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HAROLD C. FOXALL AND JOHN R. FOXALL, )  
CO-PARTNERS, 415 EAST SEVENTH )  
STREET, LEADVILLE, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS )  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 15212-PP

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May 7, 1957  
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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 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 was regularly set for hearing before the Commission, at the District Court Room, Glenwood Springs, Colorado, April 3, 1957, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On April 1, 1957, the Commission, as provided by law, designated Anthony L. Mueller, an employee of the Commission, to conduct hearing on said application, he thereafter to submit a

report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing said application, applicants failed to appear, either in person or by counsel.

Report of said Examiner recommends that said application be dismissed.

### 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 above-styled application should be dismissed for lack of prosecution.

### O R D E R

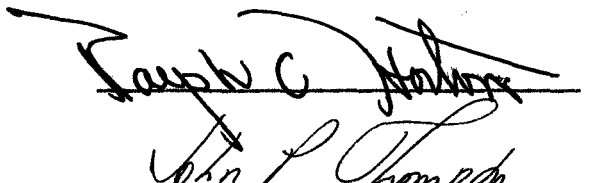
#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Application No. 15212-PP should 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

  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LA VERN F. BOND AND LOLA A. BOND, )  
CO-PARTNERS, DOING BUSINESS AS )  
"L. F. BOND PRIVATE CARRIER," 257 ) APPLICATION NO. 15222-PP-Extension  
COLORADO AVENUE, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PERMIT NO. B-4977. )  
----- )

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May 7, 1957  
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Appearances: LaVern F. Bond, Grand  
Junction, Colorado,  
for applicants.

S T A T E M E N T

By the Commission:

Applicants herein are presently the owners and operators  
of Permit No. B-4977, authorizing:

transportation of trash, from point to point,  
within a radius of ten miles of Grand Junction,  
Colorado.

By the above-styled application, said applicants seek  
authority to extend operations under said Permit No. B-4977, to  
include the right to transport trash, from point to point within  
the City of Grand Junction, Colorado, and a radius of ten miles  
thereof.

Said application was regularly set for hearing before the  
Commission, at the Rural Electrification Association Room, 120 North  
Seventh Street, Grand Junction, Colorado, April 4, 1957, at ten  
o'clock A. M., due notice thereof being forwarded to all parties  
in interest.

On April 1, 1957, the Commission, as provided by law,  
designated Anthony L. Mueller, 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 Anthony L. Mueller, 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, LaVern F. Bond testified that he is one of applicants herein; that they have been operating within the City of Grand Junction for some time, and were so engaged on January 1, 1955; that they are the owners of two pieces of equipment; that they have a license for said operations in the City of Grand Junction under Temporary Authority issued by this Commission; that applicants' net worth is \$21,000.

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

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

Report of said Examiner further states that applicants herein are fit and proper persons, have sufficient equipment, and are financially able to render the services herein sought; that applicants were engaged in transportation of trash within the City of Grand Junction, Colorado, on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over carrier operating in home-rule cities, thereby establishing "Grandfather Rights."

It did not appear that applicants' proposed extended service will impair the efficiency of any common carrier operating in the territory sought to be served by applicants.

Report of said Examiner recommends that authority sought should be granted.

#### 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 applicants herein should be granted authority sought,  
as set forth in the Order following.

O R D E R

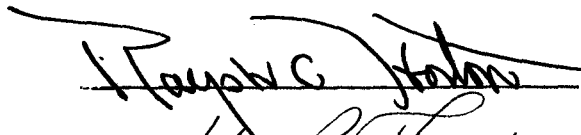
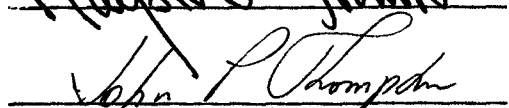
THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and  
foregoing Findings should be, and hereby is, approved.

That LaVern F. Bond and Lola A. Bond, co-partners, doing  
business as "L. F. Bond Private Carrier," Grand Junction, Colorado,  
should be, and hereby are, authorized to extend operations under  
Permit No. B-4977 to include the right to transport trash, from  
point to point within the City of Grand Junction, and a radius of  
ten miles thereof.

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.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL A. HOFFMAN, ASPEN, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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APPLICATION NO. 15210

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May 7, 1957  
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Appearances: Carl A. Hoffman, Aspen, Colo-  
rado, pro se;  
Clinton Steward, Esq., Aspen,  
Colorado, for City of Aspen,  
Colorado.

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 garbage, ashes, trash, and other waste materials, in and for the City of Aspen, State of Colorado, and a four-mile radius of said City of Aspen, Colorado.

Said application was regularly set for hearing before the Commission, at the District Court Room, Glenwood Springs, Colorado, April 3, 1957, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On April 1, 1957, the Commission, as provided by law, designated Anthony L. Mueller, 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 Anthony L. Mueller, as Examiner, conducting the hearing, he thereafter submitting a report of the proceedings

to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified that he has been transporting garbage and trash in and for the City of Aspen since December 1, 1956; that presently he is operating under a Temporary Authority issued by this Commission; that he is the owner of two trucks; that he has an agreement, copy of which is on file with the Commission, with the City of Aspen, for removal of garbage, ashes, trash, and other waste materials; that there is a present need for his services.

Clinton Stewart testified that he is City Attorney for the City of Aspen, Colorado; that said City is in favor of the instant application regarding removal of garbage, ashes, trash, and other waste materials; that there presently is a need for said services in Aspen and a four-mile radius thereof.

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.

Report of the Examiner states further that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the services sought by the instant application; that there presently is a need for applicant's services.

Report of said Examiner recommends that certificate of public convenience and necessity 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 and foregoing Findings should be, and hereby is, approved.



That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Carl A. Hoffman, Aspen, Colorado, for the transportation of garbage, ashes, trash, and other waste materials, between points within the City of Aspen, State of Colorado, and a four-mile radius thereof, to regularly designated and approved dumps and disposal places, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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.

COMMISSIONER NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE ROGERS, URAPAN, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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APPLICATION NO. 15224-PP

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May 7, 1957  
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Appearances: Cecil Haynie, Esq., Grand  
Junction, Colorado, for  
Applicant;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

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  
uranium and vanadium ores, from all points within a radius of fifty  
miles of Uravan, Colorado, to uranium and vanadium processing mills,  
located at Rifle, Grand Junction, Naturita and Durango, Colorado, and  
any and all uranium and vanadium processing mills hereafter construct-  
ed in the State of Colorado.

Said application was regularly set for hearing before the  
Commission, at the Rural Electrification Association Room, 120 North  
Seventh Street, Grand Junction, Colorado, April 4, 1957, at ten  
o'clock A. M., due notice thereof being forwarded to all parties in  
interest.

On April 1, 1957, the Commission, as provided by law, desig-  
nated Anthony L. Mueller, 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 Anthony L. Mueller, as Examiner, conducting said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant amended his application as follows:

"Transportation of uranium and vanadium ores in bulk from the mine or mines operated by D & D Uranium Co., a Colorado corporation, Lee Dowell, and a mine operated in co-partnership by Harold L. Dowell, Sr. and the applicant, to the uranium and vanadium processing mills located at Rifle, Grand Junction, Naturita and Durango, all in Colorado, and any and all other uranium and vanadium processing mills hereafter constructed in Colorado."

Report of said Examiner further states that at the hearing, applicant testified he is presently operating under Temporary Authority issued by this Commission; that he has been mining for four years; that he has been transporting ore in conjunction with his mining operations; that he is the owner of two vehicles; that his net worth is \$15,000; that in the event authority herein sought is granted, he will obey all laws, rules, and regulations of the Commission governing private carriers by motor vehicle.

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.

Report of said Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the services herein sought; that there is presently a need for said services.

Report of the Examiner recommends that permit should issue to applicant herein.

It did not appear that applicant's proposed service will tend to impair the efficiency of any common carrier operating in the

territory sought to be served by applicant.

### 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 applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, 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 George Rogers, Uravan, 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 uranium and vanadium ores, in bulk, from the mine, or mines, operated by D. & D. Uranium Company, a Colorado corporation, Lee Dowell, and a mine operated in co-partnership by Harold L. Dowell, Sr., and applicant herein, said mines being located within a fifty mile radius of Uravan, Colorado, to the uranium and vanadium processing mills located at Rifle, Grand Junction, Naturita, and Durango, Colorado, and any and all other uranium and vanadium processing mills hereafter constructed 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.

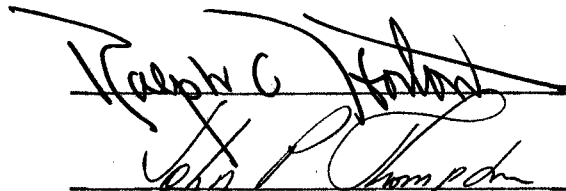
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured

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.

COMMISSIONER NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of May, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALFRED S. WAHLBORG, RURAL ROUTE 3, )  
BOX 104, COLORADO SPRINGS, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
2217 TO KENNETH W. PIERCE, KENNETH )  
N. PIERCE, AND THOMAS E. PIERCE, CO- )  
PARTNERS, DOING BUSINESS AS "PIERCE )  
AND SONS," MONUMENT, COLORADO' )  
----- )

APPLICATION NO. 14085-Transfer  
SUPPLEMENTAL ORDER

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 45357, of date February 21, 1956, Alfred S. Wahlborg, Colorado Springs, Colorado, was authorized to transfer PUC No. 2217 to Kenneth W. Pierce, Kenneth N. Pierce, and Thomas E. Pierce, co-partners, doing business as "Pierce and Sons," Monument, Colorado.

The requirements which are a condition precedent to the transfer of said certificate upon our records were never complied with, and the records of the Commission show that said operating rights are the property of Alfred S. Wahlborg, Colorado Springs, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That said Decision No. 45357, of date February 21, 1956, should be set aside, and the records of the Commission show that Alfred S. Wahlborg, Colorado Springs, Colorado, is the owner of said PUC No. 2217.

O R D E R

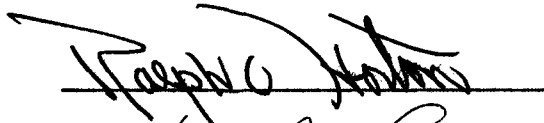
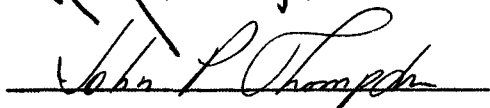
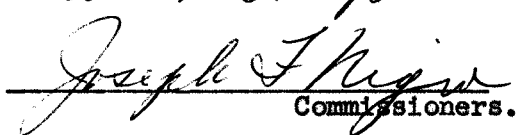
THE COMMISSION ORDERS:

That Decision No. 45357, of date February 21, 1956, authorizing transfer of PUC No. 2217 from Alfred S. Wahlborg, Colorado

Springs, Colorado, to Kenneth W. Pierce, Kenneth N. Pierce,  
and Thomas E. Pierce, co-partners, doing business as "Pierce and  
Sons," Monument, Colorado, should be, and the same hereby is,  
set aside, vacated, and held for naught, and the Secretary of  
the Commission is hereby directed to change records and files  
of the Commission to show that Alfred S. Wahlborg, Colorado Springs,  
Colorado, is the owner of PUC No. 2217.

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 May, 1957.

ea

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-) APPLICATION NO. 14836-Transfer	
NESS AS "YUMA LIVESTOCK AUCTION," ) <u>SUPPLEMENTAL ORDER</u>	
YUMA, COLORADO. )	
----- )	

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 46853, of date November 21, 1956, the Commission authorized Joe Intermill, Eckley, Colorado, to transfer PUC No. 1105 to Vergil E. Means, doing business as "Yuma Livestock Auction," Yuma, Colorado.

The requirements which are a condition precedent to the transfer of said certificate upon our records were never complied with, and the records of the Commission show that said operating rights are the property of Joe Intermill, Eckley, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That said Decision No. 46853, of date November 21, 1956, entered by the Commission in Application No. 14836, should be set aside, and the records of the Commission show that Joe Intermill, Eckley, Colorado, is the owner of said PUC No. 1105.

O R D E R

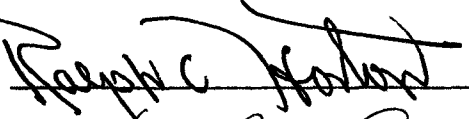


THE COMMISSION ORDERS:

That Decision No. 46853, of date November 21, 1956, authorizing transfer of PUC No. 1105 from Joe Intermill, Eckley, Colorado, to Vergil E. Means, doing business as "Yuma Livestock Auction,"

Yuma, Colorado, should be, and the same hereby is, set aside,  
vacated, and held for naught, and the Secretary of the Commission  
is hereby directed to change the records of the Commission to show  
that Joe Intermill, Eckley, Colorado, is the owner of said PUC  
No. 1105.

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 May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SPORTSMAN RESORT SERVICE, INC., )  
HIDEAWAY PARK, GRAND COUNTY, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO OPER- )  
ATE AS A COMMON CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 14279  
SUPPLEMENTAL ORDER

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On May 23, 1956, the Commission entered its Decision No. 45839 in Application No. 14279, granting to Sportsman Resort Service, Inc., a corporation, Hideaway Park, Grand County, Colorado, a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire.

Inasmuch as the above-styled applicant has not fulfilled requirements set forth in said Decision No. 45839,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.



O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Sportsman Resort Service, Inc., Hideaway Park, Grand County, Colorado, in Application No. 14279, by Decision No. 45839, of date May 23, 1956, should be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 45839.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Robert L. Thompson  
  
\_\_\_\_\_  
Joseph F. Higin  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1957.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES E. BRENNER, DOING )  
BUSINESS AS "BRENNER TRUCK )  
LINE," 7791 NIAGARA STREET, )  
DERBY, COLORADO. )  
----- )

PERMIT NO. B-1497

-----  
March 13, 1957  
-----

S T A T E M E N T

By the Commission:

On September 4, 1956, the Commission entered its Decision No. 46445, authorizing the above-styled permittee to suspend operations under Permit No. B-1497 until March 13, 1957.

The Commission is now in receipt of a communication from said permit-holder, requesting authority to further suspend operations under said operating rights.

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 Charles E. Brenner, doing business as "Brenner Truck Line," Derby, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-1497 until September 13, 1957.

That unless said permit-holder shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying 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

*Ralph C. Holman*  
*John P. Thompson*  
*Joseph F. Nigro*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of March, 1957.  
ea

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

-----  
May 3, 1957  
-----

S T A T E M E N T

By the Commission:

On December 10, 1956, the Commission entered its Decision No. 46928, authorizing Ben L. McKay, Denver, Colorado, to suspend operations under Permit No. B-2840 until May 4, 1957.

The Commission is now in receipt of a communication from said Permit-holder, requesting authority to further suspend operations under said operating rights, due to ill health.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

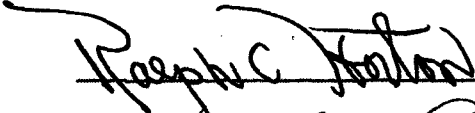

THE COMMISSION ORDERS:

That Ben L. McKay, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-2840 until November 4, 1957.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for 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

  
  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 3rd day of May, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES C. THOMAS, 800 SOUTH ) PERMIT NO. B-4796  
HAVANA, DENVER, COLORADO. )  
-----)

-----  
March 26, 1957  
-----

S T A T E M E N T

By the Commission:

On October 29, 1956, the Commission entered its Decision No. 46726, authorizing the above-named permit-holder to suspend operations under Permit No. B-4796 until March 26, 1957.

The Commission is now in receipt of a communication from said permit-holder, requesting authority to further suspend operations under said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

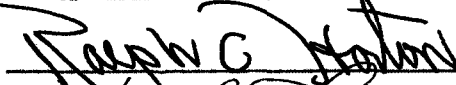


O R D E R

THE COMMISSION ORDERS:

That Charles S. Thomas, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-4796, until September 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 stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 26th day of March, 1957.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLAIR D. SMITH, DOING BUSINESS )  
AS "IDEAL GROCERIES," LONGMONT, )  
NATIONAL BANK BUILDING, LONG- )  
MONT, COLORADO. )  
----- )

PERMIT NO. M-4340  
CASE NO. 80092-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, in Case No. 80092-Ins., the Commission entered its Order, revoking Permit No. M-4340 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as it now appears that proper insurance filing has been made by Respondent herein, without lapse,

F I N D I N G S

THE COMMISSION FINDS:



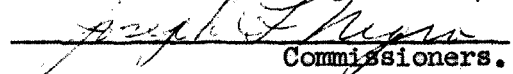
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-4340 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 80092-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 7th day of May, 1957.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
POWERS BRICK & TILE, 1003 EAST  
LINCOLN WAY, CHEYENNE, WYOMING.  
-----

PERMIT NO. M-3106  
CASE NO. 79935-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission entered its Order in Case No. 79935-Ins., revoking Permit No. M-3106 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

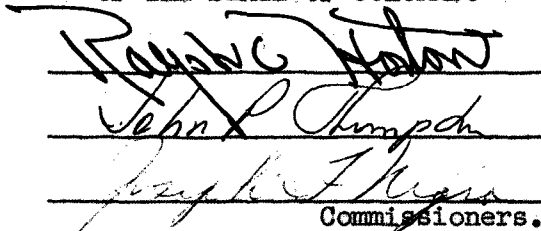
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-3106 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 79935-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 7th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )  
VIRGIL POGGENSEE, CHAPPELL, )  
NEBRASKA. )  
-----)

PERMIT NO. M-11364  
CASE NO. 79837-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission entered its Order in Case No. 79837-Ins., revoking Permit No. M-11364 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

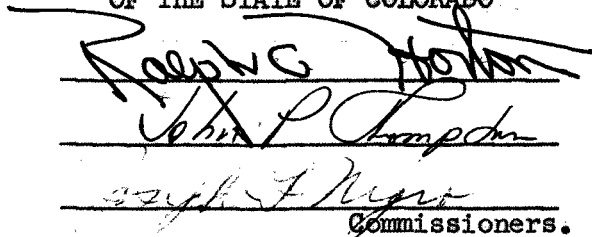
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-11364 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 79837-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 7th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BASIL BRIGGS, FRASER, COLORADO. )  
----- )

PERMIT NO. M-1598  
CASE NO. 79325-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On January 3, 1957, the Commission entered its Order in Case No. 79325-Ins., revoking Permit No. M-1598 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:

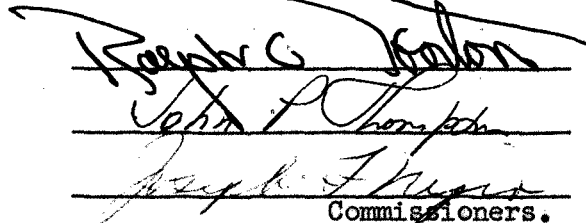
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1598 should be, and hereby is, reinstated, as of January 3, 1957, revocation order entered by the Commission on said date in Case No. 79325-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 7th day of May, 1957.

ea

*Original*

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HI-LAND DAIRY, 700 VINE STREET, )  
MURRAY, UTAH. )  
-----

PERMIT NO. M-5500  
CASE NO. 79957-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission entered its Order in Case No. 79957-Ins., revoking Permit No. M-5500 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-5500 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation Order entered by the Commission on said date in Case No. 79957-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Hinton*  
*John P. Thompson*  
*Joseph F. Higgins*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. M. FOX, 2315 WEST STREET, )  
PUEBLO, COLORADO. )  
-----

PERMIT NO. M-1868  
CASE NO. 79923-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission entered its Order in Case No. 79923-Ins., revoking Permit No. M-1868 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:



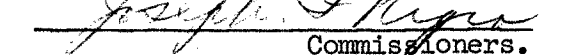
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1868 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 79923-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 7th day of May, 1957,  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
STORM SASH DIVISION, BENADA )  
ALUMINUM PRODUCTS DIVISION OF )  
TEXTRON, INC., 39 JAMES STREET, )  
GIRARD, OHIO. )  
-----

PERMIT NO. M-10795  
CASE NO. 79999-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission entered its Order in Case No. 79999-Ins., revoking Permit No. M-10795 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:

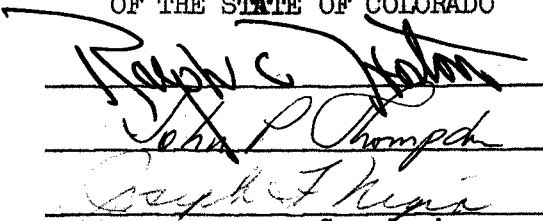
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-10795 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 79999-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 7th day of May, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BUEHNER BLOCK COMPANY, 2800 S. )  
W. TEMPLE, SALT LAKE CITY, UTAH. )  
-----

PERMIT NO. M-944  
CASE NO. 79914-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission, in Case No. 79914-Ins., entered its Order, revoking Permit No. M-944 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:

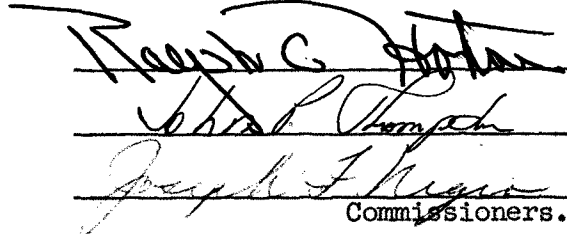
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-944 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 79914-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 7th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LARRY E. VELASQUEZ, DOING BUSI- )  
NESS AS "LARRY'S FROZEN FOOD )  
CENTER, 803 COOPER STREET, )  
GLENWOOD SPRINGS, COLORADO. )

PERMIT NO. M-7546  
CASE NO. 80160-INS.

-----  
May 7, 1957  
-----

S T A T E M E N T

By the Commission:

On March 20, 1957, the Commission entered its Order in Case No. 80160-Ins., revoking Permit No. M-7546 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.

F I N D I N G S

THE COMMISSION FINDS:

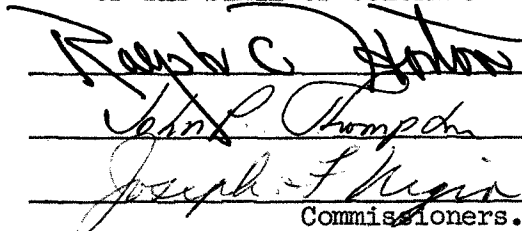
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-7546 should be, and the same hereby is, reinstated, as of March 20, 1957, revocation order entered by the Commission on said date in Case No. 80160-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 7th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOSEPH L. TELCK, ROUTE 1, FLORENCE, )  
COLORADO. )

PERMIT NO. M-19

May 10, 1957

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from

Joseph L. Telck

requesting that Permit No. M-19 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-19, heretofore issued to

Joseph L. Telck

be,

and the same is hereby, declared cancelled effective March 30, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Nordent  
John P. Thompson  
Joseph F. Nigro  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SAUNDERS MILLS INC., c/o HOFMANN )  
INDUSTRIES, SINKING SPRING, PENNA. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-970

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

Saunders Mills Inc.

requesting that Permit No. M-970 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-970, heretofore issued to \_\_\_\_\_

Saunders Mills Inc. \_\_\_\_\_

be,

and the same is hereby, declared cancelled effective April 17, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph G. Horton*  
\_\_\_\_\_  
*John A. Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
P. R. RUBEY, DOING BUSINESS AS "KECK )  
PRODUCE CO.," BOX 346, ROCKY FORD, )  
COLORADO. )  
-----)

PERMIT NO. M-2037

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
P. R. Rubey dba Keck Produce Co.

requesting that Permit No. M-2037 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

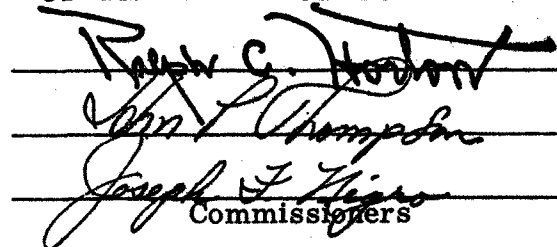
THE COMMISSION ORDERS:

That Permit No. M-2037, heretofore issued to \_\_\_\_\_

P. R. Rubey dba Keck Produce Co be,

and the same is hereby, declared cancelled effective March 28, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GILLIS T. PHILLIPS, 502 ALLISON, )  
CANON CITY, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-2068

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

Gillis T. Phillips

requesting that Permit No. M-2068 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2068, heretofore issued to \_\_\_\_\_

Gillis T. Phillips \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH RAHNE, DOING BUSINESS AS "RAHNE)  
SHEET METAL," 1854 LAWRENCE STREET, )  
DENVER 2, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-6669

\_\_\_\_\_  
May 10, 1957  
\_\_\_\_\_

STATEMENT

By the Commission:

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

Ralph Rahne dba Rahne Sheet Metal

requesting that Permit No. M-6669 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6669, heretofore issued to \_\_\_\_\_

Ralph Rahne dba Rahne Sheet Metal

be,

and the same is hereby, declared cancelled effective March 29, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Horton  
John V. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRED H. BATTERMAN AND MARY BATTERMAN, )  
DOING BUSINESS AS "BATTERMAN )  
TRUCKING," 7180 ZUNI STREET, DENVER 11 )  
COLORADO. )  
----- )

PERMIT NO. M-6683

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Fred H. Batterman and Mary Batterman dba Batterman Trucking  
\_\_\_\_\_  
requesting that Permit No. M-6683 be cancelled.

FINDINGS

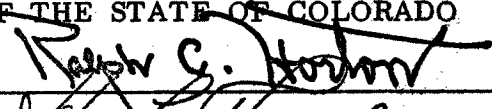
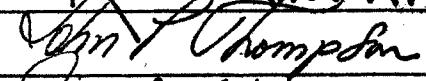
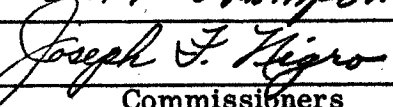
THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6683, heretofore issued to \_\_\_\_\_  
Fred H. Batterman and Mary Batterman dba Batterman Trucking \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. L. MUNDAY AND E. E. COOPER, DOING )  
BUSINESS AS "MUNDAY & COOPER COMPANY", )  
POST OFFICE BOX 6068, AMARILLO, )  
TEXAS. )  
-----)

PERMIT NO. M-6877

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

C. L. Munday and E. E. Cooper dba Munday & Cooper Co.

requesting that Permit No. M-6877 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6877, heretofore issued to \_\_\_\_\_

C. L. Munday and E. E. Cooper dba Munday & Cooper Co.

be,

and the same is hereby, declared cancelled effective April 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hudson  
John P. Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ERVIN, GLEN, OTTO & DELIAH M. BUNGARD, )  
DOING BUSINESS AS "OTTO BUNGARD AND )  
SONS," OLNEY SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-6950

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ervin, Glen, Otto & Deliah M. Bungard dba Otto Bungard and Sons  
requesting that Permit No. M-6950 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6950, heretofore issued to \_\_\_\_\_  
Ervin, Glen, Otto & Deliah M. Bungard dba Otto Bungard and Sons be,  
and the same is hereby, declared cancelled effective May 5, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hodson  
John P. Thompson  
Joseph F. Fiero  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
A. G. ENDERUD, WASHINGTON AND PINE )  
AVENUE, ROCKY FORD, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-8801

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

A. G. Enerud

requesting that Permit No. M-8801 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8801, heretofore issued to \_\_\_\_\_

A. G. Enerud \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 25, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph G. Horton*  
*John V. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOE NEWELL, c/o LES VOGEL CHEVROLET )  
BDOCK, MARKET ST. AT VAN NESS AVE., )  
SO., SAN FRANCISCO 3, CALIFORNIA. )  
-----)

PERMIT NO. M-9366

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

Joe Newell

requesting that Permit No. M-9366 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9366, heretofore issued to \_\_\_\_\_

Joe Newell

be,

and the same is hereby, declared cancelled effective March 30, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE L. AND DANA L. COLUMBIA, DOING )  
BUSINESS AS "COLUMBIA BROTHERS," )  
FRASER, COLORADO. )  
----- )

PERMIT NO. M-9428

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George L. and Dana L. Columbia dba Columbia Brothers

requesting that Permit No. M-9428 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9428, heretofore issued to \_\_\_\_\_  
George L. and Dana L. Columbia dba Columbia Brothers \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 23, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Horton  
John F. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LORHEN W. SCOTT, CLIFTON, COLORADO. )

PERMIT NO. M-9455

May 10, 1957

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Lorhen W. Scott

requesting that Permit No. M-9455 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-9455, heretofore issued to

Lorhen W. Scott

be,

and the same is hereby, declared cancelled effective April 25, 1957.

THE PUBLIC UTILITIES COMMISSION  
~~OF THE STATE OF COLORADO~~

Ralph C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

112

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EMIL DUPSKY, DOING BUSINESS AS )  
"DUPSKY CONSTRUCTION COMPANY," )  
1212 NORTH MAIN STREET, WAYNE, )  
NEBRASKA. )  
-----)

PERMIT NO. M-9490

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

Emil Dupsky dba Dupsky Construction Company

requesting that Permit No. M-9490 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9490, heretofore issued to \_\_\_\_\_

Emil Dupsky dba Dupsky Construction Company \_\_\_\_\_ be,

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph G. Gordon*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE W. BLOOMFIELD, MONTICELLO, )  
UTAH. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-9671

-----  
May 10, 1957

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George W. Bloomfield

requesting that Permit No. M-9671 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9671, heretofore issued to \_\_\_\_\_  
George W. Bloomfield \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 31, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Ralph C. Horton  
John V. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
D. GARINER, CASTLE ROCK, COLORADO. )  
)  
)  
)  
)  
-----)

PERMIT NO. M-9861

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
D. Gariner

requesting that Permit No. M-9861 be cancelled.

FINDINGS

THE COMMISSION FINDS:


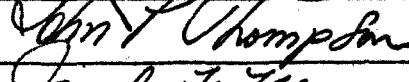

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9861, heretofore issued to \_\_\_\_\_  
D. Gariner \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 30, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ADOLFO GONZALES, ROUTE 1, BOX 135, )  
LA JARA, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-10011

\_\_\_\_\_  
May 10, 1957  
\_\_\_\_\_

STATEMENT

By the Commission:

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

Adolfo Gonzales

requesting that Permit No. M-10011 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10011, heretofore issued to \_\_\_\_\_

Adolfo Gonzales

be,

and the same is hereby, declared cancelled effective March 27, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RICHARD W. BOLINGER, ROUTE 1, BOX 108)  
LAMAR, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10688

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Richard W. Bolinger

requesting that Permit No. M-10688 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10688, heretofore issued to \_\_\_\_\_  
Richard W. Bolinger \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 26, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Ralph C. Horton*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN E. GALVIN, JR., 971 14TH STREET, )  
BOULDER, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-10744

\_\_\_\_\_  
May 10, 1957  
\_\_\_\_\_

STATEMENT

By the Commission:

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

John E. Galvin, Jr.

requesting that Permit No. M-10744 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10744, heretofore issued to \_\_\_\_\_

John E. Galvin, Jr.

be,

and the same is hereby, declared cancelled effective April 15, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Joseph F. Higo  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. C. LARSON, DOING BUSINESS AS )  
"BOB'S FERTILIZER," 1317 PEARL, )  
DENVER 3, COLORADO. )

PERMIT NO. M-11994

May 10, 1957

STATEMENT

By the Commission:

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

R. C. Larson dba Bob's Fertilizer

requesting that Permit No. M-11994 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11994, heretofore issued to \_\_\_\_\_

R. C. Larson dba Bob's Fertilizer

be,

and the same is hereby, declared cancelled effective April 26, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hodson  
John P. Thompson  
Joseph F. Ziger  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AUGUST J. MEYERS, DOING BUSINESS AS )  
"METRO BOTTLE GAS," 5580 NORTH )  
FEDERAL, DENVER, COLORADO. )  
----- )

PERMIT NO. M-12147

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

August J. Meyers dba Metro Bottle Gas

requesting that Permit No. M-12147 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12147, heretofore issued to \_\_\_\_\_

August J. Meyers dba Metro Bottle Gas be,

and the same is hereby, declared cancelled effective March 14, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LUBIN VELASQUEZ, CROWNPOINT, NEW )  
MEXICO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-12213

-----  
May 10, 1957  
-----

STATEMENT

By the Commission:

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

\_\_\_\_\_  
Lubin Velasquez

requesting that Permit No. M-12213 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12213, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
Lubin Velasquez be,

and the same is hereby, declared cancelled effective April 25, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Horton*  
*John P. Thompson*  
*Joseph F. Higgins*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
L. A. HANSEN AND H. J. AAGESSEN, )  
ROUTE 3, OTIS, COLORADO. )

PERMIT NO. M-12343

May 10, 1957

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from

L. A. Hansen and H. J. Aagesen

requesting that Permit No. M-12343 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-12343 , heretofore issued to

L. A. Hansen and H. J. Aagesen

be,

and the same is hereby, declared cancelled effective April 21, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Hovant  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1957.

ma.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CHARLES WILKINSON, 2593 $\frac{1}{2}$ PIERCE )	
STREET, DENVER, COLORADO, FOR A )	APPLICATION NO. 15129-PP-Extension
CLASS "B" PERMIT TO OPERATE AS A )	<u>SUPPLEMENTAL ORDER</u>
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
May 7, 1957  
-----

Appearances: Charles Wilkinson, Denver,  
Colorado, pro se;  
Marion Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., and  
Larson Transportation Co.

S T A T E M E N T

By the Commission:

By Decision No. 47653, of date April 8, 1957, the Commission authorized Charles Wilkinson, Denver, Colorado, to extend operations under Private Permit No. B-4894, to include the transportation of brick and tile only from (1) Summit Pressed Brick & Tile Company, Pueblo, Colorado; (2) National Clay Products Company, Colorado Springs, Colorado; and (3) Brick, Inc., Denver, Colorado, to all points within the State of Colorado.

A review of the evidence given at the hearing upon which said decision was based shows that applicant testified "that Brick, Inc. has requested that he obtain the additional authority so that he can transport brick and tile from the companies named in the application and located at Pueblo, Colorado, and Colorado Springs, Colorado, to Brick, Inc., in Denver, and distribute these products from the latter to its customers in Colorado."

It now appears that the Order portion of Decision No. 47653, supra, does not grant to applicant the authority sought, which was justified by the evidence, and the error should be corrected by Supplemental Order.

## F I N D I N G S

### THE COMMISSION FINDS:

That a Supplemental Order should be entered by the Commission correcting the error referred to in the above and foregoing Statement, which, by reference, is made a part of these Findings.

## O R D E R

### THE COMMISSION ORDERS:

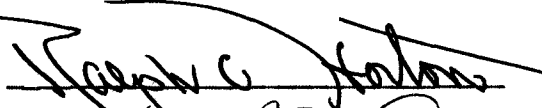

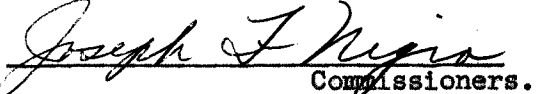
That the second paragraph of the Order in Decision No. 47653, of date April 8, 1957, should be, and hereby is, amended, nunc pro tunc, as of April 8, 1957, to read as follows:

"That Charles Wilkinson, 2593 $\frac{1}{2}$  Pierce Street, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Private Permit No. B-4894 to include the transportation of brick and tile for Brick, Inc., only, from: (1) Summit Pressed Brick & Tile Company, Pueblo, Colorado, and (2) National Clay Products Company, Colorado Springs, Colorado, to Brick, Inc., Denver, Colorado, and from Brick, Inc., Denver, Colorado, to all points within the State of Colorado."

That in all other respects said Decision No. 47653 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 7th day of May, 1957.

ea

final

(Decision No. 47888)

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. )	APPLICATION NO. 14771-PP-Transfer
B-3987 TO VERL HAMILTON, CORTEZ, )	<u>SUPPLEMENTAL ORDER</u>
COLORADO. )	
- - - - - )	

- - - - -  
May 7, 1957  
- - - - -

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:

By Decision No. 46772, of November 5, 1956, in Appli-  
cation No. 14771-PP, the Commission authorized Carl Dunham, of  
Cortez, Colorado, to transfer Private Permit No. B-3987 to Verl  
Hamilton, Cortez, Colorado.

By Decision No. 47580, of date March 21, 1957, the Com-  
mission vacated, set aside, and held for naught said prior Decision  
No. 46772 for failure of transferee to comply with the requirements  
of the Commission set forth in Decision No. 46772.

Said Decision No. 46772 provided that the transfer should  
become effective only if and when the transferor and transferee,  
in writing, should advise the Commission that the permit shall have  
been formally assigned, and that said parties have accepted and in  
the future would comply with the conditions and requirements of the  
decision to be by them, or either of them, kept and performed. Fail-  
ure to file said written acceptance within thirty days from the  
effective date of the Order should automatically revoke the authority  
to make the transfer without further order unless the time for filing  
should be extended by the Commission upon proper application. Further,

the right of transferee to operate under the order and decision would 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 the time of the transfer.

On April 9, 1957, transferee, by his counsel, filed petition to set aside said Decision No. 47580 insofar as it applied to the transfer of Private Permit No. B-3987 from Carl Dunham to Verl Hamilton. Transferee alleges that he did not fully comply with the provisions of Decision No. 46772 within the time allowed in that the Colorado Motor Carriers Association, which had been requested to file his tariffs, had failed to file same within the required time; that no customer list was filed within the required time as transferee had no customers within said period, due to inclement weather.

The records of the Commission now show that the transferee's customer list and tariffs have been filed, as well as proper insurance coverage. Decision No. 46772, requiring the filing of acceptance of transfer, was dated November 5, 1956, and became effective twenty-one days after said date, or on November 26, 1956. The acceptance was due within thirty days of said effective date, or by December 26, 1956, and was actually filed on November 16, 1956.

The Commission is of the opinion that Verl Hamilton, as transferee of the permit, did not intentionally violate any of the requirements of the original Decision No. 46772; that all such requirements have now been complied with, and that the present petitioner Verl Hamilton is entitled to the relief prayed for in his petition filed on April 9, 1957.

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

##### THE COMMISSION FINDS:

That the petition filed herein by Verl Hamilton on April 9, 1957, should be granted.

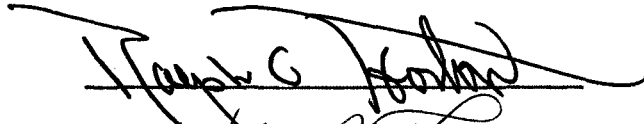


O R D E R

THE COMMISSION ORDERS:

That Decision No. 47580, of date March 21, 1957, insofar as it applies to and affects the transfer of Private Permit No. B-3987 from Carl Dunham, Cortez, Colorado, to Verl Hamilton, Cortez, Colorado, authorized in former Decision No. 46772, be, and the same is hereby, set aside, vacated, and held for naught.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AUTHORITY TO EXTEND ELEC- )  
TRIC LINES AND FACILITIES IN SECTION )  
33, TOWNSHIP 2-SOUTH, RANGE 68-WEST, )  
ADAMS COUNTY, COLORADO, TO SERVE )  
GARRETT BROMFIELD & CO., 201 SECURITY ) APPLICATION NO. 15076-Extension  
BUILDING, DENVER, COLORADO, FOR SER- )  
VICE TO VALLEY VISTA FILING NO. 1 )  
SUBDIVISION LOCATED BETWEEN THE DEN- )  
VER-BOULDER TURNPIKE AND 76TH AVENUE )  
AT BRONCO ROAD. (THIS SUBDIVISION )  
WILL INCLUDE 219 RESIDENTIAL CUS- )  
TOMERS). )

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
THORITY TO EXTEND ELECTRIC LINES AND )  
FACILITIES IN SECTION 33, TOWNSHIP )  
2-SOUTH, RANGE 68-WEST, ADAMS COUNTY, )  
COLORADO, TO SERVE GARRETT BROMFIELD ) APPLICATION NO. 15150-Extension  
& CO., 201 SECURITY BUILDING, DENVER, )  
COLORADO, FOR SERVICE TO VALLEY VISTA )  
FILING NO. 1 SUBDIVISION, LOCATED BE- )  
TWEEN THE DENVER-BOULDER TURNPIKE AND )  
76TH AVENUE, AT BRONCO ROAD. )

SUPPLEMENTAL ORDER

-----  
May 7, 1957  
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Appearances: Lee, Bryans, Kelly and Stansfield,  
Esqs., Denver, Colorado, by  
Bryant O'Donnell, Esq., Denver,  
Colorado,  
Charles J. Kelly, Esq., Denver,  
Colorado, and  
Fletcher Thomas, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth and Toll, Esqs.,  
Denver, Colorado, by  
Erl H. Ellis, Esq., Denver, Colo-  
rado, and  
John F. Shafroth, Esq., Denver,  
Colorado, for Union Rural Elec-  
tric Association, Inc.;  
E. R. Thompson, Denver, Colorado,  
J. M. McNulty, Denver, Colorado, and  
A. L. Mueller, Esq., Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On April 22, 1957, the Commission entered its Decision No. 47760, granting Application No. 15076 of Public Service Company of Colorado, Denver, Colorado, and denying Application No. 15150 of Union Rural Electric Association, Inc., Brighton, Colorado.

On April 30, 1957, "Application for Rehearing" was filed herein by Union Rural Electric Association, Inc., Brighton, Colorado.

The Commission has carefully re-examined the record and evidence in said matters, and has considered said Application for Rehearing filed herein, and each and every allegation thereof, and is unable to find anything therein to justify the granting of said Application for Rehearing.

F I N D I N G S

THE COMMISSION FINDS:

That Application for Rehearing, filed herein by Union Rural Electric Association, Inc., Brighton, Colorado, on April 30, 1957, should be denied.

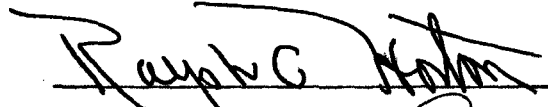


O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing, filed herein by Union Rural Electric Association, Inc., Brighton, Colorado, on April 30, 1957, 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 7th day of May, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PUBLIC SERVICE COMPANY OF COLORADO, )	
900 FIFTEENTH STREET, DENVER, COLO- )	
RADO, FOR AUTHORITY TO EXTEND ELEC- )	
TRIC LINES AND FACILITIES IN SECTION )	<u>APPLICATION NO. 15082-Extension</u>
34, TOWNSHIP 2-SOUTH, RANGE 68-WEST, )	
ADAMS COUNTY, COLORADO, TO SERVE MT. )	
ZION LUTHERAN CHURCH, 4609 EAST COL- )	
FAX AVENUE, DENVER, COLORADO. )	
----- )	

IN THE MATTER OF THE APPLICATION OF )	
UNION RURAL ELECTRIC ASSOCIATION, )	
INC., BRIGHTON, COLORADO, FOR AU- )	
THORITY TO EXTEND FACILITIES IN )	
SECTION 34, TOWNSHIP 2-SOUTH, RANGE )	<u>APPLICATION NO. 15151-Extension</u>
68-WEST, TO SERVE MT. ZION LUTHERAN )	
CHURCH, TO BE CONSTRUCTED IN TRACT )	
"A" OF BLOCK 39, NW $\frac{1}{4}$ SECTION 34, )	
TOWNSHIP 2-SOUTH, RANGE 68-WEST. )	
----- )	

SUPPLEMENTAL ORDER

-----  
May 7, 1957  
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Appearances: Lee, Bryans, Kelly & Stansfield,  
by  
Bryant O'Donnell, Esq., Denver,  
Colorado,  
Charles J. Kelly, Esq., Denver,  
Colorado, and  
Fletcher Thomas, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth and Toll, Esqs.,  
Denver, Colorado, by  
Erl H. Ellis, Esq., Denver,  
Colorado, and  
John F. Shafroth, Esq., Denver,  
Colorado, for Union Rural  
Electric Association, Inc.;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On April 22, 1957, the Commission entered its Decision  
No. 47761, granting Application No. 15082 of Public Service Company  
of Colorado, Denver, Colorado, and denying Application No. 15151  
of Union Rural Electric Association, Inc.



On April 30, 1957, "Application for Rehearing" was filed herein by Union Rural Electric Association, Inc., Brighton, Colorado.

The Commission has carefully re-examined the record and evidence in said matters, and has considered said Application for Rehearing filed herein, and each and every allegation thereof, and is unable to find anything therein to justify the granting of said Application for Rehearing.

F I N D I N G S

THE COMMISSION FINDS:

That Application for Rehearing, filed herein by Union Rural Electric Association, Inc., Brighton, Colorado, on April 30, 1957, should be denied.

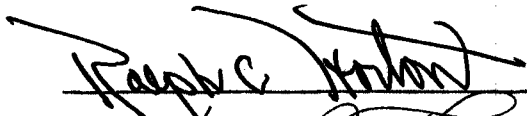

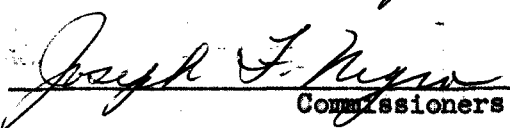
O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing, filed herein by Union Rural Electric Association, Inc., Brighton, Colorado, on April 30, 1957, should be, and the same hererby 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 7th day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAYMOND PRADO, 3600 KALAMATH STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 14921-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-3684. )  
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May 9, 1957  
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Appearances: Raymond Prado, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, 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:

Raymond Prado, Denver, Colorado, is the owner of Private  
Permit No. B-3684, authorizing:

Transportation of sand, gravel and other  
road surfacing materials from pits and  
supply points within a fifty (50) mile  
radius of Denver to road and building  
construction jobs within said 50 mile  
radius, excluding service in Boulder,  
Clear Creek and Gilpin Counties.

Extended to transportation of clay from  
pits and supply points within a 50 mile  
radius of Denver, Colorado, to points  
within said area.

By the instant application, he seeks an extension of author-  
ity under said permit to authorize the transportation of sand, gravel,  
etc., in the usual form, the purpose being to eliminate the restriction  
in his original permit, excluding service in Boulder, Clear Creek and  
Gilpin Counties.

The application was assigned for hearing before Examiner

Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has now submitted his Report of the proceedings, as follows:

Applicant asked that his list of equipment on file with the Commission be made a part of the record by reference. He stated that his net worth is \$20,000. He is working for the Western Paving Construction Company in the Denver area, which now has road contracts in Boulder, Clear Creek and Gilpin Counties. He has had 17 years experience in the transportation business. He agreed that any authority issued should be restricted to the use of dump trucks only.

No evidence was given in protest.

It is the opinion of the Examiner that the instant application should be granted, but restricted to the use of dump trucks only.

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 hereby made a part of these Findings by reference, and the Report of the Examiner referred to therein should be approved.

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

#### O R D E R

##### THE COMMISSION ORDERS:

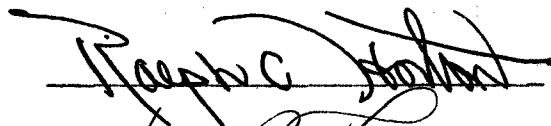
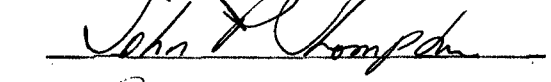
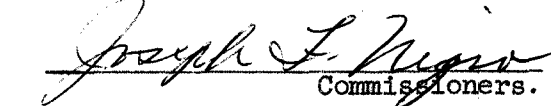
That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Raymond Prado, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-3684, to

include the transportation, in dump trucks only, 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.

This Order is made a 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 9th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ED A. JONES, 1361 KALAMATH )  
STREET, DENVER, COLORADO. ) PERMIT NO. B-2753  
-----)

-----  
May 3, 1957  
-----

S T A T E M E N T

By the Commission:

On November 3, 1956, the Commission entered its Decision No. 46822, authorizing the above-styled permit-holder to suspend operations under Permit No. B-2753 until May 3, 1957.

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 injury of Ed A. Jones, owner of said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

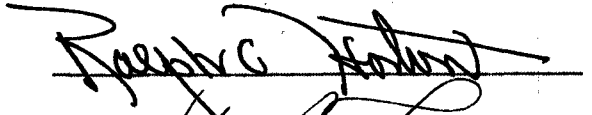

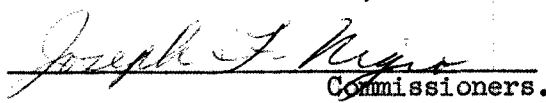
THE COMMISSION ORDERS:

That Ed A. Jones, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-2753 until November 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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE BOARD OF COUNTY COMMISSIONERS )  
OF THE COUNTY OF CROWLEY, IN THE )  
STATE OF COLORADO, FOR AN ORDER RE- )  
QUIRING MISSOURI PACIFIC RAILROAD )  
COMPANY TO CONSTRUCT HIGHWAY CROSSING. )  
----- )

APPLICATION NO. 14726  
SUPPLEMENTAL ORDER

-----  
May 9, 1957  
-----

Appearances: Harry E. Mast, Esq., Ordway,  
Colorado, for Applicant;  
J. W. Preston, Esq., Pueblo,  
Colorado, and  
Leo S. Altman, Esq., Pueblo,  
Colorado, for Missouri  
Pacific Railroad Company;  
J. L. McNeill, Denver, Colo-  
rado, for the Commission's  
Staff.

S T A T E M E N T

By the Commission:

By Decision No. 47806, dated April 22, 1957, the Com-  
mission denied the Board of County Commissioners of Crowley County  
authority to open a public highway-railroad grade crossing on the  
section line between Sections 19 and 20, Township 21-South, Range  
57-West in Crowley County, Colorado, and over the track and right-  
or-way of the Missouri Pacific Railroad Company.

On May 2, 1957, Petition for Rehearing was filed in  
said matter by Harry E. Mast, County Attorney, Crowley County,  
Ordway, Colorado, on behalf of the Board of County Commissioners  
of said County.

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 the Board of County Commissioners of the County of Crowley, by Harry E. Mast, County Attorney, Ordway, Colorado, should be denied.

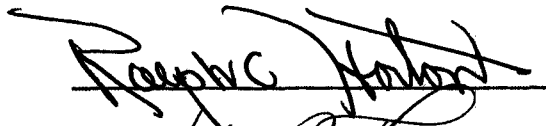
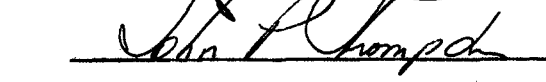

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter, filed by the Board of County Commissioners of the County of Crowley, by Harry E. Mast, County Attorney, Ordway, 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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1957.

ea



original

(Decision No. 47894)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLBURN MOTOR TOURS, INC., 32 SOUTH )  
NEVADA, COLORADO SPRINGS, COLORADO, )  
FOR AUTHORITY TO LEASE PUC NO. 1265 )  
TO WAYNE W. WALK AND FRANCES M. WALK, ) APPLICATION NO. 15213-Lease  
CO-PARTNERS, DOING BUSINESS AS "TARMAN )  
TOURS," 1025 EAST JEFFERSON STREET, )  
COLORADO SPRINGS, COLORADO. )  
-----)

-----  
May 9, 1957  
-----

Appearances: K. B. Charlesworth, Colorado  
Springs, Colorado, for  
Colburn Motor Tours, Inc.;  
Wayne W. Walk, Colorado  
Springs, Colorado, for  
Tarman Tours;  
Ben S. Wendelken, Esq., Colo-  
rado Springs, Colorado, for  
Pikes Peak Automobile Company.

S T A T E M E N T

By the Commission:

On April 22, 1957, the Commission entered its Decision  
No. 47764 in the above-styled application, authorizing Colburn  
Motor Tours, Inc., Colorado Springs, Colorado, to lease PUC No.  
1265 to Wayne W. Walk and Frances M. Walk, co-partners, doing  
business as "Tarman Tours," Colorado Springs, Colorado.

The Commission is now in receipt of a communication  
from applicants herein, stating that said lease agreement will  
not be consummated, and requesting that authority so to lease  
be set aside.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

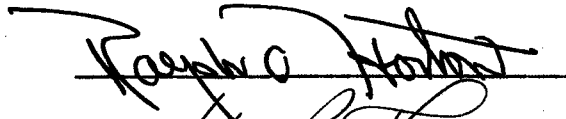


THE COMMISSION ORDERS:

That Decision No. 47764, of date April 22, 1957, author-

izing Colburn Motor Tours, Inc., Colorado Springs, Colorado, to lease PUC No. 1265 to Wayne W. Walk and Frances M. Walk, co-partners, doing business as "Tarman Tours," Colorado Springs, Colorado, should be, and hereby is, set aside, vacated, and held for naught, at request of Applicants herein, and the Secretary of the Commission is hereby instructed to change the records of the Commission to show that said PUC No. 1265 is owned and operated by Colburn Motor Tours, Inc., Colorado Springs, Colorado.

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 May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BEN C. RUSSELL, 1217 20TH STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15285-Transfer  
TRANSFER PUC NO. 3697 TO HARRY R. )  
ELLIS, 7381 BRYANT STREET, DENVER, )  
COLORADO. )  
-----

-----  
May 9, 1957  
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Appearances: Ben C. Russell, Denver,  
Colorado, pro se;  
Harry R. Ellis, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Ben C. Russell, Denver, Colorado, is the owner of PUC No.  
3697, authorizing:

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 Den-  
ver, to regularly-designated and approved  
dumps and disposal places within the  
Counties of Adams, Arapahoe, and Jeffer-  
son, State of Colorado.

By the instant application, he seeks authority to transfer  
his operating rights under said certificate to Harry R. Ellis, Denver,  
Colorado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, April 23, 1957, at 11:00 o'clock  
A. M., with due notice to all interested parties, and was there heard  
and taken under advisement.

The Examiner has submitted his Report of the proceedings, as  
follows:

Transferor testified that the consideration for the proposed transfer is \$1,500. Of this amount, \$750 has been paid and the balance is payable at the rate of \$65 a month on the first day of each month, with 2% interest per annum. The purchase price includes a 1940 Studebaker pick up truck. He is now serving 100 customers under the certificate, and there are no debts against the certificate or operations thereunder.

Transferee Ellis corroborated the testimony of Transferor. He now owns and operates under PUC No. 2858, and is one of the partners operating PUC No. 2069, both certificates authorizing service similar to that purchased. He has had four years experience in the transportation business, and the net worth of the partnership is \$10,000.

No one appeared in protest.

It is the opinion of the Examiner that the Transferee is well qualified by experience and financially to carry on the proposed operation.

#### 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 the 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, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Ben C. Russell, Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest

in and to PUC No. 3697, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Harry R. Ellis, Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

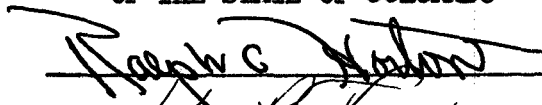
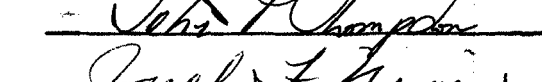

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements 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 9th day of May, 1957.

mls

original



Commission on March 22, 1957, and on April 22, 1957, Public Service Company of Colorado filed its protest to said application with the Commission. These matters were duly set for hearing by the Commission, after due notice to all interested parties, on April 30, 1957, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-entitled applications for hearing, and these matters were heard on a consolidated record, together with Applications Nos. 15177, 15182 and 15200 of Public Service Company of Colorado, and Applications Nos. 15268 and 15270 of Union Rural Electric Association, Inc. At the conclusion of the hearing on the above applications, the Commission took the matters under advisement.

The procedure being followed in these proceedings was set forth by the Commission in its Decision No. 47074 of January 7, 1957, in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which Applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from presently existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "T" in Application No. 15076 and Application No. 15150.

The subject matter of the present applications herein has to do with the rendering of electric service to Mr. LeRoy Stewart, developer of "Chambers Heights Subdivison" which is located East of Chambers Road between East 34th Avenue and East 34th Place, in the Northwest Quarter (NW $\frac{1}{4}$ ), Section 29, Township 3-South, Range 66-West, Adams County, Colorado. Since both Applicants are desirous of rendering this service, it is necessary for the Commission to determine on the record herein who should be permitted to serve.

Each party in turn at the hearing submitted evidence in support of its application. Public Service Company of Colorado

submitted and testified to Exhibits Nos. 1 to 10, inclusive, and Union Rural Electric Association, Inc., submitted and testified to Exhibits A to I, inclusive. In addition to presenting testimony in support of its respective applications, each participant protested the granting of the application to the other party.

The Commission has carefully reviewed the testimony herein, together with all exhibits submitted, and believes that public convenience and necessity can best be served now and in the future by granting the application of Union Rural Electric Association, Inc., and denying the application of Public Service Company of Colorado.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both Applicants herein and of the subject matter involved in the instant applications.
2. That the Commission is fully advised in the premises.
3. That the foregoing Statement be made a part hereof.
4. That public convenience and necessity require that Application No. 15227 of Union Rural Electric Association, Inc., should be granted to supply electric service to Mr. LeRoy Stewart and to the subdivision known as "Chambers Heights Subdivision" which is located East of Chambers Road between East 34th Avenue and East 34th Place, located in the Northwest Quarter (NW $\frac{1}{4}$ ), Section 29, Township 3-South, Range 66-West, Adams County, Colorado, all as more fully shown on Exhibit "D" being a map submitted at the hearing, and, by reference, made a part hereof.
5. That Union Rural Electric Association, Inc., is qualified to render said electric service, and it appears from the record that public interest would best be served by the granting of said application.
6. That Application No. 15148 of Public Service Company of Colorado, should be denied for the reason that in the Order to follow we shall grant Union Rural Electric Association, Inc. the right to render said electric service.



O R D E R

THE COMMISSION ORDERS:

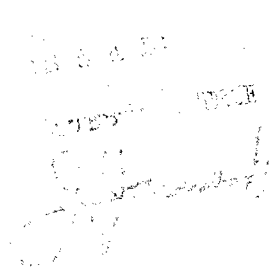
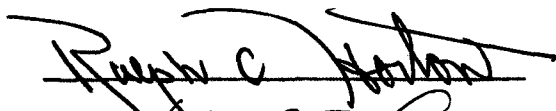

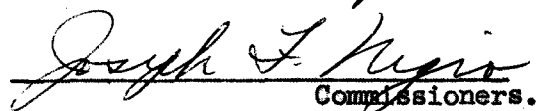
That Union Rural Electric Association, Inc., of Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to render electric service to Mr. LeRoy Stewart, developer of "Chambers Heights Subdivision" and to said "Chambers Heights Subdivision" which is located East of Chambers Road between East 34th Avenue and East 34th Place, in the Northwest Quarter (NW $\frac{1}{4}$ ), Section 29, Township 3-South, Range 66-West, Adams County, Colorado, all as more fully shown on Exhibit "D" being a map submitted at the hearing and which, by reference, is made a part hereof.

That Union Rural Electric Association, Inc., shall render electric service under the certificate granted herein under the rates, rules and regulations of said Association, now or hereafter on file with this Commission, until changed according to law and the rules and regulations of this Commission.

That Application No. 15148 of Public Service Company of Colorado, be, and it hereby is, denied.

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 9th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PUBLIC SERVICE COMPANY OF COLORADO,	)	
900 FIFTEENTH STREET, DENVER, COLO-	)	
RADO, FOR AUTHORITY TO EXTEND ELEC-	)	
TRIC LINES AND FACILITIES IN SECTIONS	)	APPLICATION NO. 15177-Extension
25 & 26, TOWNSHIP 2-SOUTH, RANGE 68-	)	
WEST, ADAMS COUNTY, COLORADO, TO	)	
DREAM HOUSE ACRES, INC., 1402 MILE	)	
HIGH CENTER, DENVER, COLORADO.	)	
-----	)	

IN THE MATTER OF THE APPLICATION OF	)	
UNION RURAL ELECTRIC ASSOCIATION, INC.,	)	
BRIGHTON, COLORADO, FOR AUTHORITY TO	)	
EXTEND FACILITIES IN SECTIONS 25 & 26,	)	
TOWNSHIP 2-SOUTH, RANGE 68-WEST, TO	)	APPLICATION NO. 15268-Extension
SERVE THE ENTIRE DREAM HOUSE ACRES	)	
DEVELOPMENT OF NORTHFIELD SUBDIVISION,	)	
PLANNED BY THE DREAM HOUSE ACRES, INC.	)	
-----	)	

-----  
May 9, 1957  
-----

Appearances: Lee, Bryans, Kelly & Stansfield,  
Esqs., by Charles J. Kelly, Esq.,  
Denver, Colorado, and  
Bryant O'Donnell, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth & Toll, Esqs., by  
Erl H. Ellis, Esq., Denver,  
Colorado, and  
John F. Shafroth, Esq., Denver,  
Colorado, for Union Rural  
Electric Association, Inc.;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

Application No. 15177, of Public Service Company of  
Colorado, was filed with the Commission on March 6, 1957, and a  
protest to said application was filed with the Commission by  
Union Rural Electric Association, Inc., on March 14, 1957.  
Application No. 15268, of Union Rural Electric Association, Inc.,

was filed with the Commission on April 4, 1957, and a protest to said application was filed with the Commission by Public Service Company of Colorado on April 22, 1957. These matters were duly set for hearing by the Commission, after due notice to all interested parties, on April 30, 1957, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-entitled applications for hearing, and these matters were heard on a consolidated record, together with Applications Nos. 15148, 15182 and 15200 of Public Service Company of Colorado, and Applications Nos. 15227 and 15270 of Union Rural Electric Association, Inc. At the conclusion of the hearing on the above applications, the Commission took the matters under advisement.

The procedure being followed in these proceedings was set forth by the Commission in its Decision No. 47074 of January 7, 1957, in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from presently existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "T" in Application No. 15076 and Application No. 15150.

The subject matter of the present applications herein has to do with the rendering of electric service to Dream House Acres, Inc., for the development of the Northfield Subdivision, located in Sections 25 and 26, Township 2-South, Range 68-West, Adams County, Colorado. Since both Applicants are desirous of rendering this service, it is necessary for the Commission to determine on the record herein who should be permitted to serve.

Each party in turn at the hearing submitted evidence in support of its application. Public Service Company of Colorado submitted and testified to Exhibits Nos. 1 to 10, inclusive, and

Union Rural Electric Association, Inc., submitted and testified to Exhibits "A" to "I" inclusive. In addition to presenting testimony in support of its respective application, each participant protested the granting of the application to the other party.

The Commission has carefully reviewed the testimony herein, together with all exhibits submitted, and believes that public convenience and necessity can best be served now and in the future by granting the application of Public Service Company of Colorado and denying the application of Union Rural Electric Association, Inc.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both Applicants herein and of the subject matter involved in the instant applications.
2. That the Commission is fully advised in the premises.
3. That the foregoing Statement be made a part hereof by reference.
4. That public convenience and necessity require that Application No. 15177 of Public Service Company of Colorado, should be granted to supply electric service to Dream House Acres, Inc., for the development in the Northfield Subdivision to be located in Sections 25 and 26, Township 2-South, Range 68-West, Adams County, Colorado, all as more fully shown on Exhibit No. 7, being the map attached to Application No. 15177, and, by reference, made a part hereof.
5. That Public Service Company of Colorado is qualified to render said electric service, and it appears from the record that public interest would best be served by the granting of said application.
6. That Application No. 15268 of Union Rural Electric Association, Inc., should be denied for the reason that in the Order to follow we shall grant Public Service Company of Colorado the right to render said electric service.

O R D E R

THE COMMISSION ORDERS:

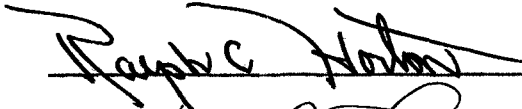


That Public Service Company of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to render electric service to Dream House Acres, Inc., for the development of Northfield Subdivision, to be located in Sections 25 and 26, Township 2-South, Range 68-West, Adams County, Colorado, all as more fully shown on Exhibit No. 7, being the map attached to Application No. 15177, and which, by reference, is made a part hereof.

That Public Service Company of Colorado shall render electric service under the certificate granted herein under the rates, rules and regulations of said Company now or hereafter on file with this Commission until changed according to law and the rules and regulations of this Commission.

That Application No. 15268 of Union Rural Electric Association, Inc., be, and it hereby is, denied.

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 9th day of May, 1957.

ea

(Decision No. 47898)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY OF COLORADO,  
900 FIFTEENTH STREET, DENVER, COLO-  
RADO, FOR AUTHORITY TO EXTEND ELEC-  
TRIC LINES AND FACILITIES IN SECTION  
11, TOWNSHIP 2-SOUTH, RANGE 69-WEST,  
JEFFERSON COUNTY, COLORADO, TO SERVE  
RUSSELL C. BRIGDEN, 1443 SOUTH ZUNI  
STREET.

APPLICATION NO. 15182-Extension

May 9, 1957

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs., by Charles J. Kelly, Esq., Denver, Colorado, and Bryant O'Donnell, Esq., Denver, Colorado, for Public Service Company of Colorado;  
Grant, Shafroth & Toll, Esqs., by Erl H. Ellis, Esq., Denver, Colorado, and John F. Shafroth, Esq., Denver, Colorado, for Union Rural Electric Association, Inc.;  
E. R. Thompson, Denver, Colorado, and  
J. M. McNulty, Denver, Colorado, for the Commission.

# STATEMENT

By the Commission:

Application No. 15182 of Public Service Company of Colorado, was filed with the Commission on March 8, 1957, and on March 14, 1957, Union Rural Electric Association, Inc., filed a protest to said application with the Commission. This Application was duly set for hearing by the Commission, after due notice to all interested parties, on April 30, 1957, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At said time and place, the Commission called the above-entitled application for hearing, and this matter was heard on a con-

solidated record, together with Applications Nos. 15177, 15148, 15200 of Public Service Company of Colorado, and Applications Nos. 15227, 15268, 15270 of Union Rural Electric Association, Inc. At the conclusion of the hearing on the above applications, the Commission took the matters under advisement.

The procedure being followed in these proceedings was set forth by the Commission in its Decision No. 47074 of January 7, 1957, in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from presently existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "T" in Application No. 15076 and Application No. 15150.

The subject matter of the present applications herein has to do with the rendering of electric service to Mr. Russell C. Brigden for electric service to the Thompson Subdivision to be developed North of West 108th Avenue and West of Wadsworth, located in Section 11, Township 2-South, Range 69-West in Jefferson County, Colorado.

Testimony at the hearing revealed that the Thompson Subdivision is located within 300 feet of existing electric lines owned by Union Rural Electric Association, Inc., of Brighton, Colorado. Because of this fact, Union Rural Electric Association deemed it unnecessary to file an application to render this service. Union appeared at the hearing to protest the granting of the application of Public Service to render said electric service in the Thompson Subdivision.

In order for Public Service Company of Colorado to render service to the Thompson Subdivision, it would have to extend its lines and facilities over one-half mile. After examining all the exhibits, including those in the record by reference, the Commission is of the opinion that the application of Public Service Company of Colorado to serve the Thompson Subdivision should be denied.

F I N D I N G S

THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both applicants herein and of the subject matter involved in the instant applications.
2. That the Commission is fully advised in the premises.
3. That the foregoing Statement be made a part hereof by reference.
4. That Application No. 15182 of Public Service Company of Colorado to serve the Thompson Subdivision to be located in Section 11, Township 2 South, Range 69 West of Jefferson County, Colorado, should be denied, since the granting of said application would not be compatible with the public interest.

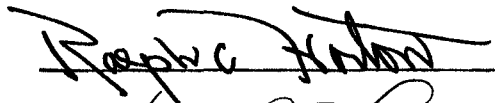


O R D E R

THE COMMISSION ORDERS:

That Application No. 15182 of Public Service Company of Colorado, to render electric service in the Thompson Subdivision to be located in Section 11, Township 2 South, Range 69 West, Jefferson County, Colorado, be, and it is hereby, denied.

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 9th day of May, 1957.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AUTHORITY TO EXTEND ELEC- )  
TRIC LINES AND FACILITIES IN SECTION )  
26, TOWNSHIP 2-SOUTH, RANGE 68-WEST, )  
ADAMS COUNTY, COLORADO, TO SERVE )  
CITY VIEW HEIGHTS SUBDIVISION, BE- )  
TWEEN EAST 84TH AVENUE EXTENDED AND )  
EAST 88TH AVENUE FROM NORTH WASHING- )  
TON STREET TO NORTH FRANKLIN STREET. )  
-----

APPLICATION NO. 15200-Extension  
AMENDED

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
ORITY TO EXTEND FACILITIES IN THE )  
NORTHWEST QUARTER OF SECTION 26, )  
TOWNSHIP 2-SOUTH, RANGE 68-WEST, TO )  
SERVE AN ESTIMATED 88 NEW HOMES AND )  
A SHOPPING CENTER AND ALL THE ELEC- )  
TRICAL NEEDS OF THOSE PERSONS WHO )  
LOCATE IN THE PROPOSED CITY VIEW )  
HEIGHTS SUBDIVISION, OR THE EXTEN- )  
SION THEREOF, PLANNED FOR PARTS OF )  
SAID QUARTER SECTION. )  
-----

APPLICATION NO. 15270-Extension  
AMENDED

-----  
May 9, 1957  
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Appearances: Lee, Bryans, Kelly & Stansfield,  
Esqs., by Charles J. Kelly,  
Esq., Denver, Colorado, and  
Bryant O'Donnell, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth & Toll, Esqs.,  
by Erl H. Ellis, Esq., Denver,  
Colorado, and  
John F. Shafroth, Esq., Denver,  
Colorado, for Union Rural  
Electric Association, Inc.;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

Application No. 15200, of Public Service Company of Colorado, was filed with the Commission on March 13, 1957, and on April 4, 1957, Public Service Company filed its amended application in Application No. 15200. Application No. 15270, of Union Rural Electric Association, Inc., was filed with the Commission on April 4, 1957, and said application was amended by Union Rural Electric Association, Inc., by letter filed with the Commission on April 12, 1957. Public Service Company of Colorado filed a protest with the Commission to Application No. 15270 of Union Rural Electric Association, Inc., on April 22, 1957, and on April 23, it filed a protest to the amended application of Union Rural Electric Association, Inc. Union Rural Electric Association, Inc. filed a protest with the Commission to Application No. 15200 of Public Service Company of Colorado, on March 19, 1957, and on April 12, 1957, Union Rural Electric Association, Inc. filed a protest to the amended application in Application No. 15200.

These matters were duly set for hearing by the Commission, after due notice to all interested parties, on April 30, 1957, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At said time and place, the Commission called the above-entitled applications for hearing, and these matters were heard on a consolidated record, together with Applications Nos. 15177, 15148, and 15182 of Public Service Company of Colorado, and Applications Nos. 15227 and 15268 of Union Rural Electric Association, Inc. At the conclusion of the hearing on the above applications, the Commission took the matters under advisement.

The procedure being followed in these proceedings was set forth by the Commission in its Decision No. 47074, of January 7, 1957,

in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from presently existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "T" in Application No. 15076 and Application No. 15150.

The subject matter of the present applications herein has to do with the rendering of electric service to the City View Heights Company, in the City View Heights Subdivision between East 84th Avenue extended and East 88th Avenue from North Washington Street to North Franklin Street, which area lies in the Northwest Quarter of Section 26, Township 2-South, Range 68-West, in Adams County, Colorado. Since both applicants are desirous of rendering this service, it is necessary for the Commission to determine on the record herein who should be permitted to serve.

Each party in turn at the hearing submitted evidence in support of its application. Public Service Company of Colorado submitted and testified to Exhibits Nos. 1 to 10, inclusive, and Union Rural Electric Association, Inc. submitted and testified to Exhibits A to I, inclusive. In addition to presenting testimony in support of its respective application, each participant protested the granting of the application to the other party.

The Commission has carefully reviewed the testimony herein, together with all exhibits submitted, and believes that public convenience and necessity can best be served now and in the future by granting the application of Public Service Company of Colorado and denying the application of Union Rural Electric Association, Inc.

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

##### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both applicants herein and of the subject matter involved in the instant applications.

2. That the Commission is fully advised in the premises.
3. That the foregoing Statement be made a part hereof by reference.
4. That public convenience and necessity require that Application No. 15200 as amended, of Public Service Company of Colorado, should be granted to supply electric service to City View Heights Company and in the City View Heights Subdivision between East 84th Avenue extended and East 88th Avenue from North Washington Street to North Franklin Street, located in the Northwest Quarter of Section 26, Township 2-South, Range 68-West, in Adams County, Colorado, all as more fully shown on Exhibit No. 6, being the map attached to Application No. 15200 as amended, and, by reference, made a part hereof.
5. That Public Service Company of Colorado is qualified to render said electric service, and it appears from the record that public interest would best be served by the granting of said application.
6. That Application No. 15270 as amended, of Union Rural Electric Association, Inc., should be denied for the reason that in the Order to follow we shall grant Public Service Company of Colorado the right to render said electric service.

O R D E R

THE COMMISSION ORDERS:

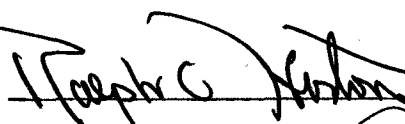


That Public Service Company of Colorado be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to render electric service to City View Heights Company and in the City View Heights Subdivision between 84th Avenue extended and East 88th Avenue from North Washington Street to North Franklin Street, located in the Northwest Quarter of Section 26, Township 2-South, Range 68-West, in Adams County, Colorado, all as more fully shown on Exhibit 6, being the map attached to Application No. 15200 as amended, and which, by reference, is made a part hereof.

That Public Service Company of Colorado shall render electric service under the certificate granted herein under the rates, rules and regulations of said Company now or hereafter on file with this Commission until changed according to law and the rules and regulations of this Commission.

That Application No. 15270 as amended, of Union Rural Electric Association, Inc., be, and it hereby is, denied.

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 9th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN VERNON ASHBROOK, 9501 WEST )  
COLFAX AVENUE, LAKEWOOD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 15288-PP  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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May 13, 1957  
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Appearances: John Vernon Ashbrook, Lake-  
wood, 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:

By the instant application, John Vernon Ashbrook, Lakewood, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of sand, gravel, road-surfacing materials, dirt, stone, refuse, and insulrock, the application being in the usual form.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant testified that he is working for the Brannan Sand & Gravel Company, hauling sand and gravel to Littleton and Arvada and has been requested by said Company to obtain this authority. He owns a 1957 Chevrolet 2-ton dump truck and his net worth is \$25,000. He

has had several years experience in the transportation business. He agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

It is the opinion of the Examiner that the authority sought should be granted, as restricted in the following Order.

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 hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

That the instant application should be granted, as restricted in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That John Vernon Ashbrook, Lakewood, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, in dump trucks only, 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.

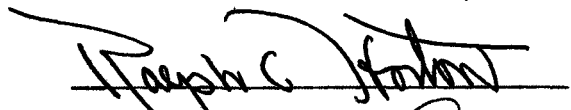


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 13th day of May, 1957.

mls



original

(Decision No. 47901)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KERMIT D. WETTERSTROM, 1236 EAST )  
HAMPDEN, ENGLEWOOD, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 15296-PP

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May 13, 1957  
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Appearances: Thelma Wetterstrom, Englewood,  
Colorado, for Applicant;  
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:

By the instant application, Kermit D. Wetterstrom, 1236 East Hampden, Englewood, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of sand, gravel, road surfacing materials, dirt, stone, refuse, and insulrock, the application being in the usual form.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

The testimony showed that applicant had owned his own truck since January 25, 1957. Before that time, he had been employed by W. F. Snyder, Ed Hayworth, and other companies and is

now working for the Schmidt Construction Company of Arvada, on a road job in Boulder County. He owns a 1956 Ford T-800 Dump Truck, and his net worth is \$12,000. He has been requested to obtain the authority by the Schmidt Construction Company.

Applicant agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

It is the opinion of the Examiner that the proposed operation should 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:

That the above and foregoing Statement is hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

That the instant application should be granted, as restricted in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Kermit D. Wetterstrom, 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, in dump trucks only, 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.

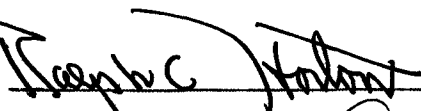
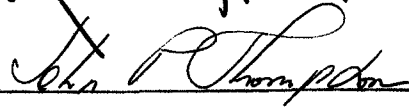

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

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 13th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PUBLICATION OF A RATE OF ELEVEN )  
CENTS PER ONE HUNDRED 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. )  
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INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 388

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May 9, 1957  
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Appearances: Edward Admon, Esq., 405 Symes Bldg., Denver,  
Colorado, for Harold E. Watson, Jr.;  
Clayton B. Knowles, Esq., Denver Club Bldg.,  
for Union Pacific Railroad Company;  
T. C. Taylor and Paul S. Barnett, Ideal Cement  
Company, 507 Denver National Bank Building,  
Denver, Colorado;  
A. L. Mueller, Esq., T. S. Wood and S. J. Philippon  
for the Staff of the Commission.

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 (held August 7, 1956, State Office Building, Denver, Colorado) 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 The Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6.

Pending the decision thereon, 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 intra-state traffic until the 17th day of November, 1956, unless otherwise ordered.

By Decision No. 46834, dated November 16, 1956, the Commission further suspended the schedule in said tariff for a period of six months or until the 17th day of May, 1957.

The carrier's authority is as follows:

"A general moving and cartage business in the city of Loveland, and in the county of Larimer, and occasional service throughout the state of Colorado, subject to the restriction that rates should be charged at least twenty (20%) per cent in excess of those charged by scheduled carriers for the transportation of commodities other than household goods when serving between points served singly or in combination by said scheduled carriers, and also that he shall limit his office and agents to the city of Loveland, only."

Witness Harold E. Watson, Jr. - Applicant's Exhibit I showed a picture of the type of equipment which he expected to use in this operation. The testimony was that he has four complete units which he could put on this operation and his gross revenue per trip hauling Cement from Boettcher to Denver would be \$60.00 and that a back haul on Pyrite Cinders at the rate proposed would produce the amount of \$52.80; that his operating ratio for the past six months was 83.0; he relies on Certificate P.U.C. 498 for the authority to haul this traffic; that the total distance from Denver to Boettcher is 71 miles and the proposed operation would require two round trips per day. For the past six-month period ending June 30, 1956, he had a net profit of \$16,012.98. An operating statement setting forth the above amounts was offered as Exhibit 2, covering the period January 1, 1956, to June 30, 1956.

Witness Tom C. Taylor testified that the use of Pyrite Cinders in special types of Cement is required; that at the present time 1,900 tons per year are being used in the process at Boettcher, Colorado, and that in the immediate future it is probable that use will be about 4,800 tons per year; that the Boettcher Plant is now under an expansion program which will double their output; that 74% of the Cement produced at the Boettcher Plant is moving by truck, although the Plant is located on the Union Pacific Railroad. After the expansion, the Ideal Cement Company does not intend to use rail transportation; that the Pyrite Cinders involved in this application are purchased from the General Chemical Company, Denver, Colorado; that Denver-Laramie-Walden Truck Line also serves Boettcher, Colorado.

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

THE COMMISSION FINDS, That:

1. The foregoing statement is, by reference, incorporated hereto and made a part hereof.

2. That the type of operation proposed is a regular movement and not the occasional service provided for in P.U.C. 498.

3. That the attempt to increase the authority in P.U.C. 498 by the filing of a tariff is improper.

4. That adequate transportation facilities are presently available between Denver and Boettcher, Colorado.

5. That the proposed tariff in the instant case should be permanently suspended.

O R D E R

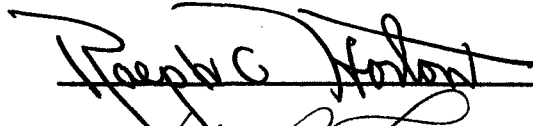


THE COMMISSION ORDERS, That:

1. Item No. 1812, 8th Revised Page No. 174 to The Motor Truck Common Carriers' Association, Agent, Local and Joint Tariff No. 12, Colorado P.U.C. No. 6, shall be cancelled and removed from the respective tariff on or before the 17th day of May, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

BY ORDER

Attest:  
Secretary

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1957.

mem

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES WORTHMAN, 2251 WEST CENTER )  
AVENUE, DENVER, COLORADO, FOR AUTH- ) APPLICATION NO. 15287-PP-Extension  
ORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-4039. )  
----- )

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May 13, 1957  
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Appearances: Charles Worthman, Denver,  
Colorado, pro se;  
Marion Smyser, Esq., Denver,  
Colorado, for The Denver &  
Rio Grande Western Railroad  
Company.

S T A T E M E N T

By the Commission:

Charles F. Worthman is the owner of Private Permit  
No. B-4039, authorizing:

Transportation of forest and sawmill products,  
including logs and timber, but not finished  
lumber, to Denver, Colorado, and points within  
10 miles thereof, from points within 5 miles of  
the Towns of Fraser, Winter Park, and Brecken-  
ridge, and from points within a radius of 50  
miles of Salida, Colorado.

By the instant application, he seeks authority to extend  
operations under said permit to include the right to transport  
forest and sawmill products, including rough lumber, logs and  
timber, but not including finished lumber, from Basalt, Colorado,  
to Denver, Colorado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, April 23, 1957, with due notice  
to all interested parties, and was there heard and taken under  
advisement.

The Examiner has submitted his Report of the proceedings,  
as follows:

Applicant testified that one Larry Harp is operating a sawmill approximately six miles east of Basalt, Colorado, and wishes applicant to haul his rough lumber from said mill to Denver. The lumber is hauled to the Reed Planing Mill in Denver. He has been performing this service under temporary authority from the Commission since March 12, 1957. He handles most of the products from the sawmill referred to, but Harp hauls some of the products in his own truck. The equipment list and financial statement of applicant on file with the Commission was made a part of the record by reference. Witness stated that he has had 25 years experience in this type of transportation and his equipment is well suited for the operations conducted under the permit. He agreed that any authority issued should be limited to the transportation of the products involved from the one mill only, to-wit: the sawmill of Larry Harp, approximately six miles east of Basalt, Colorado.

No evidence was given on behalf of protestant.

The Examiner is of the opinion that the extension sought should be granted.

#### 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 the Report of the Examiner referred to therein should be approved.

That the extension sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Charles Worthman, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4039, to include the right to transport forest and sawmill products, including rough lumber, logs, and timber, but not including finished lumber, from the sawmill of Larry Harp, only, located approximately six (6) miles east of Basalt, Colorado, to Denver, Colorado.



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

Ralph C. Hobart  
John P. Thompson  
Joseph I. Higin  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1957.

ea

original

(Decision No. 47904)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LAWRENCE ROUSSELLE, 6694 HIGHWAY 6, )  
DERBY, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 15209  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
May 13, 1957  
- - - - -

Appearances: Lawrence Rousselle, Derby,  
Colorado, pro se;  
Harold D. Torgan, Esq.,  
Denver, Colorado,  
for Thorson Trailer  
Service, et al.

S T A T E M E N T

By the Commission:

By the instant application, Lawrence Rousselle, 6694 Highway 6, Derby, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of house trailers from point to point within the State of Colorado.

Said application was assigned for hearing before Examiner Joseph W. Hawley, on April 18, 1957, at 330 State Office Building, Denver, Colorado, after due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant testified that he has been operating the Lincoln Trailer Court for the past ten months and is agent for the "M" Trailer System, of Texarkana, Texas, and Roycraft Trailer Company, of Chesney, Michigan. He was formerly a farmer in Nebraska. His net worth is \$50,000. He owns a 1957 3/4-ton Chevrolet pickup

truck which he would use in the proposed operation. He has hauled one house trailer from Elkhart, Indiana, to Derby, using this equipment, but this is his only experience in the business. He has had 2 requests per month on an average for the transportation of house trailers, but could testify as to only two instances, both occurring in the past month. One was for the hauling of a trailer from one point to another in his own court in which he has 71 trailer spaces, and another for a haul for the Derby Trailer Court to his own court. He has made no investigation as to the need for his proposed service in Colorado and produced no customer-witnesses.

Favorable action on the application was vigorously protested by several carriers with authority to serve in this field. James A. Fleming, doing business as "Denver Trailer Sales & Supply Company," with state-wide authority under PUC No. 2723, testified that he operates five trucks, licensed and equipped for the service, and one Jeep for service locally, with two other trucks available if needed. He has five drivers on his payroll but during the past seven months he has been able to keep but two drivers busy part of the time. He named four common carriers with authority to serve the Derby area. His agents have solicited business in the area.

Leslie W. Todd, doing business as "Aurora Trailer Supply," operating PUC No. 2976, owns two trucks which are not busy all the time. In fact, he keeps only one truck busy two days per week. His agents have also solicited business in Derby.

Mrs. Wava Hetzel, Secretary of Rocky Mountain Mobile Home Towing Service, Inc., operating under PUC No. 3016, has two trucks in local service which are not busy all the time. She has canvassed the Derby area, putting advertising matter in all trailer courts.

Arnold D. Thorson, operating the Thorson Trailer Service under PUC No. 2649, owns two trucks but has licensed but one because of lack of business, and that one is not busy all the time. He also has made it a practice to solicit business in the Derby area.

Homer D. Scott, operating the Scott Trailer Sales in Greeley, Colorado, under PUC No. 3078, operates one truck only and has but two or three calls per month for trailer hauling service.

All protesting witnesses agreed that the number of motor carriers authorized to perform the service proposed by applicant has been increased substantially in the past few years; that such service is available throughout the state, and that there is no need in the state for further authorities of this nature.

The Examiner is of the opinion that applicant herein has wholly failed to prove public convenience and necessity for his proposed state-wide authority, and that the application should be denied.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That public convenience and necessity do not require the proposed common carrier motor vehicle service of applicant.

#### O R D E R


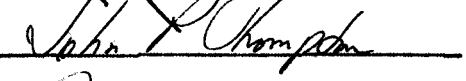

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings be, and the same is hereby, approved.

That public convenience and necessity do not require the proposed common carrier motor vehicle service of applicant herein, and that the instant application be, and 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 13th day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KENNETH BECKER, 965 URBAN STREET, )  
LAKEWOOD, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO OPERATE AS A COMMON CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 14914

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May 13, 1957  
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Appearances: Robert E. McLean, Esq.,  
Denver, Colorado, for  
Weber's Hauling Service,  
and 15 members of Asso-  
ciated Rubbish Removal;  
George W. Harper, Esq.,  
Denver, Colorado, for  
Dad's Disposal Service;  
Joseph Vigil, Denver,  
Colorado, for Tri-County  
Health Department.

S T A T E M E N T

By the Commission:

By Decision No. 47290, of date February 8, 1957, Kenneth  
Becker, Lakewood, Colorado, was granted a certificate of public con-  
venience and necessity authorizing 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-desig-  
nated and approved dumps and disposal  
places in the Counties of Adams, Arapahoe,  
and Jefferson, and fertilizer, between  
points within the City and County of Den-  
ver.

The original application included a request for authority  
to transport ashes, trash, fertilizer, dirt, and other waste materials,  
between points in the Counties of Adams and Jefferson, and to regularly  
designated and approved dumps and disposal places in said Counties. By  
the terms of said Decision No. 47290, the hearing on the application,  
insofar as it pertains to such transportation, was continued.

Hearing on that portion of the application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings as follows:

Applicant did not appear either in person or by counsel.

The hearing was continued from time to time up to 11:00 o'clock A. M. on April 24th awaiting the appearance of applicant. However, he did not appear either in person or by counsel, and protestants joined in a motion to dismiss the application on the ground that this was the second opportunity given applicant to offer testimony in support of his proposed operation between points in Adams and Jefferson Counties and he had not appeared either time to prosecute his application. It appeared that there were a large number of protestants present in the Hearing Room who would be inconvenienced were they required to make further appearance.

The Examiner is of the opinion that that portion of the instant application requesting authority for the transportation of ashes, trash, fertilizer, dirt, and other waste materials, between points in the Counties of Adams and Jefferson, and to regularly designated and approved dumps and disposal places in said Counties should be dismissed, on motion of protestants for failure to prosecute.

#### 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 the Report of the Examiner referred to therein should be approved.

That the instant application should be dismissed for lack

of prosecution.

O R D E R

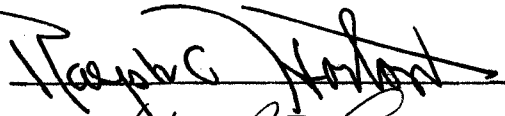


THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1957.

mls

original

(Decision No. 47906)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LEONARD BAUMGARTNER, 64 SOUTH 11TH )	
AVENUE, BRIGHTON, COLORADO, FOR A )	APPLICATION NO. 15286-PP
CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
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-----  
May 13, 1957  
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Appearances: Leon McCain, Esq., Brighton,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, Leonard Baumgartner, Brighton, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of cut corn, ensilage, fertilizer, hay, beets, beet tops, as follows: Weld County--area South of Keenesburg and East of Washington Highway; Adams County--area East of Washington Highway; Morgan County--area South of Fort Morgan.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 23, 1957, at 11:00 o'clock A. M., with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings as follows:

Applicant testified that he owns and operates a farm about two miles south and five miles east of Keenesburg, Colorado, and was raised in the neighborhood he now wishes to serve. He owns a 1953



Chevrolet 2-ton truck, with beet body, and his net worth is \$125,000. He has had requests from his neighbors to transport the articles mentioned in the application. He explained that the Washington Highway referred to in the application is also known as U. S. Highway No. 87.

No one appeared in protest.

The Examiner is of the opinion that the applicant is well qualified by experience and financially to conduct the proposed operation.

#### 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 the Report of the Examiner referred to therein should be approved.

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Leonard Baumgartner, Brighton, 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 cut corn, ensilage, fertilizer, hay, beets, beet tops, as follows: Weld County -- area South of Keenesburg and East of Washington Highway (U. S. Highway No. 87); Adams County -- area East of Washington Highway (U. S. Highway No. 87); Morgan County -- area South of Fort Morgan, 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.

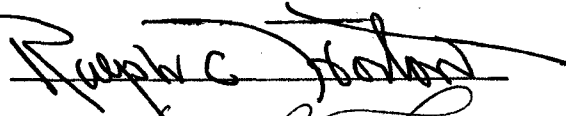
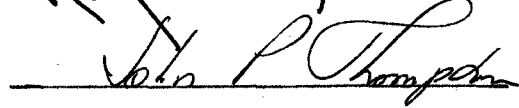

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of

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 13th day of May, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CARL J. PRESTRUD AND MARGUERITE H. )	
PRESTRUD, CO-PARTNERS, DOING BUSI- )	
NESS AS "CARL'S EXCAVATING," BOX )	APPLICATION NO. 15289-PP
176, DILLON, COLORADO, FOR A CLASS )	
"B" PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
May 13, 1957  
-----

Appearances: Carl J. Prestrud, Dillon,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, 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:

By the instant application, Carl J. Prestrud and Marguerite H. Prestrud, co-partners, doing business as "Carl's Excavating," Dillon, Colorado, seek a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of sand, gravel, road-surfacing materials, dirt, stone, refuse, and insulrock, the application being in the usual form.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has now submitted his Report of the proceedings, as follows:

Carl J. Prestrud, one of the co-partners, testified that he is operating a garage at Dillon, Colorado, under the name of Carl's

Auto Service. He owns a 1952 Ford dump truck, and his net worth is \$75,000. He has just acquired the dump truck and wishes to use same in the proposed operation, particularly for the Blue River Construction Company at the West Portal near Dillon, and at a shaft being constructed at Montezuma, Colorado. He agreed that any authority issued should be restricted to the use of dump trucks.

No evidence was given in protest.

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 hereby made a part of these Findings by reference and the Report of the Examiner referred to therein should be approved.

That the instant application should be granted, as restricted in the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Carl J. Prestrud and Marguerite H. Prestrud, co-partners, doing business as "Carl's Excavating," Dillon, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, in dump trucks only, 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.

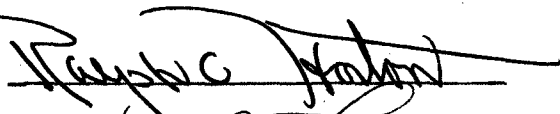


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 13th day of May, 1957.

mls

original

(Decision No. 47908)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) LOUIS J. THIEL, 6025 WEST 40TH AVE- ) NUE, WHEATRIDGE, COLORADO, FOR AUTH- ) ORITY TO LEASE PUC NO. 1556 TO FRANK ) TWEEDY, DOING BUSINESS AS "TWEEDY ) TRANSFER," 2811 WALNUT STREET, ) DENVER, COLORADO. ) ----- )	APPLICATION NO. 15282-Lease
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-----  
May 13, 1957  
-----

Appearances: Louis J. Thiel, Wheatridge,  
Colorado, pro se;  
Frank Tweedy, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Louis J. Thiel, Wheatridge, Colorado, is the owner of  
PUC No. 1556, with authority as set out in Decision No. 47006,  
of date December 19, 1956.

By the instant application, he seeks authority to lease  
that part of said certificate authorizing the transportation of  
freight in line-haul service to Frank Tweedy, doing business as  
"Tweedy Transfer," 2811 Walnut Street, Denver, Colorado.

Said application was assigned for hearing before Examiner  
Joseph W. Hawley, on April 18, 1957, at 330 State Office Building,  
Denver, Colorado, with notice to all interested parties, where the  
matter was heard and taken under advisement.

The Examiner has submitted his Report of the proceedings,  
as follows:

Each party appeared in his own proper person, without  
counsel.

The parties identified the "Leasing Agreement" attached to  
the application, by the terms of which that part of the certificate

providing for line-haul freight service is to be leased for the period of one year from March 1, 1957 to March 1, 1958, for a rental equal to ten per centum of the gross revenue received or accrued for such service during said period, payable monthly within ten days following the end of each calendar month during the term of the lease or any extension or renewal thereof. Lessee is to pay all taxes, insurance and other necessary expense incurred during the period and is granted the option of purchasing the certificate, subject to the approval of the Commission, on the same terms and at the same price as any bona fide offer for said certificate received by lessee which lessor desires to accept. The Lease contains various minor provisions not necessary to here enumerate.

On February 28, 1957, the date the application was filed, temporary authority was granted lessee to engage in the transportation of freight in line-haul service between points authorized in the certificate, and lessee has engaged in such transportation since said date, between Parker, Colorado, and Denver, Colorado.

Frank Tweedy, doing business as "Tweedy Transfer," the lessee, testified that he had had 20 years experience in the trucking business; that he will use his own equipment in conducting operations under the certificate; that the main unit of equipment used will be a 1952 International, 16-foot covered straight truck; and that his net worth is \$10,000.

Transferor Thiel will continue operating that part of the certificate authorizing the transportation of milk in his certificated area.

There were no protests to favorable action on the instant application for transfer.

The Examiner is of the opinion that the lease and option referred to is in the public interest and should be authorized.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the proposed lease and option to purchase is compatible with the public interest and should be authorized.

## O R D E R

### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings be, and is hereby, approved.

That Louis J. Thiel, 6025 West 40th Avenue, Wheatridge, Colorado, be, and he is hereby, authorized to lease that part of PUC No. 1556 providing for line-haul freight service, as more fully set forth in the above and foregoing Statement, which is made a part hereof by reference, for the period of one year from March 1, 1957 to March 1, 1958, to Frank Tweedy, doing business as "Tweedy Transfer," 2811 Walnut Street, Denver, Colorado, in accordance with the terms of the "Leasing Agreement" attached to the application.

That said lease shall become effective only if and when, but not before, said lessor and lessee, 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 lease said certificate, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

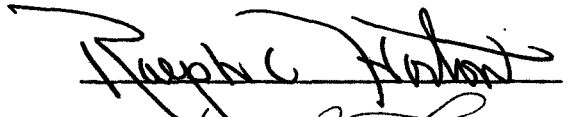


The tariff of rates, rules and regulations of lessor shall, upon proper adoption notice, become and remain those of lessee until changed according to law and the rules and regulations of this Commission.



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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1957.

ea

original

(Decision No. 47909)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MRS. DONNA D. METCALF, DOING BUSI- )  
NESS AS "EMPIRE DELIVERY CO.," 1821 )  
15TH STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )  
----- )

APPLICATION NO. 14958  
SUPPLEMENTAL ORDER

-----  
May 13, 1957  
-----

Appearances: A. E. Small, Jr., Esq.,  
Denver, Colorado,  
for Applicant;  
Harold D. Morgan, Esq.,  
Denver, Colorado, for  
Speedy Messenger Service,  
Package Delivery Service  
Co., and Acme Delivery  
Service, Inc.

S T A T E M E N T

By the Commission:

By Decision No. 47294, of date February 8, 1957, the Commission granted to Mrs. Donna D. Metcalf, doing business as "Empire Delivery Co.," Denver, Colorado, a call and demand certificate of public convenience and necessity authorizing the transportation of general commodities between points within the City and County of Denver, Colorado, and from points within said city to points within a five-mile radius of the presently established boundaries thereof, subject to the following restrictions:

That no used household goods, used office furniture and fixtures, or commodities or articles which, because of size or weight, require the use of special equipment, be transported, and that a package delivery service, as such, shall not be established.

On March 1, 1957, applicant filed Petition for Rehearing. The decision above referred to refused authority to conduct a package delivery service, as such, and the grounds for the Petition for

Rehearing were that applicant had, in fact, conducted a package delivery service during the period of her operations and had charged package rates; that her tariff, based on the above decision, had included package rates and the tariff was rejected by the Rate Department of the Commission because of the inclusion of package rates, and the evidence that could be adduced at a rehearing would justify the elimination of the restriction relative to package delivery service.

The Petition for Rehearing was granted by Decision No. 47477, of date March 7, 1957, and the application was re-assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on April 8, 1957, at 11:00 o'clock A. M., notice being given to all interested parties. On said date the re-hearing was held, and the matter was taken under advisement by the Examiner.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant requested that the testimony be limited to package delivery service only, while Mr. Torgan insisted that the granting of the Petition for Rehearing opened up the application for a hearing de novo on all phases thereof. While Mr. Torgan may be right technically, yet the record shows that he appeared for seven transporters of freight at the original hearing and produced none of them at the rehearing representing only companies having package delivery authority. Evidently, he expected that the hearing would be limited to such service. The original decision simply ratified applicant's "Grandfather Rights" to freight service in Denver, and there was no need for additional testimony on that phase of the case.

Applicant testified that she began business as Empire Delivery Co., on June 1, 1954, as the successor of Deliveries, Inc., which began business in 1950. She has filed a financial statement

and description of equipment with the Commission, and has always operated under appropriate Denver licenses. She has served customers continuously in Denver and within a five-mile radius thereof. These operations included a package delivery service in the entire area including Denver, Englewood, Littleton, Aurora, Lakewood, Arvada, and other points in the Metropolitan Area.

She identified Exhibit A, a partial list of the commercial customers served, the list showing 49 names of Denver firms; also, Exhibit B, a partial list of shipments by Dav's Sales Company of Denver to its customers, between July 7, 1954 and November 3, 1955. This list shows 21 shipments, including 6 to Aurora, 7 to Englewood, 4 to Lakewood, and 1 to Thornton; also Exhibit C, a partial list of shipments by Walter Slagle & Co., of Denver, to its customers, between March 4, 1955 and December 4, 1956. The list shows 99 shipments in all, including 3 to Arvada, 15 to Lakewood, 22 to Englewood, 17 to Aurora, 5 to Littleton, 3 to Wheatridge, and one to Fitzsimons Hospital; also Exhibit D, a partial list of shipments by Farnam & Seeman, Inc., of Denver, to its customers, between November 1, 1956 and December 5, 1956. This list shows 11 shipments, including 3 to Englewood and 3 to Lakewood; also Exhibit E, a partial list of shipments by Bern's Sporting Goods of Denver, to its customers, between June 28, 1955 and November 16, 1956. This list shows 95 shipments, including 19 to Aurora, 15 to Lakewood, 8 to Arvada, 4 to Littleton, 16 to Englewood, 2 to Derby, 1 to Adams City, 2 to Westminster, 3 to Wheatridge, 5 to Thornton, and 1 to Edgewater; also Exhibit F, a partial list of shipments by Stokes Canning Co., of Denver, to Denver customers. The exhibits were received in evidence.

From the exhibits and the testimony of applicant, it appears that the great majority of these shipments consisted of one carton only. Eighteen of the shipments shown on Exhibit B, 83 shown on Exhibit C, 5 shown on Exhibit D, and 46 shown on Exhibit E, were such one-carton shipments, while most of the remainder were shipments

of 2 or 3 cartons, a few only being larger. The exhibits were offered as indicative of the package delivery phase of applicant's operations since she began the operations on June 1, 1954. She stated that such shipments rarely exceeded 50 pounds for individual packages and the average weight of a carton was approximately 35 pounds. A few shipments have reached a weight of 100 pounds. She further stated that she has furnished daily pickup service with same-day delivery if the pickup is made in the morning, and if in the afternoon, delivery next day, or more quickly on request. She has offered the package delivery service as differentiated from her usual freight operation. Eighty-five per cent of her customers require the package delivery service on an un-scheduled basis. The service referred to has been continued up to the present date.

Harry E. Johnson, Manager of the warehouse of A. S. Aloe Co., of Denver, a firm dealing in surgical supplies and laboratory equipment, testified he is well acquainted with applicant's delivery service, which has been used by his company both within and outside the City and County of Denver and within a five-mile radius thereof; that the service is and has been satisfactory, and is needed by customers similarly situated. Applicant calls at his place of business twice each day and makes daily deliveries of his company's products to hospitals, clinics, doctors' offices and medical groups in Denver and the Metropolitan area. Many of the shipments consist of such products as hospital dressings, laboratory glassware, hospital supplies, etc., and vary in weight from one pound or two to several cartons. Occasionally, a shipment consisting of several cartons will exceed 100 pounds. Applicant furnishes and has furnished an expedited local delivery service. Witness has used the service of Package Delivery Service Co., and Acme Delivery Service, Inc., but prefers that of applicant.

No testimony was given on behalf of protestants.

Applicant, in addition to the authority to perform package delivery service, requests waiver of C. O. D. bond, in accordance

with Rule No. 24 (e) of the current Rules and Regulations Governing Common Carriers by Motor Vehicle adopted by the Commission. This rule provides that the Commission may waive the general rule set out in sub-paragraph (a) of said Rule 24, and allow self-insurance by a common carrier upon applicant showing financial responsibility to the satisfaction of the Commission. The financial statement of applicant attached to the application shows her net worth as \$12,025. She alleges that her operations include the handling of C. O. D. shipments only infrequently. Ninety-five per cent of such shipments have a value under \$50, and none have a value of over \$200.

The Examiner is of the opinion that the requirement of C. O. D. bond in connection with her operations should be waived, her financial responsibility having been shown satisfactorily.

The Examiner is of the opinion that the evidence showed that applicant has established "Grandfather Rights" within the City and County of Denver, and is entitled to have such rights as to her package delivery service ratified by the Commission. Further, that she has shown that public convenience and necessity require, and will require, the proposed package delivery service of applicant in the area within a five-mile radius of the presently established boundaries of said city.

The Examiner recommends that the Commission, by its decision herein, direct the elimination from the second paragraph of the order set forth on Page 4 of Decision No. 47294, of date February 8, 1957, of the words "and that a package delivery service, as such, shall not be established," and the inclusion in said order following the second paragraph thereof of the following paragraph, to-wit:

"It is the intention of the Commission to include in the authority so granted, the right to conduct a package delivery service within the above area, for the transportation of packages and parcels, the individual parcels or packages not to exceed 100 pounds in weight."

Further, that an additional paragraph be added to the order, reading as follows:

"That Rule 24 (a) of the Rules and Regulations Governing Common Carriers by Motor Vehicle, heretofore adopted by the Commission, requiring the publishing, posting and filing of tariffs governing C. O. D. service and the filing of bond relative thereto be waived with relation to the operations authorized herein."

That a Supplemental Order to the effect that the above amendments should be entered nunc pro tunc as of February 8, 1957, should be entered.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That a Supplemental Order to Decision No. 47294, of date February 8, 1957, should be entered nunc pro tunc as of February 8, 1957, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings, should be, and is hereby, approved.

That Decision No. 47294, of date February 8, 1957, should be, and the same is hereby, amended, nunc pro tunc, as of said 8th day of February, 1957, by striking the entire second paragraph of the Order contained in said Decision, setting forth in lieu thereof the following:

"That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Mrs. Donna D. Metcalf, doing business as 'Empire Delivery Co.,' Denver, Colorado, for the transportation of general commodities, between points within the City and County of Denver, and from points within the City and County of Denver, to points within a five-mile radius of the presently-established boundaries thereof, subject to the following restrictions:

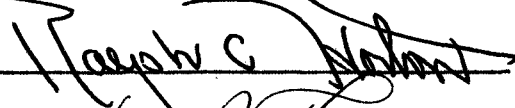


"that no used household goods, used office furniture and fixtures, or commodities or articles which, because of size or weight, require the use of special equipment, be transported.

"It is the intention of the Commission to include in the authority so granted, the right to conduct a package delivery service within the above area for the transportation of packages and parcels, the individual parcels or packages not to exceed 100 pounds in weight.

"That Rule 24 (a) of the Rules and Regulations Governing Common Carriers by Motor Vehicle, heretofore adopted by the Commission, requiring the publishing, posting and filing of tariffs governing C. O. D. service and the filing of bond relative thereto, be waived with relation to the operations authorized herein."

That, except as herein amended, said Decision No. 47294, of date February 8, 1957, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION )  
OF SOUTHERN UNION GAS COMPANY, )  
DALLAS, TEXAS, FOR AUTHORITY TO ) APPLICATION NO. 15325-Securities  
ISSUE CERTAIN SECURITIES. )  
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S T A T E M E N T

By the Commission:

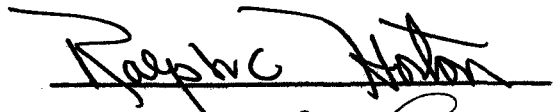


Upon consideration of the application filed April 26,  
1957, by Southern Union Gas Company, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on May 21,  
1957, at 9:00 o'clock A. M., 330 State Office Building, Denver, 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 par-  
ticipation herein is in the public interest, may intervene in said proceed-  
ings. Intervention petitions should be filed with the Commission on or  
before May 16, 1957, and should set forth the grounds of the proposed  
intervention, and the position and interest of the petitioners, in the pro-  
ceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 10th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE PUBLICATION OF LESS-THAN- )  
TRUCKLOAD, 5,000 AND 10,000 POUND )  
CLASS RATES BETWEEN DENVER ON THE )  
ONE HAND AND ANTON, BROOMFIELD, )  
LAFAYETTE AND LOUISVILLE ON THE )  
OTHER HAND. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 397

-----  
May 10, 1957  
-----

S T A T E M E N T

By the Commission:

On March 13, 1957, The Motor Truck Common Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, by its Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, filed on statutory notice, issued March 13, 1957, and effective April 18, 1957, for and on behalf of Carroll Ross, 26th Revised Page No. 108, reduced class rates on L. T. L., 5,000 and 10,000 pounds between Denver and Anton, Colorado. The following is a comparison of the rates, present and proposed, between the points involved:

Class Rates in Cents per 100 Pounds

		Denver, Colorado											
Between	And	L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds			
		1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
Anton	Present	147	125	102	81	141	120	97	75	136	114	91	69
	Proposed	128	109	89	70	123	104	84	65	118	99	79	60
Route 114 - Interstate Motor Lines, Inc., direct													
Route 166 - Carroll Ross, direct													

For and on behalf of Overland Motor Express, 36th Revised Page No. 109, 34th Revised Page No. 113 and 21st Revised Page No. 113-A, increased class rates on L. T. L., 5,000 and 10,000 pounds between the following respective points showing a comparison of the rates involved present and proposed.

Class Rates in Cents per 100 Pounds

Denver, Colorado															
Between And		L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds				Route No.	
		1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th		
Broomfield	Present	79	67	55	44	55	47	40	32	36	30	24	20	7	
	Present	79	67	55	44	74	61	49	38	68	55	44	32	34	
	Proposed	83	70	58	46	78	64	51	40	71	58	46	34	34	
Lafayette	Present	85	70	60	46	62	52	44	33	37	33	26	21	7	
	Present	85	70	60	46	79	64	54	40	74	59	48	35	34	
	Proposed	89	74	63	48	83	67	57	42	78	62	50	37	34	
Louisville	Present	81	68	56	45	56	51	41	32	36	32	26	20	7	
	Present	81	68	56	45	75	62	51	39	69	56	45	33	34	
	Proposed	85	71	59	47	79	65	54	41	72	59	47	35	34	
Route 7 - McKenna and Beardsley - direct															
Route 34 - Overland Motor Express - direct															

By these proposed publications a disparity of rates will exist between the same two points via two different carriers serving them.

On April 11, 1957 (Decision No. 47710), the Commission upon its own motion suspended the proposed tariff publications until the 17th day of August, 1957, unless otherwise ordered and assigned the matter for hearing on May 13, 1957, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

On May 6, 1957, The Motor Truck Common Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, filed an application (No. 316) requesting authority to cancel the matter involved herein and to discontinue the proceeding.

F I N D I N G S

THE COMMISSION FINDS:

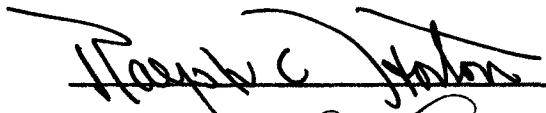


That under the request of The Motor Truck Common Carriers' Association, as Agent, an order should be entered requiring the cancellation of the suspended schedules, and that the hearing now scheduled for May 13, 1957, be vacated and the proceeding be discontinued.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings be, and they are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The Motor Truck Common Carriers' Association, as Agent, be and it is hereby notified and required to cancel the schedules involved in this proceeding on or before May 13, 1957, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed by law and the rules and regulations of this Commission.
4. The hearing now scheduled for May 13, 1957, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, be, and the same is hereby vacated and set aside and this proceeding be and is hereby discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS C. EPSON AND LOUIS PONZEY, )  
CO-PARTNERS, DOING BUSINESS AS "JEEP )  
TRAILS AND SCENIC DRIVES," P. O. BOX ) APPLICATION NO. 15099-Amended  
3, LEADVILLE, COLORADO, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO OPERATE AS A COMMON CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
-----

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May 14, 1957  
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Appearances: Robert A. Theobald, Lead-  
ville, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

By application filed January 28, 1957, as later amended,  
the applicants seek a certificate of public convenience and neces-  
sity to operate as a motor vehicle common carrier for the:

"Transportation of passengers and their  
hand baggage in sightseeing service  
only, between Leadville, Colorado, and  
scenic points within a 25 mile radius  
of Leadville, Colorado, not authorizing  
any taxicab service, and limited to the  
use of jeeps only, the public roads to  
be used only when necessary to reach  
the destination scenic points."

This matter was originally set for hearing and was  
initially heard at Canon City, Colorado, on March 8, but due to  
circumstances then present, more particularly described in our De-  
cision No. 47677, the matter was continued for further hearing at  
the Hearing Room of the Commission, 330 State Office Building, Den-  
ver, Colorado, May 8, 1957, pursuant to notice to interested persons.

The applicant, Thomas C. Epson, testified in support of  
the application, as did Mr. Frank E. Kendrick, Jr., State Representa-

tive from the area, and Mr. Frank Klun, Jr., a writer and lifetime resident of the area. It appears from their testimony that the historic mines, high lakes and mountain scenery of the Leadville area are making it increasingly an area attractive to tourists. Many of these scenic attractions can be reached only by vehicles having four wheel drive. The local Chamber of Commerce and citizens are receiving requests for sightseeing service to these areas, which is not presently provided by anyone in the Leadville area. The public witnesses felt that such a service would benefit both the tourists and the Leadville citizens. The public witnesses stated that the applicants are well qualified to provide a safe, efficient service of this nature. The testimony of the applicant Epson was generally to the effect that the applicants have the finances and will obtain safe and suitable equipment for the work, understanding the public responsibility involved. They have investigated the matter and are well satisfied that they can meet all the expenses of providing such a service, and provide adequate insurance, with a small margin of profit remaining for the operator. Both appear to be experienced in mountain driving. It appears that we will be warranted in entrusting the public to their care for this type of service and that the service is needed in the area. An Order will be entered accordingly.

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

##### THE COMMISSION FINDS:

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

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

#### 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 Thomas C. Epson and Louis Ponzey, co-partners, doing business as "Jeep Trails and Scenic Drives," Leadville, Colorado, for the transportation of passengers and their hand baggage in sightseeing service only, between Leadville, Colorado, and scenic points within a 25 mile radius of Leadville, Colorado, not authorizing any taxicab service, and limited to the use of jeeps only, the public roads to be used only when necessary to reach the destination scenic points, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

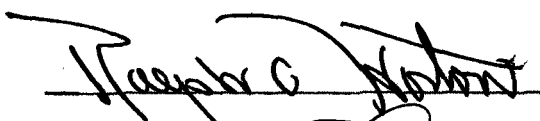


That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 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 14th day of May, 1957.

mls

original

(Decision No. 47913)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. J. CAMPBELL, 4809 COLORADO BOULE- )  
VARD, DENVER, COLORADO, AND R. W. )  
BRAUN, 6161 EAST QUINCY AVENUE, )  
CHERRY HILLS, COLORADO, FOR AUTHORITY ) APPLICATION NO. 15197-PP-Mortgage  
TO FORECLOSE ON MORTGAGE ON PERMIT )  
NO. A-16 -- E. G. (JACK) PERRY, DOING )  
BUSINESS AS "SERVICE TRUCK LINE," )  
3275 SOUTH SANTA FE DRIVE, ENGLEWOOD, )  
COLORADO. )  
----- )

-----  
May 14, 1957  
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Appearances: John F. Mueller, Esq., Denver,  
Colorado, and  
Albert A. Norbont, Esq.,  
Denver, Colorado, for  
Petitioners;  
H. D. Hicks, Denver, Colo-  
rado, for Weicker Transfer  
and Storage Company;  
Jack Gruenwald, Denver, Colo-  
rado, for Centennial Truck  
Lines, Inc.;  
Mike Mitchell, Denver, Colo-  
rado, and  
Roy Nelson, Denver, Colorado,  
for Internal Revenue Service  
of the United States of  
America;  
T. M. Davis, Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Kenneth Williamson, Golden,  
Colorado, for Westway Motor  
Freight;  
Keith Alexander, Denver, Colo-  
rado, for Goldstein Trans-  
portation & Storage, Inc.

S T A T E M E N T

By the Commission:

This matter was heard upon due and proper notice to all  
interested parties, at the hour of ten o'clock A. M., on the 8th  
day of May, 1957, at 330 State Office Building, Denver, Colorado.

Evidence adduced at the hearing disclosed that one Jack  
Perry was the owner of Permit No. A-16 which authorizes the holder



generally to carry freight between Denver and Pueblo, to and from Greeley and Fort Collins, and to haul sugar from Sugar City, Colorado, to Denver via specified routes from the National Sugar Manufacturing Company.

There was testimony in support of the application. According to this testimony, it appears that on the 4th day of May, 1950, Perry executed a chattel mortgage to the Denver National Bank, securing his promissory note in the sum of \$13,000, which mortgage covered the permit and certain equipment. On the 13th day of September, 1950, this indebtedness was increased to \$14,000, all of which indebtedness was secured by E. J. Campbell and R. W. Braun as guarantors. On the 21st day of September, 1951 the guarantors were required to pay the indebtedness to the bank. The bank assigned the chattel mortgage on all personal property, including Permit No. A-16, and endorsed the promissory note of Mr. Perry to the guarantors, petitioners herein. Thereafter, Mr. Perry was adjudged a bankrupt by the United States District Court for the District of Colorado. The guarantors paid the sum of \$3,016 to the United States of America in order to discharge a prior lien for taxes on the property on which they held the mortgage assigned to them by the Denver National Bank. This property was then released by the United States to Mr. Perry in accordance with the Federal laws. He, in turn, surrendered several items of the personal property, including several tractors and trailers, all of which were sold by the guarantors for approximately \$3,000 and credited on the indebtedness owed by Perry to the guarantors. Perry's note held by the guarantors is in default.

As to the possession and use of Permit No. A-16, the evidence discloses that complete uncertainty and confusion exists in the minds of the guarantors, Messrs. Campbell and Braun, and the record-owner thereof, Mr. Perry. Mr. Perry testified that he had,

since 1953, hauled a few loads under the permit between Denver and Pueblo; that nothing had been hauled to Greeley; that he believed there was a tariff published to his publishing agent, a Mr. Beck, but that he had no intention whatsoever of abandoning the authority.

One of the petitioners, Mr. Richard W. Braun, testified in substance, in conformity with the Statement of Facts as set forth above, and further indicated that he was not seeking in this petition authority to operate or to have the permit transferred to him but rather he was seeking only authority of this Commission to foreclose the chattel mortgage which was assigned to him and Petitioner Campbell by the Denver National Bank.

This matter is another of a series of hearings that have been held by this Commission regarding the confused situation on this permit. On July 18, 1950, by Decision No. 35103, Perry's mortgage, dated May 4, 1950, of all his rights, including this permit, to the Denver National Bank, was approved. By Decisions Nos. 44189 of April 22, 1955, and 46145 of July 13, 1956, authority to transfer said permit was denied by this Commission.

It is apparent from the testimony adduced that the Petitioners, E. J. Campbell and R. W. Braun, are endeavoring to find a solution to a rather complicated situation. Succinctly stated, they are the holders of a chattel mortgage on a permit to secure a note which is in default, and they are endeavoring to acquire legal title to said permit. This Commission fully realizes the impossibility of exercising foreclosure on a chattel mortgage by merely taking possession when the chattel constitutes an authority from this Commission. However, the request of the petitioners in the instant matter falls wholly without the pale of this Commission's jurisdiction. The right of these petitioners to foreclose on any chattel mortgage is a legal right created by statute. It is a right that is personal to these petitioners and a question of civil law over which this

Commission has no jurisdiction. It is true that the right to operate under an authority, and the manner and method of the operation and rates to be charged are proper subjects for this Commission, but rights that may accrue to individuals by virtue of the civil law cannot be determined by us. If any of the operational aspects regarding this authority were presented to the Commission in this hearing we would not hesitate in taking jurisdiction and making a proper determination thereof, but on the limited question that was presented to this Commission, it is our opinion that these petitioners must seek redress either under the terms of their chattel mortgage or in a Court of law.

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

##### THE COMMISSION FINDS:

That it has no jurisdiction over the subject matter of the petition herein, and it incorporates herein by reference, the above Statement by the Commission.

#### O R D E R

##### THE COMMISSION ORDERS:

That the petition of E. J. Campbell and R. W. Braun, be, and the same is hereby dismissed for want of jurisdiction.

This Order shall become effective twenty-one days from

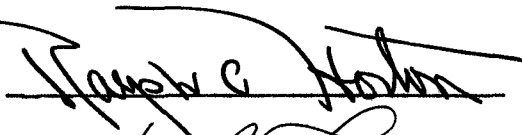


date.

BY ORDER OF THE

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 14th day of May, 1957.

by

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

C. E. FORINGTON, 503 SOUTH GRANT  
STREET, DENVER 9, COLORADO.

PERMIT NO. M-11660

May 22, 1957

STATEMENT

By the Commission:

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

C. E. Forington

requesting that Permit No. M-11660 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11660, heretofore issued to \_\_\_\_\_

C. E. Forington

be,

and the same is hereby, declared cancelled effective April 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton

John P. Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 22nd day of May, 195 7

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. E. FORINGTON, 503 SOUTH ) PERMIT NO. B-5025  
GRANT STREET, DENVER 9, COLORADO. )  
-----

-----  
May 22, 1957  
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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-5025 be suspended for six months from April 2, 1957.

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 C. E. Forington, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5025 until October 2, 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. Horn  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of May, 1957.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EDNA RUTH MC CORMICK, EXECUTRIX, )  
ESTATE OF GORDON MC CORMICK, )  
DOING BUSINESS AS "SAGUACHE TRUCK )  
LINE," CREEDE, COLORADO. )  
-----

PERMIT NO. B-963

-----  
May 22, 1957  
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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 her Permit No. B-963 be suspended for six months from March 15, 1957.

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 Edna Ruth McCormick, doing business as Saguache Truck Line, Creede, Colorado, be, and she is hereby, authorized to suspend her operations under Permit No. B-963 until September 15, 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 G. Horn  
John Thompson  
Joseph L. Kigro  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of May, 1957.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PETE UMBRIACO, 5900 NORTH )  
WASHINGTON STREET, DENVER 16, )  
COLORADO. )  
-----

PERMIT NO. B-5002

-----  
May 22, 1957  
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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-5002 be suspended for six months from April 22, 1957.

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 Pete Umbriaco, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5002 until October 22, 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.

(S E A L)

Dated at Denver, Colorado,  
this 22nd day of 1957.

mjm

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Joseph F. Higo  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOSEPH L. TELCK, ROUTE #1, BOX ) PERMIT NO. B-41146  
84, FLORENCE, COLORADO. )  
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May 22, 1957  
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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-41146 be suspended for six months from March 30, 1957.

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 Joseph L. Telck, Florence, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-41146 until September 30, 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. Horton  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of May, 1957.

mjm



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RAY BERGER, 115 ASH STREET, )  
YUMA, COLORADO. )  
-----

PERMIT NO. B-4291

-----  
May 22, 1957  
-----

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-4291 be suspended for six months from April 21, 1957.

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 Ray Berger, Yuma, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4291 until October 21, 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. Horton*  
*John Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of May, 1957.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACK C. MC KELVEY, 822 SOUTH ) PUC NO. 974-I  
FIFTH STREET, DOUGLAS, WYOMING. )  
-----

-----  
May 22, 1957  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jack C. McKelvey, Douglas, Wyoming, requesting that Certificate of Public Convenience and Necessity No. 974-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. 974-I, heretofore issued to Jack C. McKelvey be, and the same is hereby, declared cancelled effective April 14, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Gordon  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of May, 1957.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

THOMAS JACOBSON, CENTRAL CITY,  
COLORADO.

PERMIT NO. A-1093

May 22, 1957

STATEMENT

By the Commission:

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

Thomas Jacobson

requesting that Permit No. A-1093 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. A-1093, heretofore issued to \_\_\_\_\_

Thomas Jacobson

be,

and the same is hereby, declared cancelled effective April 26, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hord*  
*John P. Thompson*  
*Joseph F. Hines*  
Commissioners

Dated at Denver, Colorado,

this 22nd day of May, 1957.

mjm

original

(Decision No. 47922)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

APPLICATION OF THE COLORADO AND	)	
SOUTHERN RAILWAY COMPANY FOR	)	
AUTHORITY TO MOVE SOME OF ITS	)	
FREIGHT AND PASSENGER FACILITIES	)	<u>APPLICATION NO. 15348</u>
AT BOULDER, COLORADO, TO A NEW	)	
LOCATION.	)	
-----	)	

-----  
May 14, 1957  
-----

S T A T E M E N T

By the Commission:

On May 8, 1957, The Colorado and Southern Railway Company, by its attorneys, W. L. Peck and J. C. Street, filed with this Commission its application for authority to move some of its freight and passenger facilities at Boulder, Colorado, to a new location at the rail junction now known as "Ara," which is about two-thirds of a mile east of the City Limits of the City of Boulder, and which is located on the Applicant's main line of railroad. Applicant asks that the authority sought be made effective upon the completion of the new freight and passenger station and other rail facilities at Ara, which is expected to be in about five or six months.

The rules of the Commission do not cover adequately an application of this type with respect to public notice of the proceeding, and it appears proper that the Commission prescribe the Notice to be given.

F I N D I N G S

THE COMMISSION FINDS:

That explanatory Notice of the instant proceeding, in the form contained in this Order, should be given by Applicant,

at its expense, by posting the same in its passenger and freight depots at Boulder, Colorado, and by publishing the same in a paper of general circulation in Boulder, Colorado, once each week for two successive weeks, the last publication to be at least ten (10) days prior to June 1, 1957, and by mailing a copy of the said Notice to the Mayor of Boulder, to the Board of County Commissioners of Boulder County, and to the Chamber of Commerce of Boulder, at least ten (10) days prior to June 1, 1957.

O R D E R

THE COMMISSION ORDERS:

That the Railway Company, at its expense and in the following manner, shall give Notice of the above entitled proceeding, by using the form of Notice which is made a part of this Order:

1. By posting a copy of the same for at least fifteen (15) days prior to June 1, 1957, in the Railway Company's public waiting room of its passenger depot in Boulder, Colorado, and in the public office in its freight depot at Boulder, Colorado.
2. By causing to be published a copy thereof once each week for two successive weeks, the last publication to be at least ten (10) days prior to June 1, 1957, in the Boulder Camera, a newspaper of general circulation in Boulder, Colorado; and
3. By mailing, at least ten (10) days prior to June 1, 1957, a copy of said notice to the Mayor of Boulder, the Board of County Commissioners of Boulder County, and the Chamber of Commerce of Boulder.

That proof of publication of such Notice shall be by the affidavit of the publisher, and proof of the giving of other notices shall be by affidavit of the person giving the same.

That the public notice shall be in the customary form and include the following explanatory information:

THE COLORADO AND SOUTHERN RAILWAY COMPANY

APPLICATION OF THE COLORADO AND )	
SOUTHERN RAILWAY COMPANY FOR )	THE PUBLIC UTILITIES COMMISSION
AUTHORITY TO MOVE SOME OF ITS )	OF THE STATE OF COLORADO
FREIGHT AND PASSENGER FACILITIES) )	
AT BOULDER, COLORADO, TO A NEW )	APPLICATION NO. 15348
LOCATION. )	

## N O T I C E

Notice is hereby given that The Colorado and Southern Railway Company has filed an application with The Public Utilities Commission of the State of Colorado for authority to move some of its passenger and freight facilities to the rail junction just east of Boulder, which is now known as "Ara," but the name of which will be changed to Boulder after the move. A new passenger and freight station and an ore-loading ramp will be constructed at Ara. Carload freight service for railroad customers will be unchanged and will be handled as now, unless the customer will prefer service at the new location. Pickup and delivery service on less-than-carload freight will be unchanged, but the service on less-than-carload freight to and from Boulder will be improved by more frequent service. Passenger trains will not operate into the City after the change, eliminating the hazard attendant upon the running of two trains nightly in each direction over a number of street grade crossings. A City ticket office will be maintained in the City, and tickets will also be sold at the new station.

The change will become effective upon the completion of the new station and facilities at Ara, expected in about six months.

Anyone desiring to object to the proposed change must do so in writing to The Public Utilities Commission of the State of Colorado, State Office Building, Denver, Colorado, on or before June 1, 1957. Anyone desiring to express approval of the change may communicate same to the Commission by the said date.

Dated at Denver, Colorado, this \_\_\_\_ day of May, 1957.

THE COLORADO AND SOUTHERN RAILWAY  
COMPANY

By:

\_\_\_\_\_  
Vice-President.

That this Order shall become effective forthwith.

date:  
1957

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Holton  
John P. Thompson  
Joseph F. Kipin  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EASTERN SLOPE RURAL TELEPHONE ASSO- )	
CIATION, INC., LIMON, COLORADO, FOR )	<u>APPLICATION NO. 15308</u>
INCREASE IN RATES IN THE TOWNS OF )	
ELBERT, KIOWA, AND PARKER, COLORADO. )	
----- )	

-----  
May 14, 1957  
-----

Appearances: Leon Snyder, Esq., Colorado  
                  Springs, Colorado, for  
                  Applicant;  
                  Paul Snyder, Esq., Castle Rock,  
                  Colorado, for Customers in  
                  the Parker Exchange;  
                  P. M. Brown, Denver, Colorado,  
                  and  
                  J. M. McNulty, Denver, Colorado,  
                  for the Commission.

S T A T E M E N T

By the Commission:

On April 2, 1957, the Eastern Slope Rural Telephone Association, Inc., filed an application with this Commission proposing to change certain definitions in its Colorado Tariff P. U. C. No. 2, and to also increase the rates in said tariff as they would apply to the Elbert, Kiowa, and Parker, Colorado Exchanges.

The matter was set for hearing, after due notice to all interested parties, in the District Court Room in the Court House in Kiowa, Colorado, on May 1, 1957, at ten o'clock A. M. At said time and place this application was heard by the Commission, and at the conclusion of the hearing, the matter was taken under advisement.

Applicant is a Colorado corporation engaged in the business of rendering telephone service to its members and subscribers within an area certificated to it by this Commission. Its Articles of Incorporation have previously been filed with the Commission. Applicant has secured loans from the Rural Electrification Administration in



Washington, D. C., to finance the construction of its telephone system. One of said loans was for the purpose of installing a dial telephone system in the Towns of Arriba and Genoa and surrounding territory. This loan and the construction which followed, was designated by Applicant as its "A" project. Subsequent to its "A" project, Applicant secured a second loan from the Rural Electrification Administration in Washington for the purpose of installing a new dial telephone system to serve the Towns of Elbert, Kiowa and Parker and surrounding territory, and this has been designated its "B" project.

Applicant has been rendering telephone service in the area covered in its "B" project by means of a manually operated, magneto telephone system, and it now has installed a new telephone system in this area consisting of the latest type automatic dial equipment. It has expended to date approximately \$326,000 of funds borrowed from REA and approximately \$14,000 of equity funds from its patrons and subscribers. It now wishes to place into effect new rates for its "B" project which will enable it to repay the principal and interest on said loan and to defray all necessary operating expenses. The rates as proposed would be the same rates under which Applicant presently renders service to its "A" project, and would provide uniform rates within the base rate areas in all its exchanges. The matter of rates for the "A" project has been passed upon by this Commission in Investigation and Suspension Docket No. 389, by Decision No. 46671 of October 17, 1956.

Under the proposed rates for the "B" project there will be no change in toll rates. Applicant's exchanges are inter-connected by means of toll lines owned and operated by the Mountain States Telephone & Telegraph Company, and the toll rates are not involved in this proceeding. Because of the amount of construction involved, it is not economically feasible for Applicant to construct its own toll lines between its exchanges.

At the hearing, Applicant testified as to the amount of money it had expended to date in the construction of its "B" project, and also submitted exhibits and testimony showing these expenditures together with an estimate of the revenue and expenses projected to cover one year's operations after the cut-over to dial. The projected figure on income and expense reveal that according to the estimate, Applicant would have a loss of \$4,000 in its first year of operation if its estimate is correct. Witness for Applicant admitted, however, that there are several variables involved, one of which is the amount of toll revenue, which if toll calls were increased would tend to reduce this estimated loss. The witness also admitted that it was anticipated there would be a period for development and that until such time as Applicant had connected all of its prospective customers and had obtained actual data from experience, the estimate as submitted would be subject to change. He was not unduly concerned with the figure showing the loss in his estimate.

The system as installed by Applicant is the latest type of dial equipment of the 2-5 digit type which can be utilized in the future when nation-wide customer toll dialing is inaugurated. The rural lines can carry a maximum of ten parties on each circuit, and the new system will provide selective ringing. By means of selective ringing, a customer on a ten-party line will hear only his ring and will not be disturbed by party-line ringing. Applicant hopes to place its dial system in operation on May 18, 1957, when it anticipates all of the necessary construction for said cut-over will be completed.

In signing up subscribers for service on its new dial system, Applicant proposed one of two methods; the subscriber could elect to become a member of the Association, in which event he would pay \$5.00 for a membership certificate and an additional \$45.00 as a contribution in aid of construction; or, if the

subscriber did not wish to become a member of the Association, he could then pay \$50.00 as a contribution in aid of construction. A copy of the Application for Telephone Service was introduced at the hearing as Exhibit No. 4, clearly stating the option available as to membership or non-membership in the Association. Exhibit No. 1 introduced at the hearing was a proposed change in the presently filed tariffs of Applicant stating the optional choice as to membership in the Association when applying for telephone service.

Applicant also proposes to amend the definition in its tariffs defining Business Service, and Exhibit No. 2 submitted at the hearing set forth the re-wording which Applicant proposed for this change. By this change, Applicant hopes to avoid the ambiguity in its present definition. Exhibit No. 3 submitted at the hearing, is a proposed change in the definition for Residence Service, and this also was submitted for the purpose of clarification of its presently existing definition.

Testimony at the hearing revealed that the present telephone subscribers in the Town of Elbert own their own telephones. Since Applicant proposes to install dial telephones, the Elbert subscribers will be left with a telephone instrument that will be of no value to them. The witness stated that Eastern Slope Rural Telephone Association, Inc., would endeavor to help these customers sell these telephones so as to recoup some of the investment for the customer. The Telephone Association has no use for these phones in its proposed operations so it does not propose to purchase these instruments but will try to contact other phone companies that might make such purchases.

Mr. Bonnar O. McBreen, Commissioner for First District of Elbert County, appeared as a witness at the hearing in regard to telephone service in the Court House at Kiowa. The County Commissioners and the Eastern Slope Rural Telephone Association, Inc., have been unable to agree on the number of applications that should be made by the County for telephone service in said Court House. It appears

from the testimony that the County Commissioners pay all the bills for telephone service and are concerned because of budget matters as to how many applications for service they can afford. Apparently, one telephone is needed in the County shop which adjoins the Court House building, and other telephones are needed in the Court House building itself. It has been agreed between the parties that one circuit will be necessary for the county shops and two additional circuits for the Court House. In view of the situation that exists it would seem reasonable that the County Commissioners should make application and pay the prescribed fees for the three circuits involved. This would be the equivalent of three \$50.00 contributions, or a total of \$150 in all for the obtaining of telephone service for the Court House and the shop. In our Order to follow, we will provide that telephone service to the Court House and the shop can be obtained on the above basis.

Eastern Slope is presently rendering switching service to a farmer-owned line that connects with the Kiowa Exchange. This line is designated as "Line 32." The owners of this line and Eastern Slope have endeavored to reach a mutual understanding in regard to a price at which Eastern Slope would be willing to buy and thereafter render service to the farmers on said line under the proposed tariff. A letter was submitted by the farmers to the Telephone Association whereby the owners agreed that they would sell the line to Eastern at \$218.46 per consumer, and then in turn each farmer would sign up for a membership and pay the \$50.00 as prescribed in the proposed tariff. As of the date of the hearing no agreement by and between the parties had been reached, but upon cross-examination at the hearing, Mr. McMillan stated he would recommend to the Board members of Eastern Slope that they accept the proposal as outlined.

Subsequent to the hearing, Mr. McMillan had informed the Commission by letter dated May 2, 1957, that he had contacted the Board members and they indicated to him that they would approve

the purchase of the telephone system owned by the farmers at the agreed upon price of \$218.46 per farmer. There are six farmer owners of this line. The letter further states that while formal approval by the Board could not be made prior to a Board meeting on May 13, 1957, the board members have indicated unanimous agreement on the purchase. Since this proposal was originally made by the six farmer owners and has now been agreed to by the Eastern Slope Rural Telephone Association, Inc., there should be no obstacle in the way to complete this transaction. When this line is purchased all telephone lines will be owned by Eastern and no service will be rendered over farmer owned lines.

In setting rates for a new type of service where no actual operating experience has been had, the initially proposed rates must needs be based upon judgment. The Eastern Slope Rural Telephone Association, Inc., is required to file Annual Reports with this Commission and as this Association obtains operating experience, these reports will give a better picture as to the needs for the future. The Commission can at any time order a rate investigation if circumstances warrant so that both members and non-members of Eastern Slope are protected in the event the rates as proposed are too high. Conversely, Eastern Slope can make application to the Commission for an increase in rates if the rates prove too low. The outcome of future operations will decide if either procedure is necessary.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Eastern Slope Rural Telephone Association, Inc., and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

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

That the rates filed by Eastern Slope Rural Telephone Association, Inc., in the instant application are just and reasonable,

and should be permitted to become effective on May 18, 1957, or any time subsequent thereto, by filing with the Commission on not less than one (1) day's notice, the effective date when this system will be cut to dial operation.

That Eastern Slope Rural Telephone Association, Inc., should be permitted to amend its presently existing tariff, being Colorado PUC No. 2, to include therein the new definitions as set forth in Exhibits Nos. 1, 2 and 3, introduced at the hearing, and, by reference, made a part hereof.

That Eastern Slope Rural Telephone Association, Inc., should render telephone service to the County Court House at Kiowa and the County shop adjoining, upon receiving three signed applications for service for a total amount of \$150.00.

#### O R D E R

##### THE COMMISSION ORDERS:

That the rates filed by Eastern Slope Rural Telephone Association, Inc., as set forth herein, are hereby permitted to become effective by filing said rates with the Commission on not less than one (1) day's notice to be effective when this system is cut to dial operation.

That Eastern Slope Rural Telephone Association, Inc., be, and it hereby is permitted to amend its presently existing tariff, being Colorado PUC No. 2, to include therein the new definitions as set forth in its Exhibits Nos. 1, 2 and 3 introduced at the hearing and, by reference, is made a part hereof.

That Eastern Slope Rural Telephone Association, Inc., shall render telephone service to the County Court House at Kiowa and County shop adjoining, upon receiving three signed applications for service, together with contribution in aid of construction in the total amount of \$150.00

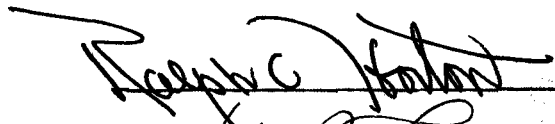

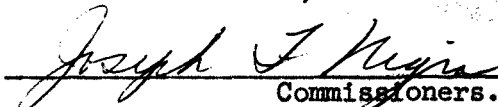
That the rates for dial telephone service approved herein are as follows:

<u>Class of Service</u>	<u>Monthly Rate</u>
<u>Residence</u>	
1 Party	\$5.00
2 Party	4.25
4 Party	3.50
Multiparty Rural	4.25
Extension Station	1.00
<u>Business</u>	
1 Party	\$8.25
2 Party	7.25
4 Party	6.00
Multiparty Rural	6.00
Pay Stations	8.25
Extension Station	1.50

That the Commission retain jurisdiction of this matter to issue such further order, or orders, as may be necessary in the premises.

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 14th day of May, 1957.

ea

final

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LA PLATA ELECTRIC ASSOCIATION, INC., )  
OF DURANGO, COLORADO, FOR AN ORDER )  
APPROVING THE ISSUANCE OF SECURITIES )  
AND FOR AN ORDER AUTHORIZING THE ) APPLICATION NO. 15302-Securities  
ISSUANCE OF SECURITIES AND THE AP- )  
PLICATION OF THE PROCEEDS THEREFROM )  
TO CERTAIN LAWFUL PURPOSES. )  
-----)

-----  
May 14, 1957  
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Appearances: Byron V. Bradford, Esq.,  
Durango, Colorado,  
for Applicant;  
J. M. McNulty, Denver,  
Colorado,  
P. M. Brown, Denver,  
Colorado, and  
E. R. Thompson, Denver,  
Colorado, for the  
Commission.

S T A T E M E N T

By the Commission:

By the instant application, La Plata Electric Association, Inc., seeks authority from this Commission to execute an Amendment to Amending Loan Contract, a note in the amount of \$452,000, and a mortgage in the amount of \$452,000, securing said note insofar as it pertains to certain properties acquired by La Plata Electric Association, Inc. The acquired properties, hereinafter referred to as The Acquired Properties, are The Pine River Power Company, purchased by Applicant on March 6, 1942, and The New Light and Power Company, purchased by Applicant on October 7, 1946; the Acquired Properties are respectively in the towns of Bayfield and Ignacio, Colorado, and in Pagosa Springs, Colorado.

The matter was set for hearing after due notice to all interested parties on Tuesday, May 7, 1957, at 9:30 o'clock A. M.,



at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and was there heard by the Commission and taken under advisement.

Applicant is engaged in the business of purchasing, generating, accumulating, and acquiring electric energy, distributing, selling and furnishing electric energy to its members in the Counties of La Plata, Archuleta, Hinsdale, and Mineral, in the State of Colorado.

The principal office of the Applicant is located at Durango, Colorado.

Testimony at the hearing revealed that Applicant at the time of the purchase of the Acquired Properties, had an existing system and that the Acquired Properties were purchased and integrated into the system, and that Applicant now desires to improve and make betterments on the entire system, including improvements, additions and betterments to some extent within the territorial area of the Acquired Properties, in order that Applicant may be better able to give service to its consumer members.

Original financing of the La Plata Association, Inc., was by loan from the United States Government through the Rural Electrification Administration and that funds for the original acquisition of the Acquired Properties were obtained by this method.

From time to time thereafter the amount of the loan from the United States Government was increased and portions of these loans were allotted and expended to expand and rehabilitate a portion of the system within the Acquired Properties.

The last previous Agreement providing for loan funds, dated December 15, 1952, was by Decision No. 40194 of this Commission, approved March 5, 1953, under Application No. 12215-Securities. The same Decision and Order, March 5, 1953, approved and authorized the issuance of the companion mortgage note dated December 20, 1952. Prior to March 28, 1957, negotiations for an additional loan, in the amount of \$452,000 were entered into between the Applicant and the United States Government, resulting

in a proposed contract entitled Amendment, dated as of March 28, 1957, to Amending Loan Contract dated as of December 15, 1952, which contract was introduced at the hearing and marked Exhibit A. Further evidence was introduced to the effect that of the \$452,000 the sum of \$138,785 would be used in the territory of the Acquired Properties as follows:

- (a) To improve and extend residential services within the Towns of Ignacio, Bayfield and Pagosa Springs, Colorado -- \$21,920;
- (b) To improve existing generation facilities and add additional generating capacity -- \$116,865.

There was also introduced in evidence a mortgage note designated Colorado 32 H La Plata, marked Exhibit B, and companion supplemental mortgage dated as of May 2, 1957, and marked Exhibit C; and that upon the securing of the approval of this Commission and the execution of the Agreement, Mortgage Note, and Supplemental Mortgage, the negotiations would be complete.

Through its Attorney, Applicant agreed to file as a late-filed exhibit a copy of its Certificate of Incorporation certified to by the Secretary of State of the State of Colorado, which has been received and is on file. By reference, Exhibits A, B and C and the late-filed exhibit are incorporated into this Statement.

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

##### THE COMMISSION FINDS:

That this Commission has jurisdiction of the lines of La Plata Electric Association, Inc., in the Acquired Properties as to the subject matter of the instant application, as defined in 115-1-4, Colorado Revised Statutes, 1953.

That the Commission is fully advised in the premises.

That the above and foregoing Statement is incorporated in these Findings by reference.

That the issuance by the La Plata Electric Association, Inc., of the Agreement, Exhibit A entitled Amendment, dated

March 28, 1957, to the Amending Loan Contract dated as of December 15, 1952, should be authorized and approved.

That the issuance of the Mortgage Note entitled Exhibit B, dated May 1, 1957, should be authorized and approved.

That the issuance of the Supplemental Mortgage, entitled Exhibit C, dated May 2, 1957, should be authorized and approved.

That the above authorization relates to that portion of the above described transactions which have to do with the Applicant's expenditures of borrowed money within the area of the Acquired Properties.

That within One Hundred and Twenty (120) days after the execution of the documents referred to, Applicant should advise the Commission in writing of the final execution of said documents.

#### O R D E R

##### THE COMMISSION ORDERS:

That the issuance by the La Plata Electric Association, Inc., of the Agreement dated March 28, 1957, entitled Amendment, dated as of March 28, 1957, to Amending Loan Contract, dated as of December 15, 1952, as is fully set out in Exhibit A, be, and the same is hereby authorized and approved.

That the issuance by La Plata Electric Association, Inc., of the Mortgage Note dated May 1, 1957, designated Colorado 32 H La Plata as fully set out in Exhibit B, be, and the same is hereby authorized and approved.

That the issuance by the La Plata Electric Association, Inc., of the Supplemental Mortgage dated as of May 2, 1957, as fully set out in Exhibit C be, and the same is hereby authorized and approved.

That this Order relates to that portion of the above described transactions which have to do with the Applicant's expenditure of borrowed money within the area of the Acquired Properties.


That within One Hundred and Twenty (120) days after execution of said Agreement, Note and Mortgage, Applicant shall file with the Commission a statement in writing to the effect that said documents have been executed.

That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities on the part of the State of Colorado.

That the Commission retains jurisdiction of these proceedings to the end that it may make such further order or orders in the premises as it may deem proper and desirable.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph C. Holbert  
John P. Thompson  
Joseph F. Higgins  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of May, 1957.

ea

original

(Decision No. 47925)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
THE STATE HIGHWAY COMMISSION OF	)	
COLORADO, A BODY CORPORATE, FOR	)	
THE USE AND BENEFIT OF THE DEPART-	)	
MENT OF HIGHWAYS OF THE STATE OF	)	
COLORADO FOR AUTHORITY TO CONSTRUCT	)	<u>APPLICATION NO. 14956</u>
HIGHWAY-RAILROAD GRADE SEPARATION	)	
STRUCTURE ON PROPERTIES OF UNION	)	
PACIFIC RAILROAD COMPANY AT RAIL-	)	
ROAD MILE POST 10.93, ALL LOCATED	)	
IN THE NORTHWEST QUARTER SECTION 15,	)	
TOWNSHIP 2-SOUTH, RANGE 67-WEST,	)	
SIXTH PRINCIPAL MERIDIAN, ON STATE	)	
HIGHWAY NO. 2 IN ADAMS COUNTY, STATE	)	
OF COLORADO.	)	
-----	)	

-----  
May 15, 1957  
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Appearances: Joseph M. Montano, Esq.,  
Denver, Colorado, for  
the Colorado Department  
of Highways;  
J. L. McNeill, Denver, Colo-  
rado, for the staff of  
the Commission.

S T A T E M E N T

By the Commission:

On December 18, 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 construct a grade separation structure as a part of a new Freeway-type highway installation in Adams County, and involving trackage of Union Pacific Railroad Company as captioned above.

Pursuant to prior setting, and after appropriate notice to all interested parties, including the Board of Adams County Commissioners and owners of adjacent properties, the matter was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on February 28, 1957,

by J. W. Hawley, as Examiner for the Commission, and at the conclusion of the evidence was thereafter taken under advisement by the Commission.

In the instant application it is proposed to provide a twin-roadway highway bridge over the main line track of the Union Pacific Railroad Company at Mile Post 10.93 between Denver and Brighton, Colorado. At the hearing the following exhibits as attached to the application were explained by Mr. E. L. King, Assistant Surveys and Plans Engineer of the Department of Highways:

Exhibit A: Copy of plan sheet to show layout and elevations of new structure and vertical track clearance.

Exhibit B: Copy of Title Page of construction plans to show extent of the whole roadway project and location of proposed highway-railroad grade separation bridges.

Mr. King explained that the instant highway project is a relocation of a portion of State Highway No. 2 and will extend some 8.3 miles southwesterly from Barr Lake to a connection with State Highway No. 3 about two miles north from Dupont, Colorado. The new road will become an integral part of the National System of Interstate and Defense Highways as authorized by the Federal Aid Highway Act of 1956. Under the construction standards of the Interstate system, Mr. King explained that it was not feasible to rebuild the Derby portion of the present highway because of limited access specifications as well as high land costs and extensive removals of homes and businesses that would be required to secure the added right-of-way area. However, it is anticipated that the old Highway No. 2 will remain a part of the state system and that the proposed new highway will divert a major volume of the through-traffic from the presently congested business area of Derby.

In the proposed location, only farm land is being taken and it is possible to utilize a portion of the adjacent State Highway No. 3 which has already been constructed as a limited access,

Freeway-type facility. The whole project, including the instant overpass structure, is also approved by the State Highway Commission; the Chief Engineer, Department of Highways; the Adams County Board of County Commissioners and appropriate officials of Union Pacific Railroad Company.

A copy of the Department of Highways-Union Pacific Railroad Agreement and Contractors' Insurance endorsement was accepted at the hearing as Exhibit C.

With reference to the new structure, Mr. King explained that approval in the Department of Highways also covers the factors of adequate design to meet future needs, adequacy of the structure to meet structure demands and a further careful control and inspection of construction details. Conformance with the Clearance Regulations of this Commission is noted as follows in a summary of clearance dimensions:

<u>Item</u>		<u>Minimum</u>	<u>Commission</u>
		<u>Plan Clearance</u>	<u>Specification</u>
Vertical	From top of rail	24' 0"	22' 6"
Horizontal	From Center of track	18' 0"	8' 6"

There is no sub-standard clearance since Commission requirements are exceeded.

The new overpass will consist of twin structures providing for a divided highway of two lanes in each direction. Each roadway will be 30 feet wide -- curb to curb. The curbs will be 2' 0" wide, and will be provided with steel handrails 3' 9" high. Each roadway will be of concrete deck construction, carried on steel I-beams and supported on steel and treated timber piling. Upon completion, the structure will be maintained by the highway department.

Under the terms of the Agreement with the Railroad Company, all costs of the structure will be paid by the Department including Force Account work performed by Railroad forces. Estimated cost of the structure excluding expense for rights-of-way and engineering is \$136,976.

No other testimony was presented at the hearing, and no one appeared in objection to the authority requested; nor does any objection from adjacent property owners or other interested parties appear in the files of the Commission.

### 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 hereof.

That public safety, convenience and necessity require the establishment, construction, and maintenance of the grade separation structure as proposed herein.

That horizontal and vertical clearances for the proposed structure exceed the clearance requirements established by the Commission and are therefore acceptable.

### 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 to authorize and approve the establishment, construction, use and maintenance of a highway overpass structure over the track of Union Pacific Railroad Company at Mile Post 10.93, being on the relocation of State Highway No. 2 in the NW<sup>1</sup>/<sub>4</sub> Section 15, Township 2-South, Range 67-West, in Adams County, Colorado.

That the costs, work to be done, installation and maintenance of the new structure shall all be in accordance with the plans and agreement herein and as indicated in the preceding Statement; said Statement and Exhibits "A", "B" and "C" are, by reference, made a part hereof.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of May, 1957.  
ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. G. WENINGER, DOING BUSINESS AS )  
"ROMAN ELEVATOR CO.," BOX 69, FT. )  
MORGAN, COLORADO. )  
----- )

PERMIT NO. M-1085

-----  
May 20, 1957  
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STATEMENT

By the Commission:

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

R. G. Weninger dba Roman Elevator Co.

requesting that Permit No. M-1085 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1085, heretofore issued to \_\_\_\_\_

R. G. Weninger dba Roman Elevator Co.

be,

and the same is hereby, declared cancelled effective April 14, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John J. Thompson*  
*Joseph J. Negro*  
Commissioners

Dated at Denver, Colorado,

this 20th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
INTERNATIONAL RANWICK LIMITED, )  
P. O. BOX 107, PRESCOTT, ARIZONA. )

PERMIT NO. M-1834

May 20, 1957

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from

International Ranwick Limited

requesting that Permit No. M-1834 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-1834, heretofore issued to

International Ranwick Limited

be,

and the same is hereby, declared cancelled effective April 19, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Gordon  
John P. Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,

this 20th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BRANCUCCI BROTHERS CHEMICAL CO., )  
5400 MONROE STREET, DENVER, 16, )  
COLORADO. )  
----- )

PERMIT NO. M-3041

-----  
May 20, 1957  
-----

STATEMENT

By the Commission:

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

BRANCUCCI BROTHERS CHEMICAL CO.

requesting that Permit No. M-3041 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

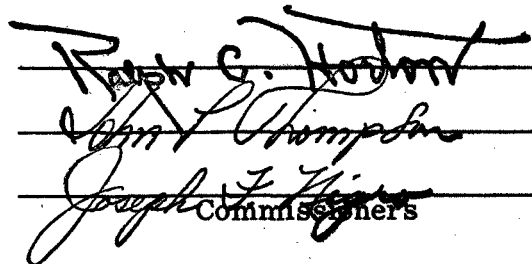
That Permit No. M-3041, heretofore issued to \_\_\_\_\_

BRANCUCCI BROTHERS CHEMICAL CO. \_\_\_\_\_

be,

and the same is hereby, declared cancelled effective February 15, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 20th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
P. M. BLOOM, LA PORTE, COLORADO. )

PERMIT NO. M-3922

May 20, 1957

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from

P. M. BLOOM

requesting that Permit No. M-3922 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-3922 , heretofore issued to

P.M. BLOOM

be,

and the same is hereby, declared cancelled effective April 21, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Thorne  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 20th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALBIN A. ATWOOD, ROUTE NO. 2, )  
LOVELAND, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-5868

-----  
May 20, 1957

STATEMENT

By the Commission:

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

Albin A. Atwood

requesting that Permit No. M-5868 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5868, heretofore issued to \_\_\_\_\_

Albin A. Atwood

be,

and the same is hereby, declared cancelled effective April 23, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 20th day of May, 195 7.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
VERNON MC NEILL, P. O. BOX 943, )  
LYONS, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-9102

-----  
May 20, 1957  
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STATEMENT

By the Commission:

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

Vernon McNeill

requesting that Permit No. M-9102 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9102, heretofore issued to \_\_\_\_\_

Vernon McNeill

be,

and the same is hereby, declared cancelled effective May 6, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 20th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALVIN L. DAVIS, ROUTE NO. 2, HOTCHKISS,  
COLORADO.

PERMIT NO. M-11112

May 20, 1957

STATEMENT

By the Commission:

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

Alvin L. Davis

requesting that Permit No. M-11112 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11112, heretofore issued to \_\_\_\_\_

Alvin L. Davis \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 18, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Horton*  
*John Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 20th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EVERETT F. BARRY, DOING BUSINESS )  
AS, "EVERETT F. BARRY TRANSFER," )  
813 LOCUST, WAHOO, NEBRASKA. )  
-----

PUC NO. 2055-I

-----  
May 20, 1957  
-----

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. 2055-I be suspended for six months from February 17, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

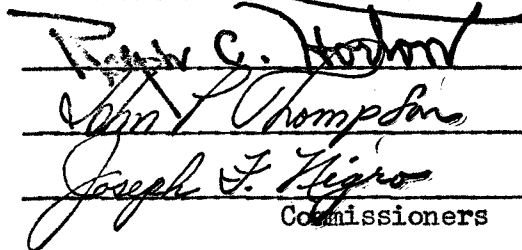
O R D E R

THE COMMISSION ORDERS:

That Everett F. Barry dba Everett F. Barry Transfer be, and he is hereby, authorized to suspend his operations under PUC No. 2055-I until August 17, 1957.

That unless said certificate-holder 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

  
Commissioners

Dated at Denver, Colorado,  
this 20th day of May, 1957.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DUANE HAYES, ROUSH TRAILER COURT, )  
GRAND ISLAND, NEBRASKA. )  
-----

PUC NO. 2762-I

-----  
May 20, 1957  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs.  
Duane Hayes, requesting that Certificate of Public Convenience and Necessity  
No. 2762-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. 2762-I, heretofore issued to Duane Hayes, be,  
and the same is hereby, declared cancelled effective April 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,  
this 20th day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
P. M. BLOOM, LA PORTE, COLORADO. )

PERMIT NO. B-1725

-----  
May 20, 1957  
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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-1725 be suspended for six months from April 21, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the Request should be granted.

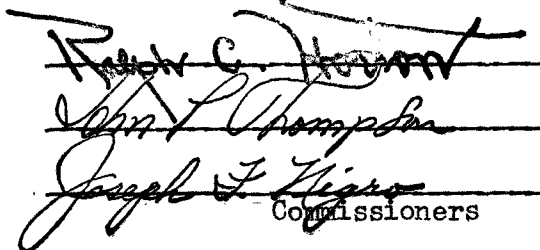
O R D E R

THE COMMISSION ORDERS:

That P. M. Bloom be, and he is hereby, authorized to suspend his operations under Permit No. B-1725 until October 21, 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 20th day of May 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALBIN A. ATWOOD, ROUTE NO. 2, )  
LOVELAND, COLORADO. )  
-----

PERMIT NO. B-2978

-----  
May 20, 1957  
-----

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-2978 be suspended for six months from April 23, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

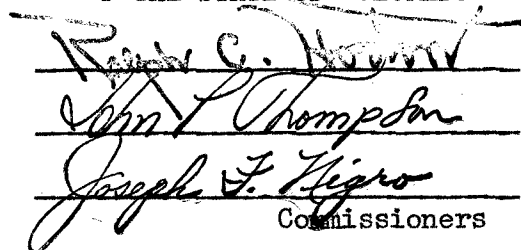
O R D E R

THE COMMISSION ORDERS:

That Albin A. Atwood be, and he is hereby, authorized to suspend his operations under Permit No. B-2978 until October 23, 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 20th day of May, 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JULIUS BUSSARD, 3395 SOUTH LINCOLN, )  
ENGLEWOOD, COLORADO. )  
-----

PERMIT NO. B-5252

-----  
May 20, 1957  
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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-5252 be suspended for six months from May 1, 1957.

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 Julius Bussard be, and he is hereby, authorized to suspend his operations under Permit No. B-5252 until November 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. Horn  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 20th day of May 1957.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HUGH B. BROWN, DOING BUSINESS AS )  
"YAMPA TRUCK LINE," STEAMBOAT )  
SPRINGS, COLORADO, FOR AUTHORITY )  
TO LEASE PERMIT A-545 AND A-545-I ) APPLICATION NO. 15063-Lease  
TO ROCKET EXPRESS, INC., DOING )  
BUSINESS AS "YAMPA TRUCK LINE," )  
1420 EIGHTEENTH STREET, DENVER, )  
COLORADO. )  
----- )

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May 16, 1957  
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Appearances: Wayne D. Williams, Esq.,  
Denver, Colorado, and  
Howard E. Erickson, Esq.,  
Denver, Colorado, for  
Rocket Express, Inc.;  
Thomas J. Mitchell, Denver,  
Colorado, for Hugh B.  
Brown;  
Howard D. Hicks, Denver,  
Colorado, for Weicker  
Transfer & Storage Co.;  
Marion Smyser, Esq., Denver,  
Colorado, and  
Ralph E. Turano, Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., and Larson  
Transportation Co.;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for North  
Park Transportation Co. and  
Clear Creek Transportation Co.

S T A T E M E N T

By the Commission:

Hugh B. Brown, doing business as "Yampa Truck Line,"  
Steamboat Springs, Colorado, is the owner of Private Permits  
Nos. A-545 and A-545-I, authorizing:

Transportation of freight via U. S. Highway  
No. 40 and Colorado State Highway No. 131,  
between Denver on the one hand, and Oak  
Creek, McCoy, Grand Junction, Steamboat  
Springs and Toponas, on the other, without  
the right to serve intermediate points or  
to serve between Oak Creek, McCoy, Grand

Junction, Steamboat Springs and Toponas, and the transportation of freight, except livestock, over the same route between Denver and Yampa.

Interstate authority: between points within a radius of five (5) miles of the City Limits of the City and County of Denver, Colorado, in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Transportation of freight over regularly established routes between the vicinity of Yampa, Colorado, and Denver, and intermediate points; and between the vicinity of Las Animas, Colorado, and Denver, and intermediate points.

By the instant application, said permit-holder seeks authority to lease his operating rights under said permits to Rocket Express, Inc., a Colorado corporation, doing business as "Yampa Truck Line," 1420 Eighteenth Street, Denver, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on February 25, 1957, at ten o'clock A. M., with due notice to all interested parties, and was there heard by the Examiner and taken under advisement.

The Examiner submits the following Report of the proceedings:

It appeared of record that on February 21, 1957, a subpoena duces tecum had issued under the hand of the Secretary of the Commission, directing Rocket Express, Inc. and Hugh B. Brown to produce at the hearing all freight bills, manifests, bank statements, ledgers, books and records pertaining to operations under said permits for the calendar years, 1954, 1955, 1956 and 1957 to date. Mr. Mitchell moved to quash the service of this subpoena on the ground that it was served on a Sunday, no witness fee was tendered at the time of service, the records requested must be in relation to the issues involved and the records requested pertained to the reliability of the proposed lesser rather than to the reliability of the proposed lessee, and the subpoena, requiring the production of records covering a period of more than three years, within such a short time, was unreasonable and oppressive. The motion was taken under

advisement. In view of the fact that the testimony developed all facts material to the issues, that could have been ascertained from the records requested, the Examiner suggests that the motion be denied.

Hugh B. Brown, owner of the permits involved, identified Exhibit No. 3, the lease agreement between the parties, dated December 31, 1956. By the terms thereof, he sells to Rocket Express, Inc., two trucks for the sum of \$6,000.00, payable \$5,000 in cash and the balance at the rate of \$100 per month. Title to these trucks has already been transferred. He also leases the permits for a term commencing on January 2, 1957, and continuing for a term of ten (10) years, to be operated upon the sole responsibility of lessee. The consideration is \$12,000, payable in equal installments of \$1,200 each, commencing January 2, 1957. The instrument provides for an option to extend the lease for an additional five (5) year period for an additional sum of \$6,000, payable in five equal annual installments, and at the expiration of the additional five-year period the lessee shall have the option to purchase the permits for the additional sum of One Dollar (\$1.00).

The outstanding indebtedness of lessor is shown by Exhibit No. 1, identified by witness Brown, the total, as of January 1, 1957, being \$5,169.30, which has been paid in full.

It will be noted that the permit authorizes transportation of freight via U. S. Highway No. 40, and Colorado State Highway No. 131, between Denver, on the one hand, and Oak Creek, McCoy, Grand Junction, Steamboat Springs and Toponas, on the other hand, without the right to serve intermediate points or to serve between the points last named, and, further, the transportation of freight, except livestock, over the same route, between Denver and Yampa and intermediate points.

Witness Brown testified that he has been operating from Denver to the points named five nights per week. He named as his customers in Granby, the Middle Park Auto Co., the Granby Drug Co.,

and others. As customers in Kremmling, he named the Gamble Store, Standard Oil dealers, and others. He could not remember the approximate date of the last shipment, aside from newspapers, to either Granby or Kremmling. He has made no deliveries at Idaho Springs "for some time" and had no recollection of deliveries to or from points on U. S. Highway No. 40 between Denver, on the one hand, and Idaho Springs and Empire, on the other hand, for the past several years. He identified Exhibit J, showing gross ton-mile tax paid for July, 1956, of \$58.59, and Exhibit I, showing ton-miles of cargo for same period as 17,021. The gross ton-mile tax paid for August, 1956, was \$59.45, ton-miles of cargo, 16,875 (Exhibits G and H). All exhibits were prepared by his own accountant, all mileage between Denver and any intermediate point, Denver to Steamboat Springs, being figured on the entire distance between Denver and Steamboat Springs.

Going back to his earlier operations, witness Brown identified Exhibits K through R, photostatic copies of his reports to the Commission from January through August, 1954. These reports show ton-miles of cargo, and ton-mile tax and penalties paid each month. They show regular shipments from Denver to Steamboat Springs, Oak Creek, Phippsburg, Yampa and Kremmling, with two shipments to Toponas in May and one in August. Total ton-miles of cargo, 82,135; tax and penalties, \$202.63.

Exhibits A to F, inclusive, identified by the witness, show operations for the months September through November, 1956. He reports shipments from Denver to Steamboat Springs, only. Tonnage, 39,409; tax and penalties, \$152.41. It will be noted that none of the exhibits show shipments to Granby. The witness tried to explain that some of the Granby shipments might have been billed to Kremmling for convenience, he remembered hauling furnaces from Denver to Granby, and from Steamboat Springs to Granby four or five times in 1956, and in November, 1956, delivering shipments every



night from Denver to Colorado Construction Company at Granby. Other than these shipments, and the delivery of newspapers, he could identify no other Granby shipments. The great majority of the shipments were to Steamboat Springs and Yampa, the shipments being largely from the Sigman Packing Co. and other suppliers in the Denver area to cafes, etc. He stated that while the service to Granby, Kremmling and other intermediate points was fairly regular in 1954 and 1955, it became less regular thereafter.

Witness Brown further testified that the King Transportation Co. operated under these permits in 1950, 1951 and 1952, on daily service between Denver and Grand Junction. He could not explain how Grand Junction was served via U. S. Highway No. 40 and Colorado State Highway No. 131. He, himself, has never operated between Denver and Grand Junction, and the permits have not been used between said points since 1953.

Witness has used the pick-up and delivery service of Denver-Limon-Burlington Transfer Co. at Denver for the past two years.

As to his service under that portion of the permit authorizing the transportation of freight between the Las Animas vicinity and Denver, and intermediate points, Witness Brown admitted that he had made on an average of not more than one trip per year to any point authorized during the past four years. He remembered only one haul of household goods from Steamboat Springs to Rocky Ford via Denver, in 1954, and one haul of a similar nature in 1955.

Henry S. Orender, President of Rocket Express, Inc., the proposed lessee, identified the Certificate of Incorporation of the company, dated January 2, 1957, attached to the application (Exhibit No. 2). The incorporators and original board of directors consist of himself, Robert E. Peterson and Robert H. Stage. The authorized capital stock is 100 shares of common stock, par value \$100 per share. The only stock issued consists of 9 shares issued

to himself, 9 to Peterson, and 8 to Stage. The operations under the permits, if the lease is approved, will be conducted by himself and Peterson, who are being financed by the Colorado National Bank, Denver. The lease agreement has been approved by the corporation. Witness has had 20 years experience in the transportation business. For the past five years, he has been the President and General Manager of Denver-Limon-Burlington Transfer Company, of which he owns 127 shares. Brown has been using the Denver dock and pick-up and delivery service of this Company during 1955 and 1956. The net worth of witness is \$50,000. He is thoroughly familiar with the operations conducted by Brown under the permits, and after the lease agreement was executed Witness obtained temporary authority from the Commission on January 1, 1957, to continue the operations and has done so ever since. Rocket expects to operate under the permits "to the fullest possible extent," will haul to Las Animas or Grand Junction if it can get a load to either place. He identified Exhibit No. 5, a written contract between Rocket and Robert H. Stage. By the terms thereof, Stage is employed as Manager of Rocket at a weekly salary of \$115.00, with expense allowance of \$10.00 per week, the contract being terminable by either party on notice of one week.

Mr. Orender further testified that neither Brown or Rocket has any customers presently south of Denver, and has handled no shipments south under the temporary authority. He stated that Denver-Limon-Burlington Transfer Co. operates under PUC No. 699, will continue to handle Rocket's pick-up and delivery service at Denver, and often handles shipments at the same time, in the same truck, both under his own certificate and under Brown's permit.

Mr. Orender identified Exhibit S, a cardboard poster of Yampa Truck Line, signed by Bob Stage, Manager, advertising early morning delivery, daily direct service from Denver to fourteen named points west of the Continental Divide, emphasizing "Personalized Service," and giving two Denver telephone numbers. Witness

admitted that he knew the posters had been printed and posted around Denver and elsewhere but later found that such advertising of the service of a private carrier constituted a violation of the rules and regulations of the Commission and ceased the practice. He stated that he expects to operate over Loveland Pass on U. S. Highway 6-24 although the permits are restricted to transportation over U. S. Highway No. 40. He stated that he has no present intention of serving Idaho Springs and Empire, but will do so if he gets a load destined to either point.

Robert C. Peterson testified that he is Secretary-Treasurer of Rocket, owns 9 shares of its capital stock, and holds the same position with Denver-Limon-Burlington Transfer Co., in which he holds 127 shares. He has had eleven years experience in the transportation business, both under the certificate of Denver-Limon-Burlington Transfer Co. and under an "A" permit of Eastern Colorado Express. His net worth is \$65,000 and he has personally guaranteed that the terms of the lease agreement will be complied with. He identified Exhibit No. 4, the financial statement of Rocket as of January 31, 1957, showing assets of \$9,580.75 and liabilities of \$6,362.81, with income to date in 1947 of \$817.94. The sum of \$2,400 has been paid in by each of the incorporators. Neither Brown nor Rocket have any customers on U. S. Highway No. 85-87, between Denver and Pueblo, or on U. S. Highway No. 50, between Pueblo and Las Animas, but Rocket expects to move freight when offered to such points, and also between Winter Park and Steamboat Springs, and also between Denver and Grand Junction.

In protest, Howard D. Hicks, Traffic Manager of the Transportation Division of Weicker Transfer & Storage Co., operating under PUC Nos. 8 and 341, testified that the Brown permits authorize service which is in direct competition with Weicker between Denver and points south of Denver on U. S. Highway No. 85-87, and points east of Pueblo, on U. S. Highway No. 50, to Las Animas. Brown has transported freight in this area only

occasionally in the past four years, none of his trips originating in Denver. Witness knew of but one trip, during the period, and that trip originated at Steamboat Springs, and he feels that operations under the permits have been abandoned south of Denver by the present permit-holder. And if the permits are leased or sold to a more aggressive operator, there will be additional competition and the presently certificated carriers in that area will lose business that they need, if they are to carry on profitable operations.

Mr. Hicks interposed a motion for an order to eliminate from the permits in question, any authority to conduct operations between Denver and Las Animas, and intermediate points, on the ground that such authority has been abandoned by the present permit-holder. The motion was taken under advisement.

Peter Kooi, General Manager of North Park Transportation Co., operating under PUC No. 1600 and 1600-I, stated that his Company transports freight between Denver and Grand Lake, and other points in Jackson County, serving the intermediate points of Winter Park, Fraser, Granby, Hot Sulphur Springs and Kremmling, on U. S. Highway No. 40, in competition with Brown. He identified Exhibit T, the balance sheet of his Company as of December 31, 1956, showing assets of \$88,974.52 and liabilities of \$59,345.30; Exhibit U, its income statement for 1956, showing net income of \$2,354.67; Exhibit V, its list of equipment; Exhibit W, showing its owned terminals at Granby, Walden, and Denver, and leased terminals at Fraser, Kremmling, and Fort Collins, Colorado, and Laramie, Wyoming; and Exhibit X, showing average daily tonnage handled each month in 1956 to each of the intermediate points served. The Company furnishes scheduled overnight service, each way, between Denver and the intermediate points between Winter Park and Kremmling, five days per week, operates specialized equipment, has regular pick-up and delivery service at Denver, and from the docks at Granby, Fraser and Kremmling, makes deliveries to consignees at outside points by peddler trucks,

employs thirteen men in the summer months and twenty men during the winter. It interlines with other common carriers at Denver and other points. Formerly, it made five deliveries per week at Granby, but was permitted to suspend such deliveries by the Commission, in October, 1956, because of lack of business. At the request of new customers, it resumed such deliveries on January 1, 1957. Since said date, when the operations of Yampa Truck Line were taken over by Rocket, this Company has lost a few accounts, and the revenue loss was important, as the Company has no way to cut expenses. And some Denver customers, formerly served by his Company, are now served by Rocket.

This witness had seen a truck of Yampa Truck Line at Granby only once. He was formerly associated with Robert H. Stage, General Manager of Rocket, in the operations of Intermountain Freight Lines, under an "A" permit, and during that time Stage had advertised by card posters. He had seen one of Rocket's advertising cards in the window of one of his own customers at Granby, about January 15, 1957.

Edward B. Thomas, General Manager and one of the partners operating the Clear Creek Transportation Co., under PUC Nos. 1865 and 1865-I, identified Exhibit Y, a manifest recapitulation of their 1956 shipments, by day and month, for 1956. The destination points, competitive with Yampa, are Idaho Springs, Dumont, Lawson and Empire. Daily scheduled service between Denver and these points is provided five days per week, two pieces of equipment used, a 1954 Ford F-500 and a 1957 Chevrolet, both van type. Two terminals are maintained, at Englewood and Idaho Springs (Exhibit Z). The line-haul equipment is used for pick-up and delivery service. One truck is always based at Idaho Springs. The Company has two full-time employees.

Ralph E. Turano, Traffic Manager of Rio Grande Motor Way, Inc., and Larson Transportation Co., testified that Larson operates over U. S. Highway No. 6-40 from Denver, over Rabbit Ears Pass to

Steamboat Springs and Craig, with terminals, agents, and pick-up and delivery service at all three points. Larson's equipment list and financial statement, on file with the Commission, were made a part of the record by reference. Service to all intermediate points between Gore Pass and Steamboat Springs, such as Yampa, Pittsburg and Toponas, is in direct competition with the service of Brown, and to these points Larson provides over-night service to and from Denver, five days per week. Motor Way provides daily over-night service between Grand Junction and Denver, over Loveland Pass via U. S. Highways 6 and 24. Any expanded service by a lessee or transferee of the permits in question would adversely affect the adequate service of Larson and Motor Way to the competitive points.

Paul Crocker, Investigator for the Commission, identified Exhibit No. AA, a PUC emergency letter issued by Yampa Truck Line, signed by Ordender, of date December 26, 1956. It will be noted that this was before the date of the lease in question. It provided for the transportation of one Bay City crane, from Parshall to Colorado Springs, by equipment and driver of Farmer's Lumber Co. of Golden. The reason given by Orender, for Yampa, being "shortage of equipment." Orender had no connection with Yampa on the date of issue. The emergency letter was never filed with the Commission, but was picked up by the investigator in the course of his investigation of Yampa's operations. In explanation, Orender stated that he was answering Brown's telephone when he learned of the available shipment, he obtained oral authority to sign the document from Mrs. Brown, by telephone. It was turned over to Bob Stage, who had negotiated the deal. Orender admitted that he had made no arrangements at that time with Brown for the proposed lease and option. Whatever may be the explanation, your Examiner finds as a fact that Orender, an experienced trucker, without proper authorization, issued a "phony" emergency letter which was never filed with the

Commission.

There was further offered in evidence Page 699 of the Denver Classified Telephone Directory, of July, 1956, on which appears the following advertisement:

"YAMPA TRUCK LINE 1420 18th ALpine 5-6083  
Long Distance Steamboat Springs 157"

All of the exhibits referred to in the above Statement were received in evidence.

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The authority under these permits has never been clarified by the Commission, but is obscure in one detail only: the service to Grand Junction. In the opinion of the Examiner, such service is not authorized.

The original permit authorized the transportation of freight over regularly established routes between the vicinity of Yampa, Colorado and Denver, and intermediate points, and between the vicinity of Las Animas, Colorado, and Denver, and intermediate points. The "regularly established route," between Yampa and Denver, according to the official map, is over Colorado State Highway No. 131, Yampa to Steamboat Springs, and over U. S. Highway No. 40, Steamboat Springs to Denver, over Berthoud Pass. Any other route would be circuitous and inappropriate for the transportation of freight between the two points.

By Decision No. 24545, a portion of Private Permit No. A-660 was transferred and consolidated with the original permit here involved, authorizing the transportation of freight, via U. S. Highway No. 40 and Colorado State Highway No. 131, between Denver, on the one hand, and Oak Creek, McCoy, Grand Junction, Steamboat Springs, and Toponas, on the other hand, without the right to serve intermediate points or to serve between Oak Creek, McCoy, Grand Junction, Steamboat Springs, Toponas, and further authorized the transportation of freight (except livestock) over the same route between Denver and Yampa. Any authority to serve Grand Junction, under the permit here involved, must be derived from the portion of Private Permit No. A-660, so transferred.

Grand Junction is an off-route point that cannot be served over the designated highways. If the transportation is over U. S. Highway No. 40 only, the point reached, nearest to Grand Junction, is Craig, and if the transportation is over U. S. Highway No. 40 and Colorado State Highway No. 131, the nearest point is Yampa. To reach Grand Junction would require transportation over Colorado State Highway No. 13 from Craig to Rifle, about 90 miles, and via U. S. Highway No. 6-24 from Rifle to Grand Junction, an additional 65 miles. If the transportation is over U. S. Highway No. 40 and Colorado State Highway No. 131, as authorized, the freight must be transported from Denver to Yampa and returned over Colorado State Highway No. 131 to Steamboat Springs. There is no all-weather cross-country road from Yampa to Grand Junction, and service between Steamboat Springs and Grand Junction is specifically excepted under the terms of the permit. The reason for including Grand Junction as a destination point is obscure. It appears, however, that there has been no shipment handled to Grand Junction since 1953, and such service was abandoned by Brown and has not been re-established by Rocket under its temporary authority.

In the opinion of the Examiner, no action should be taken by the Commission favoring a private carrier that will change the competitive situation in this service area to the detriment of the scheduled line-haul carriers. In other words, should the lease agreement be approved, service under the permits should be restricted to the services being performed by Brown at the date of the lease agreement. Under the evidence, any approval order should restrict operations under the permit as against any service between Denver and Pueblo and intermediate points on U. S. Highway No. 85-87, and any points on U. S. Highway No. 50 between Pueblo and Las Animas. Brown could remember only two shipments handled into this area during the past several years. It should also be restricted as against the



transportation of any freight destined to Grand Junction. Brown admitted that there had been no service under the permits between Denver and Grand Junction since 1953. It should also be restricted against any service to Idaho Springs, which Brown has not furnished for "some time," and as to any service to points on U. S. Highway No. 40 between Denver and Empire, which points Brown has not served for several years. In fact, Exhibits A to F, inclusive, covering the three-month period September to November 1956, show no service to any of the named destination points other than Steamboat Springs and it might also well be restricted as against service to Granby, based on the exhibits. However, an order so restricting service would not be acceptable to Rocket, as Mr. Orender was emphatic in stating that Rocket expects to operate under the permit to the "fullest extent possible," and will handle any freight offered destined to Grand Junction or points between Denver and Las Animas.

In deciding whether or not the lease agreement should be approved, restricted or otherwise, there are other factors that must be considered.

1. C. R. S. 115-11-4 and Rule 6 of the Rules and Regulations Governing Private Carriers by Motor Vehicle provide that no private carrier shall sell, assign, lease, encumber, or transfer its permit without authority from the Commission. Application and hearing are for the purpose of establishing the fact that transferor has complied with all requirements as to insurance coverage, reports and tax payments and further to establish the financial standing and the qualifications of transferee to conduct the operation. In this case, the lease agreement provides that at the expiration of the lease, Rocket shall have the option to purchase the permit for a consideration of \$1.00. The Examiner considers any proposed transfer of operating rights to a corporation suspect. The corporation, as the owner of a certificate or permit, might transfer ownership thereof by a simple sale of the capital stock of the corporation and the purchaser of the stock thus obtain ownership of the authorities without an

application to the Commission and a hearing to establish the facts pertinent to a transfer. An unqualified person might thus, by subterfuge, obtain important operating rights which should only be obtained after proper application and hearing.

2. Rule 17 of said Rules and Regulations referred to provides that no private carrier shall advertise in any newspaper, magazine, or other publication, or otherwise hold himself out to serve the public indiscriminately. Stage, General Manager of Rocket, has a long record of violations of this Rule. He was formerly associated in the operations of Intermountain Freight Lines under an "A" permit and conducted a campaign of advertising by printed posters. He initiated the same type of campaign for Rocket as soon as he became associated therewith and with the knowledge and consent of the operators, Orender and Peterson. The latter had also operated for several years in eastern Colorado under an "A" permit, and surely knew the provisions of the Rules and Regulations relative thereto. So we see the three Directors of Rocket advertising by poster, two of them having previously operated under "A" permits and the other acquiescing in the campaign.

It will also be noted that the Yampa Truck Line carries an advertisement in the Denver Classified Telephone Directory, issued in July, 1956, and now in effect. Naturally, Rocket will receive the benefit of this advertising if the instant application is granted.

3. Rule 8 of the Rules and Regulations referred to provides that a private carrier holding a certificate of public convenience and necessity shall not transport freight under more than one of such authorities on the same vehicle or combination of vehicles at the same time. True, should the application be granted, Rocket will own only the permit and no certificate of public convenience and necessity. However, the same three men who own and would operate the permit are the same three men who control, by stock ownership, the Denver-Limon-Burlington Transfer Company operating under a certificate.

The interlocking directorate in effect would make the ownership of the permit and of the certificate identical. According to the evidence, the certificate owners operate the same trucks at the same time in their pick-up and delivery service for Rocket and for their own Company. Moreover, the temptation to interline freight transported under the certificate and under the permit would be great, one which the Examiner fears would be too inviting to be resisted by Rocket's General Manager, and such interlining is forbidden by Rule 5 (b) of the Rules and Regulations referred to, which provide that no private carrier shall transport or accept for transportation any shipment which is to be delivered to another carrier or carriers for transportation to a point not authorized to be served by his or its permit. Both the President and Secretary-Treasurer of Rocket testified that this joint pick-up and delivery service will be continued if the instant application is granted.

4. Mr. Orender testified that Rocket will operate over Loveland Pass, to-wit: over U. S. Highway No. 6-24. In the opinion of the Examiner, the permits do not authorize the use of this highway. He further stated that he will operate between Denver and Las Animas, if possible, although he has no customers in that area and operations into that area have been abandoned by Brown. Also that he will operate between Denver and Grand Junction, although the latter point cannot be reached over any highway designated in the permits.

5. Mr. Orender has shown his utter disregard for the Rules and Regulations referred to by signing, without authority, an emergency letter for Yampa Freight Line before he had any connection therewith, and failing to file a copy thereof with the Commission as required by Rule 13 (b).

While transferee is shown to be financially responsible and its directors have had experience in the transportation business, for the reasons above given, your Examiner is of the opinion that the lease agreement in question should not be approved, even though operations thereunder might be restricted as above suggested. The Examiner is further of the opinion that the proposed lease agreement

is not in the public interest and that the instant application 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 the Report of the Examiner referred to therein should be approved.

That the instant application should be denied.

### O R D E R

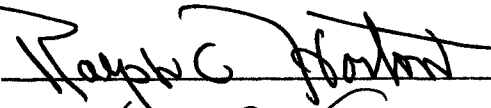


#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That the instant 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 16th day of May, 1957.

ea

original

(Decision No. 47939)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ANDREW J. OSTORERO AND VELMA M. )  
OSTORERO, CO-PARTNERS, DOING BUSI- )  
NESS AS "BILL'S CITY TAXI & SIGHT- )  
SEEING," 1402 WALNUT STREET, BOULDER, ) APPLICATION NO. 15327-Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 150 AND PUC NO. 150-I TO )  
CARL ZIER, 1208 MORNINGSTAR DRIVE, )  
COLORADO SPRINGS, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
ANDREW J. OSTORERO AND VELMA M. )  
OSTORERO, CO-PARTNERS, DOING BUSI- )  
NESS AS "BILL'S CITY TAXI & SIGHT- )  
SEEING," 1402 WALNUT STREET, BOULDER, ) APPLICATION NO. 15328-Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 174 AND PUC NO. 174-I TO )  
CARL ZIER, 1208 MORNINGSTAR DRIVE, )  
COLORADO SPRINGS, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
ANDREW J. OSTORERO AND VELMA M. )  
OSTORERO, CO-PARTNERS, DOING BUSI- )  
NESS AS "BILL'S CITY TAXI & SIGHT- )  
SEEING," 1402 WALNUT STREET, BOULDER, ) APPLICATION NO. 15329-Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 177 AND PUC NO. 177-I TO )  
CARL ZIER, 1208 MORNINGSTAR DRIVE, )  
COLORADO SPRINGS, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
ANDREW J. OSTORERO AND VELMA M. )  
OSTORERO, CO-PARTNERS, DOING BUSI- )  
NESS AS "BILL'S CITY TAXI & SIGHT- )  
SEEING," 1402 WALNUT STREET, BOULDER, ) APPLICATION NO. 15330-Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 180 AND PUC NO. 180-I TO )  
CARL ZIER, 1208 MORNINGSTAR DRIVE, )  
COLORADO SPRINGS, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
ANDREW J. OSTORERO AND VELMA M. )  
OSTORERO, CO-PARTNERS, DOING BUSI- )  
NESS AS "BILL'S CITY TAXI & SIGHT- )  
SEEING," 1402 WALNUT STREET, BOULDER, ) APPLICATION NO. 15331-Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 1198 TO CARL ZIER, 1208 )  
MORNINGSTAR DRIVE, COLORADO SPRINGS, )  
COLORADO. )  
----- )

- - - - -  
May 17, 1957  
- - - - -

Appearances: Charles E. Williams, Esq.,  
Boulder, Colorado, for  
Transferors Andrew J.  
Ostorero and Velma M.  
Ostorero and DeLuxe  
Cab Company;  
E. B. Evans, Esq., Denver,  
Colorado, for Transferee  
Carl Zier.

S T A T E M E N T

By the Commission:

Andrew J. Ostorero and Velma M. Ostorero, co-partners,  
doing business as "Bill's City Taxi & Sightseeing," Boulder,  
Colorado, are the owners of PUC No. 150 and PUC No. 150-I,  
authorizing:

Transportation of passengers: (a) Boulder to  
Estes Park; (b) Boulder to Idaho Springs; (c)  
Boulder to Mt. Evans; (d) Boulder to Corona;  
(e) Boulder to Stapp's Lake; (f) Boulder to  
Arapahoe Glacier Region; (g) Boulder to Apex  
and Georgetown Loop; (h) Boulder to Colorado  
Springs; (i) Boulder to Cripple Creek; (j)  
Boulder to Grand Lake and Gold Hill; subject  
to the following terms and conditions: (a)  
no transportation of passengers to any inter-  
mediate points shall be permitted; (b) all  
operations herein shall be limited to sight-  
seeing round-trip operations originating and  
terminating at Boulder; (c) the quantity of  
equipment limited to five seven-passenger  
automobiles, which authority was modified by  
Decision No. 1181, as follows: all operations  
herein limited to sightseeing round-trip opera-  
tions, originating and terminating at Boulder  
or Gold Hill; transportation of sightseeing  
passengers in interstate commerce, only, be-  
tween Boulder and all points outside of the  
State of Colorado; transportation of passen-  
gers between Boulder and Double M Ranch in  
Boulder County, provided, however, this certifi-  
cate shall not authorize applicant to transport  
passengers from any intermediate points to  
Boulder and said Double M Ranch, including  
Gold Hill.

Andrew J. Ostorero and Velma M. Ostorero, co-partners,  
doing business as "Bill's City Taxi & Sightseeing," Boulder, Colo-  
rado, are also the owners of PUC No. 174 and PUC No. 174-I,  
authorizing:

Transportation of passengers, sightseeing, in Boulder Region, subject to the following conditions: (a) limited to round-trip originating and terminating at same point, without stop-over privileges; (b) no one-way transportation of passengers between Boulder and any point where there exists regular railroad or motor carrier service or in part by one and in part by the other, limited to three cars; transportation of sightseeing passengers in interstate commerce, only, between Boulder, Colorado, and all points outside of the State of Colorado.

Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," Boulder, Colorado, are also the owners of PUC No. 177 and PUC No. 177-I, authorizing:

Transportation of passengers from Boulder to the various scenic attractions in the Boulder region, subject to the following terms and conditions: (a) that all sightseeing and tourist operations herein shall be limited to round-trip operations, originating and terminating at the point of origin of the service, without stop-over privileges; (b) that no one-way transportation of passengers is permitted between the City of Boulder and any point where there exists regular transportation by either railroad or motor vehicle carrier, or in part by one and in part by the other; (c) that the equipment to be used in this operation shall be limited to one (1) automobile. Transportation of sightseeing passengers in interstate commerce only between Boulder and all points outside of the State of Colorado. Transportation of passengers and baggage to and from Boulder and Blanchard's Lodge located some four (4) miles up Boulder Creek from Boulder, on call and demand. Conduct of a taxicab service for the transportation of one-way passengers and their baggage between points within the City of Boulder and points within a radius of nine (9) miles of the City of Boulder and between the City of Boulder and Ward, Colorado (an immediate return by the passengers to be regarded as an additional trip), subject to the following terms and conditions: That applicant shall charge not less than 15¢ per car-mile when transporting passengers for one or more passengers, and 12¢ per mile for dead-head service, that in empty car movement to or from points where loaded movements start or ends, and shall be further limited to cars carrying not to exceed five (5) passengers on any one trip. The applicant shall charge not less than the following minimum rates: (1) between the city of Boulder and any points within one-half ( $\frac{1}{2}$ ) mile radius of the limits of the City - one way fare - one or two passengers 25¢ each, each additional passenger 10¢; (2) between the City of Boulder and any point more than  $\frac{1}{2}$  mile distant from the



City Limits and not to exceed 6/10 mile therefrom, one-way fare, one or two passengers, 35¢ each, additional passenger 10¢; (3) between the City of Boulder and points more than 6/10 mile from the City Limits and not more than one mile distant therefrom - round trip - fare 40¢; (4) between the City of Boulder and any points more than one mile from the City Limits and within a 5-mile radius thereof - one-way fare 20¢ per loaded car-mile, regardless of the number of passengers, not exceeding five (5). Transportation of passengers and baggage in taxicab service, only, from and to points in the City of Boulder, Colorado, from and to points within a radius of 35 miles thereof, subject to the following limitations: (1) all transportation under the authorized extension shall originate or terminate in the City of Boulder, except that no service originating in Denver shall be performed. (2) No service shall be performed to or from Rocky Mountain National Park, Grand Lake, or points south of Grand Lake on US #34 to Granby, or points on US #40 between Granby and Denver. (3) No sightseeing service under this extension shall be performed. (4) Restriction removed in Decision No. 35518. (5) All service to be performed shall be call and demand service, and not on schedule. (6) Rates to be charged for taxicab service under the authority extended shall be twenty-seven cents (27¢) per mile, one way, with fare and one-half for round trip, for the first two passengers, and fifteen cents (15¢) per mile extra for each additional passenger, either one-way or round-trip, and \$2.00 per hour waiting time; except that no charge shall be made for the transportation of children under six years of age when accompanied by a paying passenger, and children between the ages of six and twelve years, when accompanied by a paying passenger, shall be charged half fare only.

Decision No. 27397 extended to: (1) in the operation under said certificate between Boulder and Estes Park, Colorado, and intermediate points Lyons to Estes Park, the applicant shall be limited to use of not more than two 5-passenger cars, and (2) that the fares of applicant for the transportation of persons between Boulder and Estes Park, Colorado and intermediate points Lyons to Estes Park, during the time Rocky Mountain Motor Company operates a scheduled service between said points, shall be not less than 120% of the fares charged by said Rocky Mountain Motor Company between said points.

Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," Boulder, Colorado, are also the owners of PUC No. 180 and PUC No. 180-I, authorizing:

Transportation of passengers from Boulder to the various scenic attractions in the Boulder region, subject to: (a) all sightseeing and tourist operations shall be limited to round-trip operations, originating and terminating at the point of origin



of the service without stop-over privileges;  
(b) no one-way transportation of passengers is permitted between the City of Boulder and any point where there exists regular established transportation by either railroad or motor vehicle, or in part by one and in part by the other;  
(c) limited to 4 automobiles.

Decision No. 3540: Transportation of sightseeing passengers in interstate commerce, only, between Boulder and all points outside of the State of Colorado.

Decision No. 10175: Transferred use of 1 car from W. N. Clark with like authority.

Decision No. 10507: Supplemental order issued transferring car originally assigned to Fred Bonelli, making 2 cars from W. N. Clark.

Decision No. 1738: authorizes use of one car in sightseeing business in the Boulder area. (This makes authority for seven cars in all).

Decision No. 26304 transfers from PUC 179: Transportation of passengers on round trips from the City of Boulder to the various scenic attractions in the Boulder region, subject to: (a) all sightseeing and tourist operations shall be limited to round trip operations, originating and terminating at the point of origin of the service, without stop-over privileges; (b) no one-way transportation of passengers shall be permitted between the City of Boulder and any points where there exists established transportation by either railroad or motor vehicle, or in part by one and in part by the other; (c) limited equipment to one automobile.

Decision No. 3557: increases number of automobiles to two (2).

Decision No. 3540: Transportation of passengers in interstate commerce, only, between Boulder and all points outside of the State of Colorado.

Decision No. 2554: Transferred one automobile with same authority from PUC 174. (Total of three cars).

Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," Boulder, Colorado, are also the owners of PUC No. 1198 (operating thereunder as "DeLuxe Cab Company," which they wholly own) with authority as follows:

Transportation as common carrier (1) to operate two (2) cars, on schedule, of passengers and their baggage by motor vehicle in sightseeing service between Boulder on the one hand, and, on the other, the following points on said routes, to-wit: Allen's Park, Alps, Arapahoe Glacier, Beaver Park Junction, Boulder Falls,

Brainerd Lake, Bruner Gulch, Canon Park, Hardin, Caribou, Castle Rock, Crissman, Eagle Rock, Eckles, Eldorado, Ferberite, Fourmile, Glacier Lake, Gold Lake Junction, Gold Hill, Jordone, Lakewood, Lyons, Mojave, Nederland Dam, Nederland, Newaka, Peaceful Valley, Perfect Tree, Power House, Pretty Meadow, Rainbow Lakes, Raymonds, Rollinsville, Stapp's Lake Junction, Salina, Soda Springs, Tuckers, Tungsten, University Camp, Ward and Wills, all being located on the so-called "Glacier Route," said service to be over six fixed routes known as Boulder Canon, Boulder-Nederland-Lyons, Grand Glacier Circle, Glacier Short Circle, Arapahoe Glacier and Switzerland Trail Circle, expressly excluding service to and from Boulder or to Blanchard's Lodge. (2) Transportation of passengers, in irregular service, between Boulder and various scenic attractions in the Boulder Region, including all points south of Allen's Park and Lyons, on said Glacier Route not served by existing rail or motor carriers operating singly or in combination on schedule, the equipment used in said operation to be limited to two cars. (3) Taxicab service for the transportation of one-way passengers and their baggage between points within the City of Boulder and points except Blanchard's Lodge, within a radius of 5 miles of the city limits of the City of Boulder, (immediate return by passengers to be regarded as an additional trip), and the transportation of one-way passengers and their baggage between Boulder, Colorado, on the one hand, and, on the other, points on the Glacier Route, including Stapp's Lake Lodge and excepting Blanchard's Lodge, and the transportation of one-way passengers between said points on the Glacier Route, including Stapp's Lake and excepting Blanchard's Lodge, with the proviso that cars used in the operation should not have a passenger capacity in excess of four, and that no sight-seeing service to Flagstaff Mountain or other points, is authorized under this extension, and the immediate return of passengers to be considered an additional trip.

Decision No. 22715 amends the authority to read: (4) in the operation of taxicab service mentioned in paragraph (3) hereof, the said applicant shall not pick up or discharge passengers at any point between the Alps Lodge and the Power Plant located on Highway No. 119.

By Application No. 15327, Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sight-seeing," Boulder, Colorado, seek to transfer all their operating rights under PUC No. 150 and PUC No. 150-I; by Application No. 15328, they seek to transfer all their operating rights under PUC No. 174 and PUC No. 174-I; by Application No. 15329, they seek to transfer all their operating rights under PUC No. 177 and

PUC No. 177-I; by Application No. 15330, they seek to transfer all their operating rights under PUC No. 180 and PUC No. 180-I; and by Application No. 15331, they seek to transfer all their operating rights under PUC No. 180, all authority as set forth above, to Carl Zier, 1208 Morningstar Drive, Colorado Springs, Colorado.

These applications were set for hearing, with appropriate notice to all interested parties, at 330 State Office Building, Denver, Colorado, on May 10, 1957, and at that time, with the consent of all parties present, were consolidated for purposes of hearing and decision. Evidence was taken upon a single record, the exhibits being filed, for convenience, in the Application No. 15327-Transfer file, and at the conclusion of the evidence, the matters were taken under advisement.

Mr. Andrew J. Ostorero testified in behalf of the transferors, and Mr. Carl Zier in behalf of himself as the transferee. No one appeared in protest.

It appears from the evidence that the Ostoreros have been doing business as "Bill's City Taxi & Sightseeing," and operating the four authorities first above described since January, 1955. In addition, Mr. Ostorero owns all of the capital stock of the DeLuxe Cab Company under which name he has operated the last described authority during the same period. The Ostoreros also own an interstate certificate which is being transferred in connection with the present sale. The only office ever maintained for the operation of the business has been maintained in Boulder. Each of the parties verified the Contract of Purchase and Sale which was identified as Exhibit 1 in the proceeding, and pursuant to which all of the authorities are to be sold, together with motor vehicles, radio, office equipment and tools, for the total sum of \$72,750. The buyer is paying half of this sum total by the time of closing, the balance in installments upon a promissory note, payment being secured by a chattel mortgage upon the

authorities involved.

The parties ask that we approve this chattel mortgage, a copy of which was identified as Exhibit 2 in this proceeding. It appears that the mortgage is given for a valuable consideration and that the revenues from the operations are sufficiently large to permit the payment of all expenses plus the payments required by the note and still leave enough for the operator to live comfortably out of the remainder. No reason appears, therefore, why the mortgage should not be approved.

No indebtedness is connected with the operation except such as will be paid at the time of the closing. If the transfers are authorized, the Ostoreros will be completely out of the business of transportation for hire, as they are selling everything they own.

The buyer offered evidence of his financial condition, character and experience sufficient to satisfy the Commission that he is capable of discharging all of the obligations to the public inherent in these authorities. He plans to live in Boulder and will for the present operate out of the existing office of the company. He is familiar with the authorities and the operations conducted thereunder, as well as the rules and regulations of the Commission with respect to such operations. He plans to do business as a sole proprietor but may, in the future, change to corporate operation. If so, he understands that he will be required to file application for authority to transfer these operating rights to such a corporation. He would like to consolidate his reports so that he makes only one report as to all authorities, but would like to keep the certificates themselves separate for the present.

No reason appears why the transfers should not be authorized and the mortgage approved in the terms of the following Order. An Order will be entered accordingly.

## 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 transfer of the various certificates with authority as set forth in the above and foregoing Statement should be authorized and the mortgage approved, in accordance with the following Order.

## O R D E R

### THE COMMISSION ORDERS:

That Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," 1402 Walnut Street, Boulder, Colorado, be, and are hereby authorized to transfer, under Application No. 15327, all their right, title and interest in and to PUC No. 150 and PUC No. 150-I -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Carl Zier, 1208 Morningstar Drive, Colorado Springs, Colorado, subject to outstanding indebtedness, if any there be, whether secured or unsecured.

That Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," 1402 Walnut Street, Boulder, Colorado, be, and they are hereby authorized to transfer, under Application No. 15328, all their right, title and interest in and to PUC No. 174 and PUC No. 174-I -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Carl Zier, 1208 Morningstar Drive, Colorado Springs, Colorado, subject to outstanding indebtedness, if any there be, whether secured or unsecured.

That Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," 1402 Walnut Street, Boulder, Colorado, be, and they are hereby authorized to transfer, under Application No. 15329, all their right, title and interest in and to PUC No. 177 and PUC No. 177-I -- being the operating rights set forth in the above and foregoing Statement,

which is made a part hereof by reference -- to Carl Zier, 1208 Morningstar Drive, Colorado Springs, Colorado, subject to outstanding indebtedness, if any there be, whether secured or unsecured.

That Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," 1402 Walnut Street, Boulder, Colorado, be, and they are hereby authorized to transfer, under Application No. 15330, all their right, title and interest in and to PUC No. 180 and PUC No. 180-I -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Carl Zier, 1208 Morningstar Drive, Colorado Springs, Colorado, subject to outstanding indebtedness, if any there be, whether secured or unsecured.

That Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi & Sightseeing," 1402 Walnut Street, Boulder, Colorado, be, and they are hereby authorized to transfer, under Application No. 15331, operating as DeLuxe Cab Company, all their right, title and interest in and to PUC No. 1198 -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Carl Zier, 1208 Morningstar Drive, Colorado Springs, Colorado, subject to outstanding indebtedness, if any there be, whether secured or unsecured.

The transfer of interstate operating rights authorized herein is subject to the Federal Motor Carrier Act of 1935, as amended.

Authority is given to the transferee Carl Zier to encumber certificates of public convenience and necessity numbered PUC Nos. 150, 174, 177, 180 and 1198 to Andrew J. Ostorero and Velma M. Ostorero, to secure the payment of \$36,000, evidenced by a promissory note which, by its terms, shall be payable in monthly installments of \$300 or more per month, plus interest, for a period of one hundred twenty (120) months from date thereof, but finally payable in all events not later than July 1, 1967.

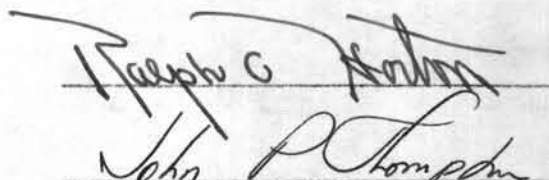
That the transfer of PUC Nos. 150 and 150-I, 174 and 174-I, 177 and 177-I, 180 and 180-I, and 1198 shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties 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 transfers, 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 the above-numbered 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

  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of May, 1957.

CS

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE PUBLICATION ON STATUTORY )  
NOTICE (THIRTY DAYS) BY THE )  
NORTH PARK TRANSPORTATION COMPANY,) )  
MOTOR FREIGHT TARIFF NO. 1-A, )  
COLORADO P.U.C. NO. 3, OF A GEN- )  
ERAL SEVEN PER CENT INCREASE IN )  
ITS RATES AND CHARGES. )  
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CASE NO. 1585

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May 17, 1957  
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S T A T E M E N T

By the Commission:

Under the provisions of Rule 18 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 and charges advertised to become effective May 19, 1957, 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 as 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 investigation of the proposed changes developed the following information:

The new schedules are applicable on interstate as well as on Colorado intrastate traffic and was filed with the Interstate Commerce Commission at the time it was filed in the office of this Commission.

In a letter received from Mr. Peter B. Kooi, President, the Commission is advised that contacts have been made with shippers and recipients of freight in the Middle Park and North Park areas as to the proposed seven per cent (7%) increase in its charges and likewise to large and small shippers in Denver who have received copies of the proposed changes.



In a separate communication submitted various costs were set forth, such as: "Our fuel cost and tire cost has risen approximately 8%; our real estate taxes and other costs of maintaining terminals at Granby and Walden have increased about 10%; our labor costs at all three terminals have increased about 7%."

By Decision No. 46107, dated July 5, 1956, the carrier republished its tariff which resulted in increases in class and commodity rates (6%, Middle Park; 10%, North Park), and in a number of instances adjusted and reduced commodity rates to encourage traffic.

In making a comparison of the annual reports submitted to this Commission for the years 1955 and 1956, respectively:

Revenue, \$125,819.62, Operating Expenses, \$132,400.71, with a resultant operating ratio of 105.23% and a net operating loss of \$6,581.09;

Revenue, \$158,066.19, Operating Expenses, \$150,677.16, with a resultant operating ratio of 95.29% and a net operating profit of \$7,389.03. Deducting the interest paid of \$3,158.54, a net profit of \$4,230.49 remained.

The carrier advised that approximately 55% is derived from line haul operations and 45% from livestock and call and demand business on a yearly basis. For the first quarter of 1957, the carrier reports revenue, \$28,530.71 and operating expenses, \$34,837.97, with an operating ratio of 122.10%; and that of the large construction projects in its area, one will be completed this year wherein the loss will definitely show a marked reduction in its revenues. The freight movements from Ft. Collins into the North Park area via an interstate route consist primarily of milk and beer, with occasional movements of household furniture; however, the volume of traffic involved does not fully compensate the carrier for this phase of its operation.

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

##### THE COMMISSION FINDS:

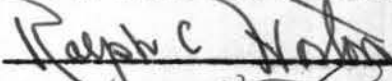
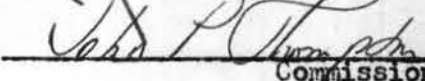
That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

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 May 19, 1957, 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 May 19, 1957, 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 May 19, 1957, 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 NIGRO NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 17th day of May, 1957.

mem

EXHIBIT "A"

SECTION I - CLASS RATES													
Index No.	BETWEEN  DENVER . . . . . COLORADO  AND	*CLASS RATES IN CENTS PER 100 POUNDS											
		/SCALE A				/SCALE B				/SCALE C			
		CLASSES				CLASSES				CLASSES			
		1	2	3	4	1	2	3	4	1	2	3	4
5	Berthoud Falls .. Colo.	146	122	100	82	140	117	94	77	135	111	89	72
10	Berthoud Pass ... Colo.	156	132	108	83	151	126	103	78	146	121	97	73
15	Empire ..... Colo.	142	119	101	76	137	113	95	71	132	108	90	65
20	Fraser ..... Colo.	165	139	116	88	159	134	110	82	154	128	105	77
25	Granby ..... Colo.	184	156	127	103	179	151	122	97	173	146	117	92
30	Grand Lake ..... Colo.	212	179	147	116	207	173	141	110	201	168	136	105
35	Hot Sulphur Spgs. Colo.	194	165	134	107	188	159	128	102	183	154	123	96
40	Kremmling ..... Colo.	212	178	147	116	207	172	141	110	201	167	136	105
45	Parshall ..... Colo.	201	172	142	109	196	167	137	104	190	162	132	98
50	Tabernash ..... Colo.	172	147	119	94	167	141	113	89	162	136	108	83
55	Troublesome ..... Colo.	203	175	142	112	198	170	137	107	193	165	132	102
60	Winter Park ..... Colo.	156	134	111	87	151	128	106	81	146	123	101	76

\*-All class rates named on this page are subject only to the LTL or AQ ratings in the Current Classification or exceptions thereto named in this tariff.

-Explanation of Scales:  
Scale A Rates apply upon less-than-truckload shipments.  
Scale B Rates are subject to a minimum weight per shipment of 5,000 pounds.  
Scale C Rates are subject to a minimum weight per shipment of 10,000 pounds.

Index No.	BETWEEN  DENVER ZONE, COLO. (See Item 105) AND	CLASS RATES IN CENTS PER 100 POUNDS					
		CLASSES					
		1	2	3	4	45	5
80	Cowdrey ..... Colorado	236	203	164	129	122	122
85	Walden ..... Colorado	236	203	164	129	122	122
	BETWEEN FORT COLLINS.. COLO. AND						
105	Cowdrey ..... Colorado	195	163	137	106	95	95
110	Walden ..... Colorado	195	163	137	106	95	95



Distance or mileage class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) have been published to apply from and to the same points over the same route.

DISTANCE (See Item 155)	*DISTANCE CLASS RATES IN CENTS PER 100 POUNDS											
	SCALE A				SCALE B				SCALE C			
	CLASSES				CLASSES				CLASSES			
	1	2	3	4	1	2	3	4	1	2	3	4
5 miles and under	109	93	79	60	104	88	74	55	98	82	68	49
10 miles & over 5	116	97	80	63	110	92	75	58	105	87	70	52
15 miles & over 10	120	102	81	65	114	96	76	60	109	91	71	55
20 miles & over 15	122	105	82	66	117	100	77	61	111	94	72	56
25 miles & over 20	128	109	83	73	123	104	78	67	118	98	73	62
30 miles & over 25	138	118	97	74	133	112	92	68	127	107	87	63
35 miles & over 30	142	120	101	79	137	114	95	74	132	109	90	68
40 miles & over 35	152	126	105	81	147	121	100	76	141	116	94	71
45 miles & over 40	154	133	109	82	149	127	104	77	143	122	98	72
50 miles & over 45	164	138	116	92	158	133	110	87	153	127	105	81
55 miles & over 50	173	148	120	95	168	142	114	90	163	137	109	85
60 miles & over 55	179	153	125	97	173	148	120	92	168	142	114	87
65 miles & over 60	187	155	128	102	182	150	123	96	177	144	118	91
70 miles & over 65	193	164	133	105	187	158	127	100	182	153	122	94
75 miles & over 70	197	168	138	106	192	163	133	101	186	157	127	95
80 miles & over 75	204	177	142	114	199	171	137	109	194	166	132	104
85 miles & over 80	215	179	152	118	210	173	147	112	204	168	141	107
90 miles & over 85	218	187	153	120	213	182	148	114	208	177	142	109
95 miles & over 90	219	189	154	120	214	184	149	114	209	179	143	109
100 miles & over 95	223	193	155	125	217	187	150	120	212	182	144	114
110 miles & over 100	235	199	165	128	230	194	159	123	225	188	154	118
120 miles & over 110	246	208	169	134	241	202	164	128	235	197	158	123
130 miles & over 120	250	216	178	141	245	211	172	136	240	205	167	131
140 miles & over 130	260	219	180	142	255	214	174	137	249	209	169	132
150 miles & over 140	270	228	187	148	264	223	182	142	259	217	177	137
160 miles & over 150	272	232	190	152	266	227	185	147	261	221	180	141
170 miles & over 160	278	236	196	154	273	231	190	149	268	226	185	143
180 miles & over 170	287	243	199	155	281	238	194	150	276	232	188	144
190 miles & over 180	292	247	204	164	287	242	199	158	281	236	194	153
200 miles & over 190	299	256	210	165	293	250	204	159	288	245	199	154
210 miles & over 200	312	261	218	169	307	256	213	164	302	250	208	158
220 miles & over 210	315	270	219	173	309	264	214	168	304	259	209	163
230 miles & over 220	321	271	220	177	316	265	215	171	310	260	210	166
240 miles & over 230	325	277	228	179	320	272	223	173	315	266	217	168
250 miles & over 240	332	281	232	180	326	276	227	174	321	271	221	169
260 miles & over 250	339	289	236	187	334	284	231	182	328	278	226	177
270 miles & over 260	345	292	242	190	339	287	236	185	334	281	231	180
280 miles & over 270	351	297	246	193	346	292	241	187	340	287	235	182
290 miles & over 280	354	304	249	197	349	299	244	192	343	293	239	186
300 miles & over 290	361	304	250	199	355	299	245	194	350	293	240	188
320 miles & over 300	377	319	265	208	371	314	260	202	366	308	255	197
340 miles & over 320	391	332	272	216	385	326	266	211	380	321	261	205
360 miles & over 340	402	342	281	220	397	337	276	215	392	332	271	210
380 miles & over 360	413	351	290	228	408	346	285	223	402	340	279	217
400 miles & over 380	424	361	296	232	418	355	291	227	413	350	286	221
420 miles & over 400	440	373	307	243	434	368	302	238	429	363	296	232

Continued on following page

DISTANCE (See Item 155)	*DISTANCE CLASS RATES IN CENTS PER 100 POUNDS											
	SCALE A				SCALE B				SCALE C			
	CLASSES				CLASSES				CLASSES			
	1	2	3	4	1	2	3	4	1	2	3	4
440 miles & over 420	452	386	316	249	446	381	310	244	441	376	305	239
460 miles & over 440	463	395	325	256	458	389	320	250	453	384	315	245
480 miles & over 460	475	404	332	261	470	399	326	256	464	394	321	250
500 miles & over 480	487	413	340	270	482	408	335	264	476	402	330	259
520 miles & over 500	495	424	346	272	490	418	340	266	485	413	335	261
540 miles & over 520	515	435	361	281	509	430	355	276	504	425	350	271
560 miles & over 540	529	448	371	290	523	443	366	285	518	438	361	279
580 miles & over 560	538	454	377	296	533	448	371	291	528	443	366	286
600 miles & over 580	545	463	381	299	539	458	376	293	534	453	370	288
620 miles & over 600	561	475	393	307	555	470	387	302	550	464	382	296
640 miles & over 620	571	489	398	315	566	484	393	309	561	478	387	304
660 miles & over 640	585	495	412	324	580	490	407	319	575	485	401	314
680 miles & over 660	598	506	416	327	593	501	411	322	587	495	406	317
700 miles & over 680	605	518	425	336	599	513	419	331	594	507	414	325

\*-All distance class rates are subject only to the LTL or AQ ratings in the Current Classification or exceptions thereto named in this tariff.

/-Explanation of Scales:

Scale A Rates apply upon less-than-truckload shipments.

Scale B Rates are subject to a minimum weight per shipment of 5,000 pounds.

Scale C Rates are subject to a minimum weight per shipment of 10,000 pounds.

SECTION 2  
COMMODITY RATES IN CENTS PER 100 POUNDS  $\phi$

Item No.	ARTICLES	FROM	TO	RATES IN CENTS PER		
				5 Gallon Can	8 Gallon Can	10 Gallon Can
220	Cream or Milk in shipping cans.	Cowdrey, Colo. or Walden, Colo.	Denver Zone, Colorado Ft. Collins, Colorado	117	183	220
				85	125	144
Note: Rates include return of empty containers.						

Item No.	ARTICLES	FROM	TO	RATES IN CENTS PER CONTAINER	
				Column A	Column B
225	Ice Cream.	Ft. Collins, Colorado	Walden, Colorado	---	94
Column A rates apply on shipments in containers of 2½ gallons capacity. Column B rates apply on shipments in containers of 5 gallons capacity.					

Ø-Except as noted

SECTION 3  
COMMODITY RATES IN CENTS PER 100 POUNDS

Item No.	ARTICLES	FROM $\phi$	TO $\phi$	RATES		
				LTL	Min. Wt.	
235	Bakery Goods, as described under that heading in the Current Classification.	Denver, Colo.	Walden, Colo.	129	--	
240	Beer.	Denver Zone, Ft. Collins, Colorado	Walden, Colo.	129 106	-- --	
245	Canned or Preserved Food-stuffs (not cold pack nor frozen) as described in Item 205.	Denver Zone, Colorado	Granby, Colo.	103	5M 92	10M 87
			Grand Lake, Colorado	116	105	100
			Kremmling, Colo.	116	105	100
			Walden, Colo.	129	112	--
		<u>BETWEEN</u> Walden, Colorado	<u>AND</u> Ft. Collins, Colorado	106	--	
250	Cement.	Ft. Collins, Colorado	Points in Jackson County, Colorado	--	20M 47	
260	Dairy Products, viz.: Milk or Cream, in fibreboard or pulpboard bottles or cans not exceeding two quarts in capacity.	Denver, Colo. Ft. Collins, Colorado	Walden, Colo.	203 156	-- --	
265	Feed, Animal or Poultry, as described under that heading in the Current Classification.	Denver, Colo.	Granby, Colo.	--	10M 49	20M 45
			Kremmling, Colorado	--	55	50
			Walden, Colo.	--	60	56
		Ft. Collins, Colorado Loveland, Colo.	Walden, Colo.	--	44	39
				--	46	42

$\phi$ -Except as noted.



COMMODITY RATES IN CENTS PER 100 POUNDS						
Item No.	ARTICLES	FROM $\phi$	TO $\phi$	RATES		
				LTL	Min. Wt.	
270	Gases, compressed, viz.:					
	Acetylene.					
	Anhydrous Ammonia.					
	Carbon Dioxide.					
	Carbon Dioxide-Oxygen mixture or dental (nitrous oxide).					
	Coal or Nitrogen.					
	Dichlorodifluoromethane.	<u>BETWEEN</u>	<u>AND</u>			
	Dimethyl.					
	Ether.	Denver Zone,	Cowdrey, Colo.	155		--
	Ethylene Chlorhydrin.	Ft. Collins,	or	125		--
	Ethylene Dichloride.	Colorado	Walden, Colo.,	91		--
	Helium.					
	Hydrocarbon, NOI.					
	Hydrogen.					
	Liquefied Chlorine.					
	Methyl Chloride.					
	Oxygen.					
	Sulphur Dioxide.					
	Gas, petroleum, liquefied, NOI, in steel cylinders or metal drums.					
275	Groceries and Grocers Supplies, as described in Item 210.	Denver, Colo.	Cowdrey, Colo.	129	5M 112	10M --
			Granby, Colo.	103	92	87
			Grand Lake, Colo.	116	105	100
			Kremmling, Colo.	116	105	100
			Walden, Colo.	129	112	--
		<u>BETWEEN</u>	<u>AND</u>			
		Walden, Colo.	Ft. Collins, Colo.	106		--
280	Liquors, alcoholic, viz.: Wine, NOI, actual value not exceeding 75 cents per gallon.	Denver, Colo.	Walden, Colo.	129		--
285	Petroleum or Petroleum Products, including compounded oils or greases having a petroleum base, as described under that heading in the Current Classification.	Denver Zone, Colorado	Cowdrey, Colo. or Walden, Colo.	129	5M 112	10M 95

$\phi$ -Except as noted.



COMMODITY RATES IN CENTS PER 100 POUNDS					
Item No.	ARTICLES	BETWEEN	AND	RATES	
				LTL	Min. Wt.
290	Tractors, farm.  Note: Rates named in this item will apply only when tractors are loaded and unloaded under their own power.	Denver, Colo.	Cowdrey, Colo.	129	--
			Granby, Colo.	103	--
			Kremmling, Colo.	116	--
			Walden, Colo.	129	--
		Ft. Collins, Colorado	Cowdrey, Colo.	106	--
			or Walden, Colo.	74	--

SECTION 4 HEAVY COMMODITIES (Applicable only on Colorado Intrastate Traffic)		
Item No.	RULES AND REGULATIONS Governing the Movements of Heavy Commodities Named Herein.	
	ADDITIONAL CHARGES	
	The following charges are in addition to the transportation charges published in this section, and will be assessed on shipments when special services and/or extra labor is required in loading and unloading shipments:	
	Truck, Truck-Tractor or "A" Frame weighing empty (Power Unit Only)	
300		Hourly Rate
(A)	7,000 lbs. and under . . . . .	\$ 5.89
	Over 7,000 lbs. and under 9,000 lbs. . . . .	6.96
	Over 9,000 lbs. and under 12,000 lbs. . . . .	8.03
	Over 12,000 lbs. and under 15,000 lbs. . . . .	10.43
	Over 15,000 lbs. and under 19,000 lbs. . . . .	13.38
	Over 19,000 lbs. and under 24,000 lbs. . . . .	16.05
	24,000 lbs. and over . . . . .	18.19
	Extra labor will be subject to Item No. 50, paragraph 2 (A)(1)(2) and subject to Note 1 therein.	
	Any fractional part of an hour shall be computed on the basis of a quarter of an hour.	

HEAVY COMMODITIES  
(Applicable only on Colorado Intrastate Traffic)

Item No.	RATES IN CENTS PER 100 POUNDS									
	Distance-Miles (See Item 155)	COLUMNS				Distance-Miles (See Item 155)	COLUMNS			
		1 10M	2 15M	3 20M	4 30M		1 10M	2 15M	3 20M	4 30M
405	10 and under	20	18	16	15	220 and over 210	124	109	98	89
	15 and over 10	21	20	16	15	230 and over 220	128	116	103	92
	20 and over 15	22	21	18	16	240 and over 230	133	120	107	96
	25 and over 20	26	22	21	20	250 and over 240	139	125	109	98
	30 and over 25	27	25	22	20	260 and over 250	142	128	113	103
	35 and over 30	32	27	25	22	270 and over 260	148	133	119	107
	40 and over 35	33	28	26	22	280 and over 270	152	139	122	109
	45 and over 40	36	33	28	26	290 and over 280	157	141	126	113
	50 and over 45	37	34	28	27	300 and over 290	163	146	129	118
	55 and over 50	42	36	33	28	320 and over 300	171	154	137	124
	60 and over 55	43	37	34	32	340 and over 320	178	159	141	126
	65 and over 60	45	42	36	33	360 and over 340	185	167	149	133
	70 and over 65	47	43	37	34	380 and over 360	193	173	154	140
	75 and over 70	49	45	42	36	400 and over 380	200	180	159	144
	80 and over 75	55	48	43	39	420 and over 400	208	186	164	150
	85 and over 80	56	49	44	39	440 and over 420	214	192	168	154
	90 and over 85	58	54	45	42	460 and over 440	223	199	174	161
	95 and over 90	60	55	48	44	480 and over 460	230	207	181	166
	100 and over 95	63	58	49	45	500 and over 480	236	213	187	172
	110 and over 100	68	61	56	48	520 and over 500	245	220	192	178
	120 and over 110	74	66	59	54	540 and over 520	251	226	197	183
	130 and over 120	78	70	61	58	560 and over 540	259	232	203	187
	140 and over 130	82	75	66	60	580 and over 560	268	240	210	193
	150 and over 140	87	80	70	63	600 and over 580	274	247	215	200
	160 and over 150	92	82	75	66	620 and over 600	282	254	221	204
	170 and over 160	97	87	78	70	640 and over 620	290	259	226	210
	180 and over 170	103	92	81	74	660 and over 640	296	266	232	214
	190 and over 180	107	96	86	78	680 and over 660	305	273	238	221
	200 and over 190	112	103	90	81	700 and over 680	312	281	245	227
	210 and over 200	118	106	94	85					

## SECTION 5

## COMMODITY RATES ON LIVESTOCK

(Rates are in cents per 100 pounds)

Item No. 410

LIVESTOCK, viz.:

Column A Rates apply on Livestock, all kinds, except sheep, calves (weighing 400 pounds or less each) show or racing stock.

Column B rates apply on Livestock, viz.: Sheep; Calves, weighing 400 pounds or less each; Show or Racing Stock.

TO  DENVER ..... COLORADO  FROM	COLUMN A				COLUMN B			
	RATES				RATES			
	LTL	Min. Wt.			LTL	Min. Wt.		
		10M	14M	18M		10M	14M	18M
Walden ..... Colorado	*98	58	57	56	*113	66	65	64
Points in Jackson County, Colo., within two miles of State High- ways Nos. 14, 125 or 127	--	58	57	56	--	66	65	64
Points in Jackson County, Colo., exceeding two miles but not exceeding five miles from State Highways Nos. 14, 125 or 127	--	60	59	58	--	68	67	66
Points in Jackson County, Colo., exceeding five miles but not exceeding ten miles from State Highways Nos. 14, 125 or 127	--	62	61	60	--	72	71	68

\*-Subject to a minimum charge of \$13.38 per shipment.

DISTANCE COMMODITY RATES ON LIVESTOCK  
(Rates are in cents per 100 pounds)

Distance or mileage commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) have been published to apply from and to the same points over the same route.

Item No. 415

LIVESTOCK, viz.:

Column A rates apply on Livestock, all kinds, except Sheep, Calves (weighing 400 pounds or less each), Show or Racing Stock.

Column B rates apply on Livestock, viz.: Sheep; Calves, weighing 400 pounds or less each; Show or Racing Stock.

DISTANCE IN MILES		COLUMN A RATES				COLUMN B RATES				DISTANCE IN MILES		COLUMN A RATES				COLUMN B RATES			
OVER	BUT NOT OVER	Min. Wt.				Min. Wt.				OVER	BUT NOT OVER	Min. Wt.				Min. Wt.			
		LTL	10M	16M	18M	LTL	10M	16M	18M			LTL	10M	16M	18M	LTL	10M	16M	18M
--	5	36	11	10	9	42	13	12	11	90	95	70	45	39	35	80	51	44	41
5	10	37	15	14	11	43	17	16	13	95	100	73	46	41	36	83	52	47	42
10	15	41	17	15	13	47	19	17	15	100	110	75	47	43	39	87	55	49	44
15	20	42	19	18	15	48	22	21	17	110	120	78	50	46	42	90	58	52	48
20	25	43	22	19	16	49	26	22	18	120	130	80	52	49	45	92	60	57	51
25	30	46	25	21	18	52	28	25	21	130	140	83	59	51	47	96	67	59	55
30	35	47	27	22	19	55	31	26	22	140	150	87	60	55	49	100	68	63	57
35	40	49	28	24	20	57	32	27	24	150	160	89	63	57	52	102	73	65	60
40	45	50	29	25	21	58	33	28	25	160	170	92	66	60	56	106	76	68	64
45	50	52	31	27	22	60	35	31	26	170	180	96	71	63	59	111	81	73	67
50	55	55	32	28	24	63	37	32	27	180	190	103	75	65	62	118	87	75	72
55	60	56	33	29	24	64	39	33	30	190	200	107	80	68	65	123	92	79	75
60	65	60	35	31	27	68	41	35	31	200	210	111	85	73	68	129	97	83	79
65	70	61	36	32	29	71	42	37	33	210	220	117	88	77	71	134	101	89	81
70	75	63	37	33	31	73	43	39	35	220	230	121	89	80	74	139	102	92	85
75	80	64	39	35	32	74	44	41	37	230	240	125	91	85	76	144	105	97	88
80	85	65	42	36	33	75	48	42	39	240	250	129	94	89	79	149	108	102	91
85	90	66	43	37	34	76	49	43	40	250	260	135	98	93	81	155	113	107	93
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260	270	139	105	97	85	161	121	112	97	390	400	194	144	143	123	223	166	165	141
270	280	143	108	102	88	165	124	117	101	400	410	198	149	147	126	228	171	169	146
280	290	148	112	106	91	170	129	122	105	410	420	202	152	149	128	232	174	171	148
290	300	152	117	110	94	174	134	126	108	420	430	205	154	152	132	236	178	174	151
300	310	156	121	114	97	180	139	132	112	430	440	224	158	154	134	257	182	178	154
310	320	161	125	119	100	185	144	137	114	440	450	228	162	157	137	262	186	181	157
320	330	164	129	122	103	188	149	140	118	450	475	240	168	161	140	276	194	185	162
330	340	168	134	125	106	194	154	144	122	475	500	250	177	164	147	288	203	188	169
340	350	172	135	129	109	198	155	149	125	500	525	261	185	172	147	301	213	198	169
350	360	177	136	134	112	203	156	154	129	525	550	273	194	181	150	314	223	208	172
360	370	181	138	136	114	208	158	156	132	550	575	281	204	189	153	323	235	218	175
370	380	185	139	138	117	213	161	158	134	575	600	292	210	198	156	336	241	228	180
380	390	189	143	140	120	218	165	162	138										

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS E. ESPINOSA, 3452 SOUTH CLAY )  
STREET, ENGLEWOOD, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15207

-----  
May 21, 1957.  
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Appearances: Philip Rossman, Esq., Denver,  
Colorado, for Applicant;  
Robert E. McLean, Esq., Denver,  
Colorado, for Associated  
Rubbish Removal.

S T A T E M E N T

By the Commission:

By the instant application, Thomas E. Espinosa, Englewood, 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, from point to point within the City and County of Denver, and within the County of Arapahoe, 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, March 29, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

Prior to the time designated for the hearing, the Commission, as provided by law, designated Joseph W. Hawley, as Examiner, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Joseph W. Hawley, 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 that he has been conducting an ash and trash-hauling service under appropriate Denver City Licenses; that these licenses were received in evidence, as Exhibits Nos. 1 and 2; that operations by applicant have been conducted on call and demand, only, and not on schedule, and occasionally occupied a full day of applicant's time; that applicant has no year-around occupation, but this ash and trash business is not sufficiently remunerative to justify full time service; that applicant needs other work to supplement his income, and works in the construction business; that he has been employed in construction work for the past seven years; that in 1956, he was so engaged continuously for five months, and this year, to date, for three or four weeks, but has kept up his service to his ash and trash customers, and now wants to devote more time to that part of his business; that he resides in Englewood, Colorado, and has frequent requests for service in Arapahoe County which he cannot provide because of lack of authority, and has never hauled ashes or trash for anyone in that county; that in 1955, he bought his present equipment, a 1955 pick-up; that his net worth is between \$5,000 and \$7,000; that he started operations in October, 1954, serving fifteen to twenty customers on an occasional basis, but could not obtain a Denver License until 1955, because of an old truck he was using did not meet the Denver requirements; that he now serves about 150 regular customers; that his ash and trash operations have been confined to an area in Denver bounded on the west by York Street, on the south by Colfax Avenue, on the east by Colorado Boulevard, and on the north by East 36th Avenue.

Report of said Examiner further states that at the hearing, E. W. Bent, Chief Engineer and Maintenance Supervisor for Clayton College for Boys, appeared in support of the application, and stated that applicant's father has been working for him as a fireman, and applicant has handled all ash and trash removal service at the college since August, 1955, and his services have been satisfactory; that the college operates ten buildings, and has sixty-five employees; that prior to that date, college employees had done this work with college equipment; that the college has used no other common carrier service, and has never been contacted by anyone else having authority to serve said area.

Fred Buscietta, Secretary-Treasurer of Local No. 720 Hod Carriers' Building and Construction Laborers, testified that applicant has done trash hauling from the headquarters of the Local, at 1102 Stout Street, Denver, Colorado, and has been a member of the Local since June, 1952; that this hauling has been done occasionally since August or September, 1955, and applicant has occasionally hauled ashes or trash from the home of witness, at 3448 West 36th Avenue, Denver, Colorado; that applicant does not have steady work in the construction business, as the Local sometimes has several hundred men out of work, and sometimes a member has no work for several months at a time; that applicant needs the requested authority to supplement his income from his regular work.

Martin Mijares, residing at 3750 Madison Street, Denver, Colorado, a representative of the same Local, testified that he had seen applicant haul ashes and trash from the Union Headquarters from time to time during the past year; that he has done trash and ash-hauling from the home of witness for the past one or two years, and needs this type of work to supplement his other income.

Philip Rossman, Counsel for Applicant, 1582 Vrain Street, Denver, Colorado, is building a four-unit court on adjoining property, which was formerly vacant. He stated that for many years he tried to get help to keep these lots clean, calling several certificated carriers who advertised in the Telephone Directory, without being able to obtain the service; that last year he called upon applicant, who did a fine job, which was approved by the City Authorities; that there is presently no need for applicant's services in his vicinity.

At the close of applicant's testimony, counsel for protestants interposed a motion to dismiss the application, so far as it applies to Arapahoe County, on the ground that no customer-witnesses had been produced from that county, and that applicant had testified he had never performed service therein, which motion was taken under advisement.

Report of the Examiner further states that in protest, O. W. Mathews, doing business as "Aurora Removal Service," operating under FUC No. 1996, authorizing ash and trash removal service in Denver and a part of Arapahoe County, testified that he has been employed by the Associated Rubbish

Removal on a full-time basis since January 1, 1957; that this organization represents 87 certificated ash and trash operators in the Denver Area, operating over one hundred trucks; that he operates two two-ton trucks, and one one and one-half-ton truck, each with a dump body, which are not busy all the time; that his operation is in the hands of L. R. Meadows, a brother-in-law, because of his own employment by the Association named; that this company serves 2700 customers in the Denver and Aurora Areas; that he has had fifteen years' experience in this type of business; that members of the Association advertise in the Yellow Pages of the Telephone Directory, making house-to-house canvasses, advertise by hand bills, and so forth, and there is presently no need for an additional ash and trash operator in the Denver Metropolitan Area.

W. J. Weber, doing business as "Weber Hauling Service," operating under PUC No. 2127 and PUC No. 3322, testified that his certificated area covers all of Denver, and that he has operated under these certificates full time for the past seven years; that he operates seven trucks, of various ages, sizes, and capacities, serves approximately one hundred customers in daily or weekly service, advertises and solicits business in various ways, and has never refused service at any time; that his equipment is not busy all the time, and he feels there is no need for an additional carrier in the field.

It was stipulated that the following witnesses, if called and sworn, would testify on cross and direct examination to the same general effect as had Witness Weber: Glen Wetmore, operating under PUC No. 1966, and Dick Akeman, operating under PUC No. 2042.

At the close of the testimony, counsel for applicant requested, and was granted, time up to and including May 1, 1957, in which to file a Statement of Position, or Brief. At his request, this time was extended for another week, and said Brief is now on file with the Commission.

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 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 the motor vehicle common carrier call and demand transportation service of applicant herein, 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 motor vehicle common carrier call and demand transportation service of Thomas E. Espinosa, Englewood, Colorado, for the transportation of ashes and trash, from point to point within the City and County of Denver, and from points within said City and County of Denver, to regularly-designated dumps within the Counties of Adams and Jefferson, specifically excluding service in Arapahoe County, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

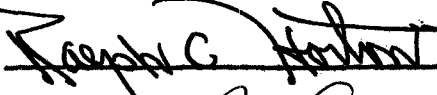

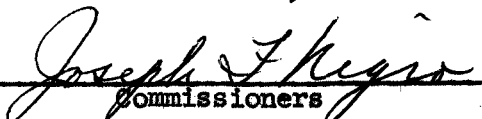
That applicant shall file tariffs of rates, rules, and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

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.

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 (21) days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 21st day of May, 1957.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SCHOOL DISTRICT NO. 2, IN THE COUNTY )  
OF EL PASO AND STATE OF COLORADO, )  
FOR AN ORDER MODIFYING AND AMENDING )  
DECISION NO. 40247 HERETOFORE ENTERED )  
BY THE PUBLIC UTILITIES COMMISSION )  
OF THE STATE OF COLORADO, TO AUTH- )  
ORIZE WATER SERVICE TO SAID DISTRICT )  
BY THE SOUTH SUBURBAN WATER COMPANY, )  
121 EAST PIKES PEAK AVENUE, COLORADO )  
SPRINGS, COLORADO. )  
----- )

APPLICATION NO. 15309

-----  
May 21, 1957  
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Appearances: R. E. Anderson, Esq.,  
Colorado Springs, Colo-  
rado, for School District  
No. 2 in El Paso County,  
Colorado;  
Karl R. Ross, Esq., Colo-  
rado Springs, Colorado,  
for South Suburban Water Co.;  
Ben S. Wendelken, Esq., Colo-  
rado Springs, Colorado, for  
Tri-Community Civic Corp.;  
J. L. McNeill, Denver, Colo-  
rado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

This is an application by School District No. 2 in  
El Paso County, State of Colorado, seeking authorization from  
the Commission to require South Suburban Water Company, a public  
utility under this Commission's jurisdiction, to render water  
service to a school site containing 18.293 acres, more or less,  
to be located in the Southwest Quarter of the Southwest Quarter  
of Section 29, Township 14-South, Range 66-West of the 6th P. M.

This matter was duly set for hearing by the Commission,  
after due notification to all interested parties, on Friday,  
May 3, 1957, at ten o'clock A. M., in the Court House in Colorado

Springs, Colorado. At said time and place the matter was duly heard, and at the conclusion of the said hearing, the Commission took the matter under advisement.

South Suburban Water Company is an operating public utility supplying water service under a certificate of public convenience and necessity issued by this Commission on April 10, 1953, in Application No. 11887, by Decision No. 40247. By the above decision, the Commission delineated the territory within which South Suburban would be required to render water service. The area so delineated was predicated upon ability to serve by Applicant, which, in turn, was based upon the amount of water available. The certificate as issued was restricted to the area set forth in said decision, and certain existing customers of the Water Company being served outside of said area. Among the customers being served outside of the area that were to continue to receive service under the certificate issued in Application No. 11887, were certain buildings located on the grounds of the Myron Stratton Home Farm located in the Southwest Quarter of the Southwest Quarter of Section 29, Township 14-South, Range 66-West. School District No. 2 has agreed to purchase a tract of ground containing approximately 18 acres formerly owned and used by the Myron Stratton Home Farm. Certain buildings located on this tract of land that were receiving water service are to be removed to make way for immediate construction of a new elementary school. The South Suburban Water Company is reluctant to render water service to the new school in view of the fact that the Commission's Order in said Application No. 11887 stated, in effect, that only those buildings presently being served on the Myron Stratton Home Farm were to continue to receive water service.

Testimony at the hearing revealed that the Water Company has no objection to the rendering of the service to new school buildings on the instant tract, providing it receives authorization to do so from this Commission. The Tri-Community Civic Corporation

entered its appearance at the hearing as an interested party inasmuch as many of its members are presently receiving service from South Suburban Water Company. The position taken by Tri-Community was not necessarily in opposition, providing the water service was rendered to the new school and not used in any further development on the remaining portion of 18 acres purchased by the School District, in the event it should wish to sell any portion of this land for housing development at a later date.

Mrs. Elinor Wills, Secretary of the School Board of School District No. 2 of El Paso County, testified at the hearing that the School District had applied to the City of Colorado Springs, which renders water service in an area adjacent to the school site, for water but the request had been refused. A request was then made to South Suburban Water Company and the present application resulted. Mrs. Wills testified that water was needed for the construction of the new school and for continued service thereafter. It was her belief that very little water would be needed outside of the school itself since there would be only limited landscaping, the bigger part of the area probably going into "black-top." She also read into the record certain usages of water of the Stratton Meadows Elementary School which has 850 students. These figures will be set forth later for a comparison of usage. The proposed school site will be for both elementary and junior high schools, with the elementary school being built at this time. It is expected that there will be about 400 students in the new elementary school.

Figures were also placed in the record by the South Suburban Water Company showing the usage at the Harrison School which has about 300 students at the present time. Figures were also given for past usage by the Myron Stratton Home Farm buildings which formerly occupied the instant tract of ground. Set out below is a tabulation showing the comparative usage by the Stratton Meadow Elementary School, the Harrison School, and the Myron Stratton Home Farm buildings:

Stratton Meadows Elementary School Monthly Readings 1956		Myron Stratton Home Buildings Quarterly Meter Readings		Harrison School Quarterly Readings	
Jan.	38,222 gallons	March 1955	680,000 gal.	March 1955	78,000
Feb.	44,206 "	June 1955	1,053,000 "	June 1955	296,000
March	51,612 "	Sept. 1955	1,354,000 "	Sept. 1955	77,000
April	57,446 "	Dec. 1955	456,000 "	Dec. 1955	95,000
May	52,808 "	Mar. 1956	752,000 "	Mar. 1956	80,000
June	58,483 "	June 1956	233,000 "	June 1956	441,000
July	17,727 "	Sept. 1956	1,455,000 "	Sept. 1956	--
Aug.	18,026 "	Dec. 1956	856,000 "	Dec. 1956	189,000
Sept.	36,203 "	Mar. 1957	550,000 "	Mar. 1957	228,000
Oct.	104,346 "				
Nov.	125,290 "	Quarterly Av.	821,000 "	Quarterly	
Dec.	56,324 "	Monthly Av.	273,666 "	Average	185,500
Average	55,058			Monthly Av.	61,833

Based on the above figures, it is probable that the change of use to school consumption will not require as much water as has been formerly used by the Myron Stratton Home Farm buildings. In fact, Mrs. Wills stated that if it was necessary to use water to any great extent on the grounds of the new school, she believed the school district would probably install a well for such purpose.

There is no question but that water is needed by the new school and since as near as can be determined on this record, water usage will in all probability be less than the former use of the farm buildings, we feel that this application should be granted. It is true that in its order in Application No. 11887 the Commission restricted usage of water to the existing farm buildings of the Myron Stratton Home, nevertheless, the purpose of a water company is to render water service to the public, if water is available, and if the area to be served is within its certificated area.

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

##### THE COMMISSION FINDS:

1. That it has jurisdiction of the South Suburban Water Company and of the subject matter of the instant application.
2. That it is fully advised in the premises.
3. That the above Statement be made a part of these Findings by reference.

4. That the application of School District No. 2 of the County of El Paso, State of Colorado, authorizing water service to said District in the Southwest Quarter of the Southwest Quarter of Section 29, Township 14-South, Range 66-West, by the South Suburban Water Company should be granted.

O R D E R

THE COMMISSION ORDERS:

That its Decision No. 40247, dated April 10, 1953, in Application No. 11887, is hereby amended to permit a change in use of water service from the former authorization of:

"Buildings of The Myron Stratton Home Farm in . . . the Southwest Quarter of the Southwest Quarter of Section 29 . . . Township 14-South, Range 66-West of the Sixth P. M."

to a new authorization of service to:

School buildings of El Paso County School District No. 2 located in an 18.293-acre tract in said Southwest Quarter of the Southwest Quarter of Section 29, Township 14-South, Range 66-West of the Sixth P. M.

That under its applicable rates, rules and regulations, now or hereafter in effect and filed with the Commission according to law, South Suburban Water Company is hereby authorized to render water service to El Paso County School District No. 2 for use and consumption in and around the school buildings to be located on the instant tract of ground by said school district.

That, except as herein amended, said Decision No. 40247 of April 10, 1953, in Application No. 11887, shall remain in full force and effect.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Nelson*

*John P. Thompson*

*Joseph F. Myers*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of May, 1957.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ONE-WAY AND ROUND TRIP )  
TAXICAB FARES IN DENVER, )  
COLORADO, AND THE METROPOL- )  
ITAN AREA THEREOF. )  
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INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 399

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May 21, 1957  
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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 Nathan R. Kobey, Secretary for Publix Cab Co., 2358 Washington Street, Denver, Colorado; by George Sellens, Secretary for Cabs, Inc., D/B/A Dollar Cab Line, operating Zone Cabs, 2254 Lafayette Street, Denver, Colorado; by F. M. Elliott, General Manager for Yellow Cab, Inc., and Checker Cab, Inc., 3455 West Arkins Ct., Denver, Colorado; by Ida Lewis, Owner, for Ida Lewis, D/B/A Ritz Cab Company, 2700 Welton St., Denver, Colorado, tariffs containing schedules stating new taxicab fares for passenger and baggage to be charged in the City and County of Denver, Colorado, and between points in the City and County of Denver and points in the metropolitan area of Denver, Colorado, rates and charges to become effective on June 10, 1957, and identified as following Tariffs: Publix Cab Co., Colorado P.U.C. No. 6; Cabs, Inc., D/B/A Dollar Cab Line, operating Zone Cabs, Colorado P.U.C. No. 9; Yellow Cab, Inc., and Checker Cab, Inc., Joint Tariff, Colorado P.U.C. No. 9; and Ida Lewis, D/B/A Ritz Cab Co., Colorado P.U.C. No. 7.

The said schedules contained in said tariffs make certain increases in taxicab fares for passengers and baggage within the City and County of Denver, Colorado, and the metropolitan area of Denver, Colorado.

Under the proposed changes, the rights and interests of the public may be injuriously affected. Therefore, it is the opinion of the Commission that the effective date of said schedules contained in said tariffs should be postponed pending a hearing and decision thereon.

## F I N D I N G S

THE COMMISSION FINDS, That:

It should enter upon a hearing concerning the lawfulness of the rates and charges stated in the said schedules contained in said tariffs and that the effective date of said schedules should be postponed pending said hearing and decision thereon.

## O R D E R

THE COMMISSION ORDERS, That:

1. It enter upon a hearing concerning the lawfulness of the rates and charges stated in the schedules contained in the tariffs as filed by Publix Cab Co.; Cabs, Inc., D/B/A Dollar Cab Line, operating Zone Cabs; Yellow Cab, Inc.; Checker Cab, Inc.; and Ida Lewis, D/B/A Ritz Cab Co., all of Denver, Colorado.

2. The operation of the said schedules contained in said tariffs be suspended and that the use of the rates, charges, regulations and practices therein stated be deferred 120 days, or until the 7th day of October, 1957, unless otherwise ordered by the Commission, and no change shall be made in such rates, charges, regulations and practices during the said period of suspension.

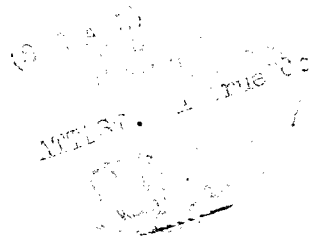
3. The rates and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

4. A copy of this order be filed with said schedules in the office of the Commission and that copies thereof be forthwith served upon: Nathan R. Kobey, Secretary, Publix Cab Co., 2358 Washington St., Denver, Colorado; George Sellens, Secretary, Cabs, Inc., D/B/A Dollar Cab Line, operating Zone Cabs, 2254 Lafayette St., Denver, Colorado; F. M. Elliott, General Manager for Yellow Cab, Inc., and Checker Cab, Inc., 3455 West Arkins Ct., Denver, Colorado; and Ida Lewis, Owner, Ida Lewis, D/B/A Ritz Cab Co., 2700 Welton St., Denver, Colorado.



5. That this Investigation and Suspension Docket No. 399 be and the same is hereby set for hearing before the Commission, beginning May 29, 1957, at 10:00 O'clock, A. M., and continuing thereafter until concluded, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph C. Holton  
John P. Thompson  
Joseph F. Higney  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of May, 1957.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LINCOLN CAB, INC., 5260 BALSAM )  
STREET, ARVADA, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE A TAXICAB )  
SERVICE IN INTRASTATE COMMERCE, )  
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APPLICATION NO. 15284

-----  
May 23, 1957  
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Appearances: Gelt and Grossman, Esqs.,  
Denver, Colorado, and  
John H. Lewis, Esq.,  
Denver, Colorado, for  
Applicant;  
Lindsey R. Wingfield, Esq.,  
Boulder, Colorado, for  
Bill's City Taxi;  
Walter M. Simon, Esq.,  
Denver, Colorado, for  
Yellow Cab, Inc., and  
Checker Cab Co.;  
George Sellens, Denver,  
Colorado, for Dollar  
Cab Line;  
Nathan R. Kobey, Esq.,  
Denver, Colorado, for  
Publix Cab Co., et al.

S T A T E M E N T

By the Commission:

By the instant application, Lincoln Cab, Inc., 5260 Balsam Street, Arvada, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation, as a common carrier, of passengers and their baggage in taxicab service, on call and demand,

- (1) between all points and places in Jefferson and Boulder Counties within a fifteen-mile radius of Arvada, Colorado; and
- (2) between points in that area on the one hand, and, on the other (a) the race track of the Mile High Kennel Club, Inc., in Adams County, Colorado; (b) the race track of the Centennial Turf Club, Inc., in Arapahoe County, Colorado; (c) the Glenn L. Martin Company industrial plant; and (d) Denver, Colorado,

without the right to furnish sightseeing service, and further restricted on service from and to the described area from and to Denver, Colorado, by limiting said service to one-way service to Denver from the area, and round-trip service from the area to Denver and return, with the same passenger or passengers, in the same vehicle, with waiting time in Denver not to exceed one (1) hour.

The application was assigned for hearing before Examiner Joseph W. Hawley on April 23, 1957, at 330 State Office Building, Denver, Colorado, with due notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement.

The Examiner has submitted his report of the proceedings, as follows:

When the application was called for hearing, applicant, through counsel, asked leave to amend the application to restrict the pickup of passengers within a nine-mile radius of Boulder, Colorado, except for the right to return passengers on round trips, so long as the waiting time does not exceed one hour. The amendment was allowed and the protest of Bill's City Taxi, of Boulder, Colorado, was withdrawn.

Applicant, through counsel, further asked for an amendment of the application to prohibit any pickup of passengers south of 38th Street in Denver, except for the right to return passengers carried on round trips, so long as the waiting time does not exceed one hour, and further providing that operations under any authority issued shall be limited to the use of two vehicles of a capacity of seven passengers, exclusive of the driver, and providing that the same tariffs should be adopted for operations under such authority as now adopted in the Denver Metropolitan area. The amendment was allowed, whereupon the protests of Publix Cab Company and all other protestants with the exception of Yellow Cab Company and Checker Cab Company were withdrawn.

The following evidence was given, to-wit:

Witness Louise Anderson, operating the Anderson Rest Home for the Aged in Arvada, testified that she has 18 to 25 patients and that it is necessary to call cabs for patients from time to time; that they wait from one-half hour to two hours for service from Yellow Cab; that they would use and need the service offered by the applicant for one to three calls per week. On cross-examination, it developed that the last call was made in the fall of 1956 for the reason of dissatisfaction with past service, and caused her to buy another car which she now uses in lieu of cab service.

J. B. Weaver, 5340 Boston, Arvada, Colorado, testified that she called for cab service last summer; that she called Yellow Cab and had to wait more than an hour before the cab arrived. She knew of no cab service in Arvada, except Yellow Cab, and would use the service if the application was granted. On cross-examination, it developed that cab service had never been refused, but that she had waited from thirty minutes to an hour, and has made five or six calls in the last six months. At one time by notice ahead for a reserved time for a trip to the Airport, the service was rendered adequately.

Leroy Barenberg of Arvada has been engaged in the automobile business for nine years and uses cabs frequently. They buy many cars in many States on the drive-away system and estimated that at least 200 calls are made each year. The service has been from thirty minutes to  $2\frac{1}{2}$  hours after the call. He has tried for emergency service and it was not satisfactory. He would use the service if a stand were furnished in the City of Arvada. Service to the Union Depot was less satisfactory than the service if the trip was to Stapleton Airport. The waiting time for arrival of a cab was  $2\frac{1}{2}$  hours at least six times per year. His chief interest is not to sell cars to the applicant, but to receive better service on call.

Harold D. Lutz, Esq., had resided in Arvada for ten years and is at present the President of the Chamber of Commerce, which has 150 active members in the area. The witness testified that the Arvada Chamber of Commerce supports this application; and that the population of Arvada is growing; that in 1950 it was 3,000 and in 1957, 10,000 to 12,000 within the City limits, and including the fringe areas the population is 13,000 to 15,000. The city of Arvada needs service from point to point in the area and to points in Denver. In recent months, at least four or five times he had waited from  $\frac{1}{2}$  to one hour for arrival of a cab after time of call. On cross-examination, he testified that he had never called in advance, had never been refused service, but in his opinion two cab operations based in Arvada would be superior to the present service and that he had no knowledge of any cab ever having been based in Arvada since the acquisition of the certificate by Yellow Cab Company; and that there is urgent need for the service offered by the applicant.

Mrs. Joe Martinez, a resident of Arvada, and a housewife, who works part time, testified that she hasn't used the service in six to eight months, because it took Yellow Cab one-half hour to arrive and she could walk it in ten minutes. Due to the late hours, after completion of employment, she would rather use the service if it were available. In her opinion, Arvada needs at least the two cabs applied for here based in the City of Arvada.

William H. Hedden, Arvada, Colorado, President and Treasurer of Lincoln Cab, Inc., testified that he is willing to operate the Lincoln Cab Company. At the present time, he is the owner and driver of a truck, but in 1935 drove a cab in Nebraska, and in 1946, drove a cab in Sacramento, California.

Exhibit 1, being the Articles of Incorporation, was admitted, and Exhibit 2, being the Balance Sheet of the applicant, was also admitted. The Balance Sheet shows a net worth as of April

23, 1957, of \$5,535.00. The equipment the applicant intends to put into service is two 1957 Plymouth sedans. He would base the cabs in Arvada, Colorado; offer 24 hour service from point to point in Arvada, and other points in the certificate as amended. To his knowledge, no cabs have been based in Arvada during his eight years residence there. He has never called on Yellow Cab for service and does not know for sure the problems that may arise in the business he has applied for. He intends to operate as a driver himself and pay another driver \$8.00 to \$10.00 a day, seven days a week, and that he will charge the Metropolitan Denver rates, and believes that he can make expenses. His wife will work as dispatcher and, if necessary, the dispatcher will be hired. In addition to the above expense, the cost of amortization of the cabs would be \$130.00 per month for two years. He estimated an advertising expense of \$45.00 to \$50.00 per month.

The witness testified that he intends to comply with all the rules of the Colorado Public Utilities Commission and can start operation in thirty days, and that the operation will pay him a living.

As requested by the Examiner, a letter was received from the City Manager of the City of Arvada, Colorado, stating as follows:

"This shall confirm as stated upon approval of the Public Utilities Commission and upon receipt of your application, a City License for the operation of two (2) cabs within the City will be issued forthwith."

F. M. Elliott has been General Manager of Yellow Cab for four years. He testified that Yellow Cab has operated in Arvada since January 1, 1956, under licenses from the City of Arvada and under a certificate from The Public Utilities Commission of the State of Colorado. After approval of transfer to them of an existing certificate in January, 1956, Yellow Cab placed three people for four days to investigate the possibility of obtaining additional business in Arvada and also advertised the fact that they would operate cab service in Arvada; two cabs in Arvada for point to point service and for

points outside of Arvada, for one week. Also, two cabs were placed in Westminster, Colorado, for one week. After this, service was reduced to one cab from one week to ten days. The revenue was from \$10.00 to \$12.00 per day. On the last day of this test, the revenue in Arvada was \$4.00 and in Westminster nothing. In his opinion, the present service is the best possible, and that, if a time call is made thirty minutes in advance, such service would be rendered.

Protestants' Exhibit A was offered and received, being the orders for cab service in the territory covered by the original application, from April 15 through April 21, inclusive. These orders were all served and there was no testimony offered showing how many orders would have been served under the amended application as compared with the original application, which the orders cover, to-wit:

Monday	-	April 15	-	59 Orders
Tuesday	-	April 16	-	63 Orders
Wednesday	-	April 17	-	59 Orders
Thursday	-	April 18	-	64 Orders
Friday	-	April 19	-	89 Orders
Saturday	-	April 20	-	37 Orders
Sunday	-	April 21	-	56 Orders

The witness testified that he has been in the taxi business 22 years and that the loss of the business represented in the orders, marked Exhibit A, would have a serious effect on the overall operation of the Company. Also, in his opinion, \$8.00 to \$10.00 a day is not adequate pay for a taxicab driver and under such operation the public would be adversely affected. Yellow Cab would station cabs in Arvada, and have preliminary plans to do so. On cross-examination, witness testified that, in his opinion, to serve the Metropolitan area of Arvada, five to six cabs would be required. Also that stationed cabs in Arvada would be superior to the service offered now. Yellow Cab has 143 cabs on the street at all times, and the Arvada operation is small compared to the overall operation.

Counsel for the applicant and the protestants, by agreement, called twelve additional applicant witnesses, who were sworn and testi-

fied that their statements, both on direct examination and cross-examination, would be substantially the same as the previous applicant witnesses. The stipulation was accepted and the witnesses names and addresses are as follows:

Frank Tiller, 5580 Wadsworth, Arvada, Colorado  
Don Brown, 5460 Independence, Arvada, Colorado  
H. C. Foster, 5450 Flower Ct., Arvada, Colorado  
Lucille Class, 5240 Balsam St., Arvada, Colorado  
Josie Hambley, 5325 Balsam St., Arvada, Colorado  
Irene Hedden, 5260 Balsam St., Arvada, Colorado  
Lucy A. Martin, 5083 Allison, Arvada, Colorado  
Mrs. L. O. Culver, 7795 W. 52nd Ave., Arvada, Colo.  
Frieda Hollingsworth, 7835 W. 52nd Ave., Arvada, Colo.  
Helen T. McCloskey, 5310 Balsam St., Arvada, Colo.  
L. O. Culver, 7795 W. 52nd Ave., Arvada, Colorado  
Ralph Wade, 5235 Dover St., Arvada, Colorado

From the testimony, records and files herein, the Examiner finds that applicant is fit and proper, has sufficient equipment and is financially able to render the service sought in the instant application, and that applicant should be granted a certificate of public convenience and necessity.

#### 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 the Report of the Examiner referred to therein should be approved.

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 the 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 proposed common carrier motor vehicle, call and demand service of Lincoln Cab, Inc., Arvada, Colorado, for the transportation of passengers and their baggage in taxicab service, as follows:



Between all points and places in Jefferson and Boulder Counties within a fifteen-mile radius of Arvada, Colorado, excluding pick-up service within a nine-mile radius of Boulder, Colorado, reserving, however, the right to return passengers on a round-trip basis as long as the waiting period is not to exceed one hour;

also excluding pick up of passengers south of Thirty-eighth Avenue, Denver, Colorado, reserving, however, the right to return passengers on a round-trip basis, as long as the waiting period is not to exceed one hour;

restricted to the use of two vehicles, said vehicles to be seven-passenger automobiles, excluding driver;

tariff of rates shall be the same as those in effect in the Metropolitan Denver area,

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Horton*  
*John P. Thompson*  
*Joseph F. Kipin*  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PACIFIC INTERMOUNTAIN EXPRESS CO., )  
299 ADELINE STREET, OAKLAND, CALI- )  
FORNIA, FOR A CERTIFICATE OF PUBLIC ) APPLICATION NO. 15004-Extension  
CONVENIENCE AND NECESSITY TO EXTEND )  
OPERATIONS UNDER PUC NO. 1494 AND )  
PUC NO. 1494-I. )  
-----)

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May 23, 1957  
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Appearances: Lynn S. Richards, Esq.,  
Salt Lake City, Utah,  
for applicant;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Verl Harvey,  
Colorado Milk Transport;  
John H. Lewis, Esq., Denver,  
Colorado, for Hinkle Truck  
Company, Verl Hamilton,  
W. R. Hall;  
Donovan N. Hoover, Esq., Santa  
Fe, New Mexico, for Box Bar  
Transportation Company;  
Howard Yelverton, Denver, Colo-  
rado, for Goldstein Trans-  
portation and Storage, Inc.;  
Frank H. Shafroth, Esq., Denver,  
Colorado, for The Atchison,  
Topeka and Santa Fe Railroad  
Company, The Colorado and  
Southern Railway Company, The  
Denver and Rio Grande Western  
Railroad Company;  
Clayton D. Knowles, Esq., Denver,  
Colorado, for Union Pacific  
Railroad Company;  
Orville Dunlap, Montrose, Colo-  
rado, for Orville Dunlap  
and Sons;  
Stanley Blunt, Canon City, Colo-  
rado, for Southwestern Trans-  
portation Company;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for Sorenson  
Truck Line, R. B. "Dick" Wilson,  
Inc., Wright Motor Lines, Groen-  
dyke Transport, Inc., Atwood  
Truck Line, Consolidated Milk  
Lines, Bethke Truck Line;  
Shirley Avery, Buena Vist, Colo-  
rado, for Eveready Freight Service.

S T A T E M E N T

Pacific-Intermountain Express Company, a corporation, of Oakland, California, is the holder of Certificates of Public Convenience and Necessity No. 1494 and No. 1494-I, issued by this Commission, authorizing transportation of:

Petroleum products, in bulk, between all points in the State of Colorado; petroleum products, in bulk, 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; crude oil, in tank truck lots, between points within the State of Colorado.

On November 14, 1956, Pacific Intermountain Express Company, applicant herein, filed the above application, seeking authority to extend operating authority under PUC No. 1494 and PUC No. 1494-I to include transportation, by motor vehicle, over irregular routes, of commodities in bulk (other than petroleum and petroleum products), in tank vehicles, between all points in the State of Colorado.

Said application was regularly set for hearing, and heard, by Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on March 7, 1957, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

Formal protests were filed by Verl Harvey, Colorado Milk Transport, Inc., R. B. "Dick" Wilson, Inc., Union Pacific Railroad Company, and Eveready Freight Service, Inc.

At the hearing, applicant asked to amend its applications, by reducing its scope, by excepting the following: molasses, milk, cream and dairy products, cement aggregate, liquid coal products, lime and its products and by-products in dry form, sulphuric acid, hydraulic fracturing fluids and water. There being no objection to the amendment, said amendment was permitted.

As a result of the amendment to the application, Verl Harvey, Colorado Milk Transport, Star Milk Line, Box Bar Transportation, Welco Milk Lines, Atwood Truck Line, Estes Trucking Company, Hinkle Truck Line, Verl Hamilton, and W. R. Hall withdrew as protestants.

In our consideration of the application, we will attempt to briefly summarize the evidence on behalf of applicant and protestants:

Paul E. Eggerstrom, Division Manager for Speas Company, who has two plants in the State of Colorado -- one located in Denver, and the other in Delta, Colorado -- stated his company manufactured vinegar, and that they are presently using tank cars by rail for movement between Denver and Delta. The witness also was asked the following question:

"Q. Would a motor truck service that could perform an over-night service from Delta to Denver be of advantage to you?

"A. There are times when it possibly could be, if we had a good apple crop over there and our tanks (rail) were full and we had to move some of it right away. There are occasions when we could use it."

The witness further stated that they have some movements of vinegar from Denver to points in the State of Colorado, and have been making such movements by tank truck; that they presently have one company offering that service, and would only use another carrier if something went wrong.

A. L. Douds, a soap manufacturer, doing business as "Lee Soap Company," testified his company was interested in the transportation of tallow, and presently was buying tallow from Denver packers, and also purchased some tallow from Nebraska and Wyoming which was used in their Denver Plant. The witness seemed to be under the impression that there were some packers located in other Colorado towns where he could purchase tallow, and if they did, they might use applicant's proposed service in transporting same to Denver.

Charles E. Smith stated he was one of the partners in Smith Packing Company, located at Colorado Springs; that he contacted the Santa Fe, Burlington and Denver and Rio Grande Railroads for tank cars, for hauling tallow, but they did not have tank cars immediately available. The witness felt that if tank trucks were available, it would answer some of their problems in shipping tallow. The witness stated: "We feel that it is more or less essential, in view of the fact that we are unable to obtain a tank car." The witness further stated that if such service by motor vehicle were available, his company would use that service.

Marion F. Smith stated he was Sales Representative for Pacific Intermountain Express, applicant herein, and has occupied said position for eight years, being connected with applicant company or its predecessor, Collett Truck Line. The witness identified several exhibits, said exhibits including Financial Statement, Description of Equipment, including special equipment of applicant's Tanker Division. The witness testified that this specialized equipment could be made available in Denver for the transportation of vinegar, caustic soda, etc., but, at present, his company does not have this type of equipment stationed in Colorado.

It also appears from witness' testimony that the main office of applicant company is located in Oakland, California, and its present operation is between Chicago and the Pacific Coast, serving intermediate points, including points in Colorado.

Several witnesses appeared, protesting the granting of the application, as amended.

We will not attempt to review the testimony of protestants, individually, but will say, generally, that they are presently holders of certificates of public convenience and necessity which authorize transportation of commodities asked for in the instant application. Some of the carriers protesting may not cover all the commodities, but it does appear that we do have certificates of public convenience and necessity by motor vehicle carriers who can

move the commodities asked for by the instant application.

In addition, rail service is also available for a major portion of the traffic.

The Commission has endeavored to briefly summarize the evidence, which, in our judgment, is important in making our Findings. There are other important factors disclosed, but time and space forbid reviewing all the evidence given.

In considering the above application, we must first find that there is inadequate rail and motor carrier service available, or that it cannot be made adequate, before certificates can issue.

The instant applications are very broad in their scope. They are asking for transportation, in bulk, of all commodities (except those specifically excluded to satisfy certain appearing protestants), in tank trucks, between all points in the State of Colorado.

Our Certificate of Service on Notice of Hearing of the applications discloses that in the judgment of the Commission, 165 common carrier rights might be affected by the granting of the instant applications.

In our judgment, the question herein for determination is: "Whether or not, in view of present and existing conditions, have applicants established that the present service for transportation of bulk commodities is inadequate, and cannot and will not be made adequate by existing certificated common carriers by motor vehicle or rail."

The Commission, in the past, has endeavored to protect our line-haul carriers, the carriers who run on schedule (rain or shine), and make deliveries to all points in the State of Colorado. We have also endeavored, and on numerous occasions have, in our decisions, expressed our desire to give to each of the trade communities in Colorado a localized call and demand common carrier service. The above-mentioned services, in our judgment, are the

backbone of Colorado intrastate transportation, so it behooves us to protect these carriers. We are hesitant about granting blanket authorities covering all points in the State of Colorado on all commodities. This, we believe, would impair service to the general public, making it possible for specialized carriers to take the cream of the business available, and leave to the locally-domiciled carriers the skim milk.

A careful review of the evidence, in our judgment, shows no immediate need for this service. We recognize the desirability of applicant's proposed service, but we are not satisfied that the presently-authorized motor vehicle common carriers cannot or would not perform this service, if requested so to do.

One of the dangers of granting this type of service, where specialized equipment is used, is the test that we may be placing economic restrictions on our presently-certificated carriers that would not permit them to improve their existing service, thereby depriving a large section of our economy of an improved service.

And, as we said in re Lahs, Decision No. 6846:

"It is elementary that before the Commission will issue a certificate authorizing rendition of any given service, public convenience and necessity must be proven. The rule is less elastic where the service proposed to be rendered is a duplication of service already authorized, unless it is shown that said service is inadequate, and that the carrier is not in a position to, or will not, make it adequate."

Also, we said in Fort Morgan-Brush Transportation Company,

8 Colo. P. U. C. 1704:

"On application for a certificate of public convenience and necessity, a clear and affirmative showing must be made that existing transportation facilities are inadequate or unsatisfactory."

Finally, it is our opinion that applicant failed to show that public convenience and necessity require its proposed services, or that service offered by our present certificated carriers is inadequate or unsatisfactory. However, it might be argued with some merit that there are commodities that presently need this service,

but from the record here made, we are not in a position to pick out individual commodities.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity do not require the proposed extended motor vehicle common carrier service of applicant, and that authority sought, if granted, is not in the public interest, and would tend to impair the efficiency of now-adequate common carrier services serving, and that said application should be denied, for the reasons as more particularly set forth in the Statement preceding, which Statement is made a part of these Findings, by reference.

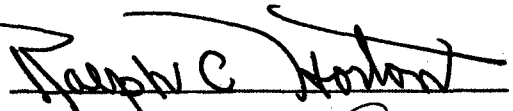
### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity do not require the proposed extended motor vehicle common carrier service of applicant herein, and that Application No. 15004 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

  
Ralph C. Norton

  
John P. Thompson

  
Joseph F. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 23<sup>rd</sup> day of May, 1957.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTHERN UNION GAS COMPANY, DALLAS, )  
TEXAS, FOR AUTHORITY TO ISSUE CER- )  
TAIN SECURITIES. )  
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APPLICATION NO. 15325  
SECURITIES

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May 22, 1957  
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Appearances: Willis L. Lea, Jr., Esq.,  
Dallas, Texas, and  
Barry, Hupp and Dawkins,  
Esqs., Denver, Colorado,  
for Applicant;  
P. M. Brown, Denver, Colo-  
rado, and  
E. R. Thompson, Denver,  
Colorado, for the Commis-  
sion.

S T A T E M E N T

By the Commission:

This application was filed April 26, 1957, set for hearing on May 21, 1957, at nine o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at that time and place was heard and taken under advisement by the Commission.

Southern Union Gas Company, the applicant herein, seeks authority of the Commission to issue to commercial banks the applicant's promissory notes in aggregate principal amount of Five Million Dollars (\$5,000,000), bearing interest at the rate of one fourth ( $\frac{1}{4}$ ) of one per cent (1%) per annum above the prime interest rate prevailing on the date such notes are issued, and maturing on or before 24 months after their date. Prime interest rates are currently four per cent (4%) per annum.

The applicant is a corporation, organized, created, and existing under the laws of the State of Delaware, and is now lawfully

transacting a public utility business in the State of Colorado, owning and operating a gas transportation system, serving Durango and vicinity. It is also extensively engaged in the operation of natural gas properties located in Texas, New Mexico, and Arizona.

The evidence shows that no commission or placement fees are to be paid in connection with the note transactions proposed. The loan arrangements have already been completed with the following banks in the amounts shown below:

The Northern Trust Company, Chicago, Illinois	\$2,500,000
First National Bank in Dallas	\$1,250,000
Mercantile National Bank at Dallas	\$ 625,000
Republic National Bank of Dallas	<u>\$ 625,000</u>
Total	\$5,000,000

The proceeds to be received by the applicant will be in an amount equal to the face value of the notes, \$5,000,000. Such proceeds will be initially added to the applicant's general funds and later expended for the acquisition of property or the construction, completion, extension or improvement of applicant's facilities and service, or in reimbursement of its treasury for a portion of the moneys actually expended for the same purposes from income of applicant or from other moneys in the treasury not secured by or obtained from the issue, assumption or guarantee of securities within five years prior to the filing hereof. Applicant intends to retire the proposed \$5,000,000 in notes upon completion of a contemplated permanent financing program.

Applicant's Capital Structure is as follows:

	December 31, 1956	% to Total	After Proposed Financing	% to Total
Equity Capital	\$30,920,716.83	42.23	\$30,920,716.83	39.53
Surplus	<u>9,467,331.69</u>	<u>12.93</u>	<u>9,467,331.69</u>	<u>12.10</u>
Total Equity Capital	\$40,388,048.52	55.16	\$40,388,048.52	51.63
Long-term Debt				
Bonds	\$32,692,000.00	44.64	\$32,692,000.00	41.79
Miscellaneous and Notes	<u>138,504.99</u>	<u>.19</u>	<u>5,138,504.99</u>	<u>6.57</u>
	\$32,830,504.99	44.84	\$37,830,504.99	48.36
Total Capital Structure	\$73,218,553.51	100.00	\$78,218,553.51	100.00

### F I N D I N G S

After careful consideration of the evidence adduced, and of the files, records and proceedings herein, the Commission is of the opinion, and finds:

1. That the Commission has jurisdiction over and with respect to Southern Union Gas Company, in certain of its operations, and that its interests and the interests of its consumers will not be adversely affected by the proposed transactions, or any of them; that the proposed transactions, and the purposes for which the securities referred to are to be issued, are consistent with and permitted by the provisions of the 1953 Colorado Revised Statutes, 115-1-4, as amended, and are consistent with the public interest; and that the application to be made of such securities, or the proceeds thereof, is permitted by applicable laws of Colorado.

2. That the foregoing Statement is made a part of these Findings herein, and by reference, is incorporated in these Findings.

### O R D E R

#### THE COMMISSION ORDERS:

To the full extent that its approval and authorization are required by the laws of Colorado, that the Application of Southern

Union Gas Company is hereby granted and approved; and

1. That Southern Union Gas Company be, and it hereby is, authorized to issue and deliver its promissory notes in aggregate principal amount of Five Million Dollars (\$5,000,000) for cash equal to their face value, same to bear interest at a rate not to exceed one fourth ( $\frac{1}{4}$ ) of one percent (1%) per annum above the prime bank interest rate prevailing on the date such notes are issued, and to mature on or before 24 months after the date thereof, and is also authorized to apply the proceeds from the issue and delivery of such promissory notes, all in the manner specified in the Application.

2. That Southern Union Gas Company be, and it is hereby, authorized to take such further steps and actions as may, in conformity with applicable law and regulations, be necessary, incident, or appropriate to the full accomplishment of the transactions, or any of them, hereinabove approved and authorized.

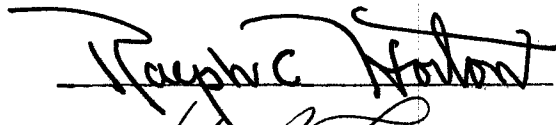


3. That within thirty (30) days from and after the consummation of the respective transactions herein authorized, and in any event, on or before July 1, 1957, Southern Union Gas Company shall file its report with the Commission, showing confirmation of each such transaction, interest rate and principal amount.

4. That each note issued by applicant pursuant to the authority granted herein shall be identified by a legend appearing thereon, as follows: "Colo. PUC No. 15325;" and

5. That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, any of the aforesaid securities or the payments of dividends or interest thereon, on the part of the State of Colorado.

Authority herein granted shall be effective and exercisable from and after this date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF SAN ISABEL ELECTRIC ASSOCIATION,  
INC., A COLORADO CORPORATION,  
316 WEST 15th STREET, PUEBLO, COLO-  
RADO, FOR AN ORDER AUTHORIZING IT TO  
ENCUMBER ALL OF ITS PROPERTY IN FAVOR  
OF RURAL ELECTRIFICATION ADMINISTRA-  
TION TO SECURE A LOAN FROM SAID  
ADMINISTRATION IN THE SUM OF \$825,000.00.)

APPLICATION NO. 15382-Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed May 17, 1957,  
by San Isabel 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 June 5, 1957,  
at 9:30 o'clock A. M., 330 State Office Building, Denver, 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 par-  
ticipation herein is in the public interest, may intervene in said proceed-  
ings. Intervention petitions should be filed with the Commission on or  
before May 31, 1957, and should set forth the grounds of the proposed  
intervention, and the position and interest of the petitioners, in the pro-  
ceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Hobart  
John P. Thompson  
Joseph T. Miller  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of May, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE APPLEWOOD UTILITIES, INC., LAKE- )  
WOOD, COLORADO, FOR AN EXTENSION OF )  
ITS CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY FOR THE SALE )  
AND DISTRIBUTION OF WATER. )  
-----

SUPPLEMENTAL APPLICATION  
No. 15267--Extension

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May 27, 1957  
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Appearances: Leonard M. Campbell, Esq.,  
Denver, Colorado, for  
Applicant;  
J. M. McNulty, Denver,  
Colorado,  
Everett R. Thompson, Denver,  
Colorado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The above entitled application was filed with this Commission on March 6, 1957, requesting an extension of its Certificate of Public Convenience and Necessity for the sale and distribution of water within the boundaries of the area for which it had been previously certificated, in order that it may serve additional residential units within said area, and to extend said Certificate of Convenience and Necessity to serve additional area adjacent to and lying north of the area previously certificated to the Applicant.

After due notice to all interested parties, a hearing was held on said application for extension on Thursday, April 18, 1957, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and, at the conclusion of the hearing, the matter was taken under advisement.

The Applicant is a Colorado corporation authorized, among

other things, to serve and distribute water, and its corporate documents are on file with this Commission under previous Application No. 13481, and its Decision No. 44429, of July 18, 1955, and Application No. 14042, and Decision No. 45710 of April 20, 1956.

At the hearing on April 18, 1957, no protestants appeared, and the Applicant presented testimony of three witnesses and introduced several exhibits as herein discussed.

Mr. Myron Bunger identified Exhibit No. 1, which was a general map of the area for which the Applicant is presently certificated, and the additional area lying to the north thereof, for which Applicant seeks certification to serve water to residential units, to meet the public convenience and necessity of the area. Exhibit No. 2 was a map showing the existing sites and sales of land within the presently certificated area. Mr. Bunger testified there were approximately 334 sites in the area for which the applicant is presently certificated, of which approximately 159 had been sold for use for residential purposes. He stated the sales were progressing and that, in the last month, approximately 9 sites had been sold. He stated that there were some 60 present users and approximately 33 houses under construction at the time of the hearing. Mr. Bunger testified there was no other water service available through a mutual, other utility or municipal or quasi-municipal district. He stated that Consolidated Mutual Company and the City of Golden were unable to serve the area.

Mr. Bunger identified Exhibit No. 3, which was a map of the facilities of the Applicant as they were constructed and in existence in April of 1957. He identified Exhibit No. 5, which was a table of present use of consumers connected to the system. He testified that the heavy use during the summer months arose principally from the fact that new homes were making unusual use of water for installation of lawns and shrubs, and that the home owners were not required to make payment for the full amount of water used, as reimbursement arrange-



ments had been made with the subdivider, whereby the subdivider paid a part of the water bills during the period of landscaping of the homes.

Mr. Mills Bunger, a professional water engineer, identified Exhibit No. 6 (relative to decreed water rights of the Agricultural Ditch, the Lee, Stewart & Eskins Ditch and the Welch Ditch) and Exhibit No. 7, being the analysis of actual water delivered under these decreed rights to these ditches and available to the Applicant under its ownership of stock in these ditches, as calculated from the lowest flow of water of record during the year of 1954. Mr. Bunger testified that these exhibits were prepared by him, or under his supervision, from records available in the State Engineer's Office, and the Water Commissioners' records for the District. Mr. Bunger also identified Exhibit No. 8, relative to the legal opinion of David Miller, as to the legality of the use of the water for domestic purposes from these ditches.

Mr. Mills Bunger testified, from Exhibits Nos. 6 and 7, as to his analysis, month by month, during 1954, of the water available under the decreed priorities of these ditches and the rights in said ditches available to the Applicant under said decreed rights in said ditches. Mr. Bunger testified as to the analysis of decreed priorities on page 4 of Exhibit No. 6 and the classification and supply of water on the basis of those priorities, as follows:

1. 1.27 cubic second feet of very old priority water always available;
2. 2.00 cubic second feet of fairly old priority water available part time;
3. 8.08 cubic second feet of lake water available occasionally.
4. 71.8 acre-feet of very old storage rights in mountain reservoirs;
5. 55.48 acre-feet of winter water, based on storage rights.

A late filed exhibit was supplied by the Applicant, to show the work sheets of Mr. Bunger in arriving at these conclusions.

Mr. Mills Bunger testified from page 8 of Exhibit No. 7 that in 1954, the lowest year of record, there were approximately 9,500,000 gallons of water run in the winter, 7,650,000 gallons of storage water run in the summer, and 112,400,000 gallons of direct flow water run in the summer.

Mr. Mills Bunger testified, in his opinion, as a water engineer, that the proposed use of these water rights to provide a surface supply for domestic purposes for the Applicant was feasible.

Mr. Kenneth Richards, a professional engineer, identified Exhibits Nos. 9, 10, 11, 12 and 13, that were presented by the Applicant. Exhibit No. 9 was a map showing the present production facilities and the location of the proposed filter plant. Exhibit No. 10 showed the location of existing water distribution system and proposed additions thereto.

Exhibit No. 11, consisting of 6 pages and a pamphlet of the Western Filter Company of Denver, Colorado, gave the detailed drawings and detailed information relative to the filter plant. Exhibit No. 12 contained the specifications for the proposed distribution system and the plant.

Mr. Richards identified Exhibit No. 13, which was his engineering report of the proposed use of surface rights by the Applicant. This proposal is known as "Development No. 3" of the Applicant, with "Development No. 1" being the well supply, and "Development No. 2" being the infiltration galleries. Mr. Richards testified that his computations of estimated use were at the rate of 700 gallons per house per day during the summer months and 250 gallons per house per day during the winter months. He analyzed and testified as to an operational table on the supply of water as described by Mr. Mills Bunger in his testimony, as correlated to the estimated

use by the consumers. His tables attached to Exhibit 13 demonstrated that the surface water supply alone was sufficient for the requirements of 450 houses, without the use of the galleries or wells, excepting only the use of 900,000 gallons of water from the galleries in February. His second table attached to Exhibit No. 13, showing the use of the infiltration galleries as a source of supply, together with the surface water, demonstrated there were ample water resources available during the year 1954, which was the lowest year of record for irrigation water rights in this area, and that said 450 residential units could be so supplied without using water from any of the three wells presently connected to the system or the fourth well which could be so connected.

Mr. Richards testified as to the construction of an 85,000 gallon water storage tank and described the present storage facilities as well as the existing water resources of the company.

Mr. Richards testified as to an exchange of correspondence relative to the plans and specifications for the filter plant between his office and the State Board of Health, and this correspondence was identified as Exhibits Nos. 16, 17 and 18. He stated he would recommend to the Applicant that it comply with the recommendations of the State Board of Health.

Mr. Richards testified as to the extension of the distribution system and the estimated cost thereof. Mr. Richards stated that, in his opinion, as an engineer, that the proposal of the Applicant to supply water to 450 residential units within its presently certificated area and in the adjacent area for which it requested certification was engineeringly feasible and proper. The estimated cost of construction was given as \$154,425.00 and this figure will be used as the basis for the issuance of the certificate sought herein, but said figure shall not be binding upon the Commission in any proceeding where rates or valuation may be an issue.

Mr. Myron Bunger was recalled, and he stated that the Applicant would meet the recommendations of the State Board of Health and the engineer would be authorized to make such modifications as would be so required. Mr. Bunger identified the financial report of the company as of December 31, 1956, as Exhibit No. 15. He testified as to the existence of a present reservoir and the availability of the land in the present area for increasing the size of the reservoir if it were required. Mr. Myron Bunger testified as to the arrangements for the extension of water distribution mains within the new area for which Applicant seeks certification and the mains so installed would be delivered to the Applicant free and clear of liens and encumbrances, as contributions in aid of construction. A late filed exhibit was supplied by the Applicant, showing the present contributions in aid of construction.

It was noted that there were no Exhibits numbered 4 or 14, and all the other exhibits of the Applicant were admitted into evidence and the Applicant was permitted to incorporate by reference the qualifications of its expert witnesses and the testimony in a previous hearing of Gene Waggoner, a geologist, relative to the subsurface water supply and geological conditions in the area.

The area for which the Applicant seeks certification to serve a total of 450 residential units, as presently certificated and the new area adjacent thereto, is described as follows:

PRESENT AREA CERTIFICATED

The Applewood Mesa Ranchettes and Applewood Ranchettes Subdivision, Jefferson County, Colorado, lying in the S 1/2 of Section 30, and the NE 1/4 of the NW 1/4 of Section 31, Township 3 South, Range 69 West of the 6th P. M.

Also that part of the SE 1/4 of the NW 1/4 of said Section 31, lying East of the Golden Canal, also known as Welch Ditch, and that part of the NW 1/4 of the NW 1/4 of said Section 31, lying North of said Golden Canal.

Also that portion of the E 1/2 of the SE 1/4 of the SE 1/4 of Section 25, Township 3 South, Range 70 West of the 6th P. M., Jefferson County, State of Colorado, lying South of the Agricultural Ditch.

Also N 1/2 of Lot 9 and the N 1/2 of W 1/2 of Lot 10, Roxbury Gardens, Jefferson County, State of Colorado, and in the SE 1/4 of NE 1/4 of said Section 30.

#### NEW AREA

Lots 1, 2 and that portion of Lots 7 and 8 lying North of the Centerline of the Rocky Mountain Ditch, Orchard Gardens Subdivision, Jefferson County, Colorado, and in the NW 1/4 of the SE 1/4 of Section 30, Township 3 South, Range 69 West of the 6th P. M.

Also Lots 6 and 11 of said Orchard Gardens lying in the E 1/2 of the SW 1/4 of said Section 30.

Also the Orchard Ranchettes Subdivision, Jefferson County, Colorado, lying in the West 503 feet of the S 1/2 of the NW 1/4 of the SW 1/4 of said Section 30, and South of the Lee, Stewart and Eskins Ditch.

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

##### THE COMMISSION FINDS:

1. That the above Statement be made a part of these Findings by reference.
2. That this Commission has jurisdiction over the Applicant herein and over the subject matter of the instant application.
3. That the Commission has considered the testimony, evidence and exhibits in the instant matter, and is fully advised in the premises. That public convenience and necessity require the construction, maintenance and operation of a water system to be located in the area hereinabove described, for the purpose of furnishing water in said area in accordance with the Articles of Incorporation of Applicant, and that a certificate of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That this Order shall be taken, deemed and held to be a

certificate of public convenience and necessity to Applewood Utilities, Inc., authorizing the construction, maintenance and operation of a water utility company to supply water in accordance with the Articles of Incorporation of said company, not to exceed 450 residential building sites located in the following area:

PRESENT AREA CERTIFICATED

The Applewood Mesa Ranchettes and Applewood Ranchettes Subdivision, Jefferson County, Colorado, lying in the S 1/2 of Section 30, and the NE 1/4 of the NW 1/4 of Section 31, Township 3 South, Range 69 West of the 6th P. M.

Also that part of the SE 1/4 of the NW 1/4 of said Section 31, lying East of the Golden Canal, also known as Welch Ditch, and that part of the NW 1/4 of the NW 1/4 of said Section 31, lying North of said Golden Canal.

Also that portion of the E 1/2 of the SE 1/4 of the SE 1/4 of Section 25, Township 3 South, Range 70 West of the 6th P. M., Jefferson County, State of Colorado, lying South of the Agricultural Ditch.

Also N 1/2 of Lot 9 and the N 1/2 of W 1/2 of Lot 10, Roxbury Gardens, Jefferson County, State of Colorado, and in the SE 1/4 of NE 1/4 of said Section 30.

NEW AREA

Lots 1, 2 and that portion of Lots 7 and 8 lying North of the Centerline of the Rocky Mountain Ditch, Orchard Gardens Subdivision, Jefferson County, Colorado, and in the NW 1/4 of the SE 1/4 of Section 30, Township 3 South, Range 69 West of the 6th P. M.

Also Lots 6 and 11 of said Orchard Gardens lying in the E 1/2 of the SW 1/4 of said Section 30.

Also the Orchard Ranchettes Subdivision, Jefferson County, Colorado, lying in the West 503 feet of the S 1/2 of the NW 1/4 of the SW 1/4 of said Section 30, and South of the Lee, Stewart and Eskins Ditch.

All as more fully shown on Exhibit No. 1, which by reference is made a part hereof.

2. That the Applicant shall construct, maintain and oper-

ate the water system in accordance with good engineering practices and in conformity with the rules and regulations of this Commission and the Department of Health of the State of Colorado. That the Applicant shall submit to this Commission the "as constructed" plans of the completed water system, together with the itemized costs of said construction, said costs to be broken down in accordance with the uniform system of accounts for water companies, as prescribed by this Commission; said data to be filed within ninety (90 days of the beginning of water service in the certificated area in excess of the 156 residential sites for which Applicant is presently certificated.

3. That, prior to the rendering of water service in the area, Applicant shall obtain written approval of the Department of Public Health of the State of Colorado of its facilities and resources and file a copy of said approval with this Commission.

4. That said water service so authorized shall be in accordance with the rates, rules and regulations of the company presently on file with the Commission, subject to such amendments as may be authorized by the Commission.

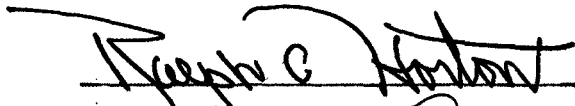

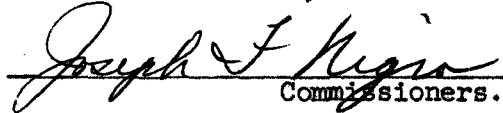
5. That the Applicant shall maintain its accounts in accordance with the uniform system of accounts as prescribed by this Commission, and shall always and at all times abide by the rules and regulations governing the service of water as prescribed by this Commission.

6. That this Commission shall retain jurisdiction of this matter, to issue such further order or orders as may be necessary.

7. 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 27th day of May, 1957:

mls



original

(Decision No. 47949)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE GROVER TELEPHONE EXCHANGE, AN )  
INDIVIDUALLY OWNED COMPANY, GROVER, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO )  
OPERATE A TELEPHONE EXCHANGE AND )  
SYSTEM WITHIN THE TOWN OF GROVER, )  
COUNTY OF WELD, STATE OF COLORADO. )  
-----)

APPLICATION NO. 14435

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May 27, 1957  
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Appearances: P. M. Brown, Denver,  
Colorado, and  
J. M. McNulty, Denver,  
Colorado, for the  
Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was set for hearing by the Commission on Tuesday, May 14, 1957, at ten o'clock A. M., in the Court House at Sterling, Colorado, after due notice to all interested parties. At said time and place the Commission held the hearing, and at the conclusion thereof, took the matter under advisement.

The Grover Telephone Exchange has been rendering telephone service in the Town of Grover for many years, and on September 8, 1955, it was granted a franchise, being Ordinance No. 31 by said Town, authorizing it to furnish telephone service in the Town. The Telephone Company filed its application with the Commission to exercise franchise rights, but before said matter could be heard, the Telephone Company gave notice to the Commission and all of its subscribers that it intended to abandon telephone service in the Town of Grover, June 1, 1957. At the hearing, Mr. M. W. Claypool, Mayor of Grover, testified in regard to the application

before the Commission. His testimony was to the effect that since the Telephone Company proposed to abandon its service, the Commission should deny the certificate to exercise franchise rights. He identified Exhibits Nos. 1 and 2, which were admitted in evidence at the hearing. Exhibit No. 1 is a copy of a Resolution by the Town Council of the Town of Grover, authorizing an official representation at the hearing to protest granting of the certificate to exercise franchise rights. Exhibit No. 2 was a document signed by eleven merchants of said Town protesting the granting of the application.

The files of the Commission reveal that on May 13, two days before the hearing, Mrs. LeRoy Richards, owner of the Grover Telephone Exchange, filed a request with the Commission seeking leave to withdraw Application No. 14435 since she proposed to abandon telephone service in Grover on June 1, 1957.

In view of the existing conditions, we believe that the request of Applicant for leave to withdraw Application No. 14435 should be granted.

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

##### THE COMMISSION FINDS:

That the request of Applicant, Grover Telephone Exchange, to withdraw Application No. 14435, should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Application No. 14435 of the Grover Telephone Exchange for a certificate of public convenience and necessity to exercise franchise rights and to operate a telephone system within the Town of Grover in Weld County, Colorado, be, and it hereby is, permitted to be withdrawn.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Frederic C. Holton  
John P. Thompson  
Joseph F. Higin  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of May, 1957.

ea

original

(Decision No. 47950)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES E. EGGERING, 3203 COLFAX, )  
PUEBLO, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- ) APPLICATION NO. 15321-PP  
RIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

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May 27, 1957  
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Appearances: James E. Eggering, Pueblo,  
Colorado, pro se;  
Max C. Wilson, Esq., Canon  
City, Colorado, for South-  
western Transportation  
Company;  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for R. B.  
"Dick" Wilson, Inc.; Fair-  
play Motors;  
Kenneth Trenberth, Idaho  
Springs, Colorado, for  
Curnow Livery and Transfer.

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 in the State of Colorado, to railroad loading  
points, 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; uranium ore, from mines in the State of Colorado,

to processing plants within a radius of fifty miles of said mines. Applicant requests that in the event authority herein sought is granted, permit bear the number "B-4035," being the number of a permit formerly held by him.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Council Chambers, City Hall, Pueblo, Colorado, May 9, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

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

It did not appear that applicant's proposed operations will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

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

##### THE COMMISSION FINDS:

That permit should issue to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That James E. Eggering, Pueblo, 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 job; 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; uranium ore, from mines in the State of Colorado, to processing plants within a radius of fifty miles of said mines, excluding service in the Counties of Clear Creek, Gilpin, Jefferson, Grand, and Summit; limited to the use of dump trucks, only.

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 operating rights herein granted shall bear the number "B-4035."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Norton  
John J. Thompson  
Joseph F. Negro  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE STATE HIGHWAY COMMISSION OF )  
COLORADO, A BODY CORPORATE, FOR )  
THE USE AND BENEFIT OF THE PEOPLE )  
OF THE STATE OF COLORADO, 4201 EAST )  
ARKANSAS AVENUE, DENVER, COLORADO, )  
FOR AUTHORITY TO CONSTRUCT HIGHWAY )  
RAILROAD GRADE CROSSINGS ON SPUR )  
CONNECTION TO STATE HIGHWAY NO. 2 )  
ON PROPERTIES OF CHICAGO, BURLING- )  
TON AND QUINCY RAILROAD COMPANY, IN )  
THE CITY OF STERLING, LOGAN COUNTY, )  
STATE OF COLORADO )  
----- )

APPLICATION NO. 15026

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May 27, 1957  
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Appearances: Joseph M. Montano, Esq.,  
Denver, Colorado, for  
Applicant;  
C. R. Phillips, Sterling,  
Colorado, for Chicago,  
Burlington and Quincy  
Railroad Company;  
P. M. Brown, Denver, Colo-  
rado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On January 23, 1957, the Department of Highways of  
the State of Colorado, by Mark U. Watrous, Chief Engineer, filed  
an application with this Commission for the purpose of construct-  
ing a truck route on Front Street to Second and Elm Streets;  
thence along Second Street to Sidney Avenue; thence along Sidney  
Avenue to Third Street; thence to a junction with State Highway  
No. 2 at Broadway, said route being designated as a spur con-  
nection to State Highway No. 2, all situated in the City of  
Sterling, Logan County, Colorado.

The matter was duly set for hearing, after notice to  
all interested parties, on May 14, 1957, at ten o'clock A. M.,

in the Court House at Sterling, Colorado. At said time and place the matter was heard by the Commission and at the conclusion thereof, taken under advisement.

At the hearing, Witness E. L. King, Assistant Surveys and Plans Engineer of the Department of Highways, introduced and testified to Exhibit "A" and "B" as follows:

Exhibit A: Sketch map, title page and tabulation of length and design of the project.

Exhibit B: Map showing plan and profile of the project.

Testimony by Mr. King revealed that the purpose of this project is to provide a through route around the retail business district of the City of Sterling. The proposed route will cross certain tracks of the Chicago, Burlington and Quincy Railroad Company at grade, all of said tracks being within the yard limit of said railroad. The total length of the project is 2,945 feet. The roadway will be asphalt-paved, 24 feet in width, with curb and gutter on a portion of the route and an earthen shoulder 10 feet in width on each side of the pavement where the curb and gutter is omitted. This route, while it carries a designation of a spur connection to State Highway No. 2, is in reality a city street, and as such the proposed project has the approval of the City of Sterling, the State Highway Commission, and the Chicago, Burlington and Quincy Railroad Company.

This project is necessary in order to relieve the traffic problem in the City of Sterling due to the increase in recent years of vehicular traffic. State Highway No. 2 at the present time is carrying 7,000 vehicles per day at the south edge of the City of Sterling, and 4,300 vehicles at the north edge, while 4,000 vehicles daily also cross the highway in an east-west direction. Since the proposed project is a new route, no actual vehicular count is available, but it is estimated that approximately 2,000 vehicles per day will use this truck route, most of which will be commercial vehicles and by such use will relieve traffic through



the retail district of the City. This proposed route is in reality in the nature of a temporary installation since it is ultimately planned to re-route the main highway around the City, thereby relieving the present traffic situation permanently.

Vehicular speeds over the new route will be restricted since this is within the city limits and train movements are also at relatively slow speeds since the tracks are within the yard limits. While Exhibit "B" shows the proposed route crossing four tracks at grade, there will be only two tracks to cross when this project is finally constructed. Track No. 65, as shown on the exhibit, has already been removed, and Track No. 5 will be removed by the railroad prior to the construction contemplated herein. This will leave Track No. 3, a switching industrial track, and Track No. 30, on the main line between Sterling and Cheyenne. There is one scheduled train per day and approximately six switching movements per day over the proposed crossings at a maximum speed of fifteen miles per hour. In view of the estimated vehicular and train traffic, together with restricted speeds, it is proposed to install reflectorized crossbucks and reflectorized Advance Warning signs on the approaches to the crossings. The City of Sterling, by Ordinance, will close Second Street, Walnut and Elm and, in addition, the proposed routing will be fenced so that access to the road will be limited.

A late-filed exhibit filed by the Department of Highways with the Commission, is a photostatic copy of an Easement Agreement by and between the Chicago, Burlington and Quincy Railroad Company and said Department of Highways. This Agreement provides for the right-of-way over the railroad property and also the matter of reimbursement to the railroad by the Department of Highways for work to be done by the railroad. It was estimated at the hearing that the total cost of this project would amount to \$56,630. All costs are to be borne by the Department of Highways.

Mr. C. R. Phillips, Assistant Superintendent for the Chicago, Burlington and Quincy Railroad Company in Sterling, testified at the hearing regarding movement of trains and their speeds. It was his opinion that in view of the restricted speeds and movement of trains that the crossing protection to be provided would be adequate. He stated that while the area near the proposed truck route on railroad property was industrial in nature and that there would be some additional buildings on the railroad property in the future, any new construction would be located north and east of the proposed crossings and would probably not interfere with the visibility at these crossings. He also believed that the parking of freight cars on the siding would prove no difficulty as far as visibility at the crossings is concerned. The matter of the closing of the streets is in accordance with an agreement between the railroad and the City of Sterling, and the necessary ordinances have been passed to take care of these closings.

Since this construction is all on railroad property there are no adjacent property owners who would be affected by this construction. The Chicago, Burlington and Quincy Railroad Company, the Department of Highways, and the City of Sterling are all in agreement on this matter, and no one appeared at the hearing to protest the granting of this application.

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

##### THE COMMISSION FINDS:

That the above Statement be made a part hereof by reference.

That the Commission is fully informed in the matter.

That public convenience and necessity and safety require the establishment of new highway crossings at grade over the tracks of the Chicago, Burlington and Quincy Railroad on the proposed new truck route designated as a spur connection to State Highway No. 2 in the City of Sterling, Logan County, Colorado, and the authority

for said construction should be granted.

O R D E R

THE COMMISSION ORDERS:

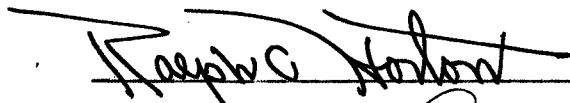


That Applicant, the Department of Highways of the State of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity for the construction, establishment, maintenance and use of new highway-grade crossings over the tracks of the Chicago, Burlington and Quincy Railroad Company, designated as Tracks Nos. 3 and 30 located in the City of Sterling, all as more fully shown on Exhibit "B" introduced at the hearing and, by reference, made a part hereof.

That said crossings shall be adequately protected by the installation of reflectorized Advance Warning signs and reflectorized crossbucks installed in accordance with the Bulletin of Association of American Railroads' Joint Committee on Railroad Protection.

That the work to be done, method of payment, and maintenance shall all be in accordance with the Agreement entered into by and between the Department of Highways and the Chicago, Burlington and Quincy Railroad Company filed as a late-filed exhibit in this matter and, by reference, made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of May, 1957.

ea

original

(Decision No. 47952)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN H. PRESLER, DOING BUSINESS AS )  
"CORONA EXPRESS AND MOVING SERVICE," )  
220 SOUTH CORONA STREET, DENVER, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 15337-Transfer  
PUC NO. 3398 TO INTERSTATE MOVING & )  
STORAGE CO., A WYOMING CORPORATION, )  
10 GALAPAGO STREET, DENVER, COLORADO. )  
-----)

-----  
May 27, 1957  
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Appearances: John H. Presler, Denver,  
Colorado, pro se;  
John O'Leary, Cheyenne,  
Wyoming, and  
Harold Houpt, Denver, Colo-  
rado, for Transferee;  
Kenneth W. Nelson, Denver,  
Colorado, for Capitol  
Hill Transfer & Storage  
Company.

S T A T E M E N T

By the Commission:

By Decision No. 45553, dated April 4, 1956, John H.  
Presler, doing business as "Corona Moving and Express Service,"  
Denver, Colorado, was authorized to operate a common carrier  
call and demand transportation service, for the transportation of:  
  
general commodities, including any and all  
commodities generally transported by express-  
men, excepting therefrom commodities which,  
because of size or weight, require special  
equipment, and excepting package delivery as  
such, between points in the City and County  
of Denver, State of Colorado,

said operating rights being known as "PUC No. 3398."

By the instant application, John H. Presler, doing busi-  
ness as "Corona Express and Moving Service," Denver, Colorado,  
seeks authority to transfer said PUC No. 3398 to Interstate Moving  
& Storage Co., a Wyoming corporation, 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, May 10, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The Transferor testified in support of the application, as did the President of Transferee corporation. There was no testimony in protest.

It appears from the testimony of the Transferor that he has been in business within the City of Denver for approximately ten years engaging in the moving business only, having no storage facilities. During this time, his equipment has been limited to one truck. The largest equipment he ever had was a  $1\frac{1}{2}$ -ton vehicle. He has no other authority to transport any commodity for hire. There is no indebtedness in connection with his operation. He is selling out, he says, because of his health and age. The authority, together with motor vehicle equipment, pads, dollies, etc., are being sold for a total of \$2,500, \$2,000 of which is allocated to the purchase of the authority.

Mr. John R. O'Leary, President of the Transferee, stated that his Company now operates in Denver only in interstate commerce, as an agent of Allied Van Lines. The Company has local storage facilities and plans to get into the local moving and storage business. Presumably, from its advertising in connection with its interstate business, it receives many calls for local moving, and now is purchasing this authority to handle this business. His Company has carefully surveyed the local situation and finds that this authority will permit it to do everything which it has in mind to do in the Denver area. It is fully aware that this authority does not authorize service in the Denver Metropolitan Area, but only within the actual City limits of Denver. The Transferee has no different service than this in mind. The Company's net worth is approximately \$21,000. Evidence of experience and

equipment suitable to the work was offered and received.

No one appeared in protest to the granting of the transfer, and no reason appears why the transfer should not be granted.

### 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.

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 H. Presler, doing business as "Corona Express and Moving Service," Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 3398, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Interstate Moving & Storage Co., a Wyoming corporation, Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

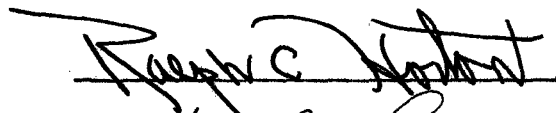

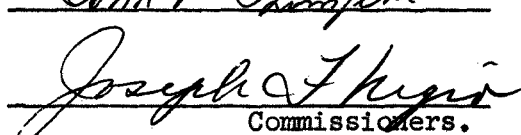
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 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 27th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PACKAGE DELIVERY SERVICE CO., 2127 )	
ARAPAHOE STREET, DENVER, COLORADO, )	
FOR A CERTIFICATE OF PUBLIC CONVEN- )	APPLICATION NO. 15180-Extension
IENCE AND NECESSITY AUTHORIZING )	
EXTENSION OF OPERATIONS UNDER PUC )	
NO. 572. )	
----- )	

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May 27, 1957  
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Appearances: Barry, Hupp & Dawkins, Esqs.,  
by John R. Barry, Esq.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

The above-entitled application was regularly set for hearing before the Commission at ten o'clock A. M., March 19, 1957, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof having been forwarded to all parties in interest.

No one appeared in opposition to the granting of the application herein.

When the matter was called for hearing, the attorney for applicant asked leave to amend the application, which leave was granted.

By the instant application, applicant seeks "Grandfather Rights" within the home-rule cities of Denver and Boulder, Colorado, as well as the elimination of a weight, customer and rate restrictions presently existing in a portion of applicant's Certificate of Public Convenience and Necessity.

Applicant originally had a certificate authorizing transportation of packages in certain territories around and adjacent to



the City and County of Denver, which certificate was designated "PUC No. 572" by this Commission, and is covered in Decision No. 18497. This authority reads as follows:

"Packages daily between Denver and the territory described as: Beginning at the Denver City Limits at West Alameda and Sheridan, thence West  $\frac{1}{2}$  mile, thence north  $6\frac{1}{2}$  miles, thence east  $12\frac{1}{2}$  miles, thence south  $7\frac{1}{2}$  miles, thence west  $4$  miles, thence south  $3$  miles, thence west  $6\frac{1}{2}$  miles, thence north on Federal Boulevard to the City Limits; and irregularly but at least three times a week between Denver and the territory described as: Beginning at the NE corner of Section 5, Township 5-South, Range 67-West; thence South  $3$  miles; thence west  $4\frac{1}{2}$  miles; thence south  $3$  miles, thence west  $6\frac{1}{2}$  miles; thence north  $18$  miles; thence east  $14$  miles; thence south  $1\frac{1}{2}$  miles (which is the northeastern extremity of daily service)."

Subsequent to this grant of authority, Rocky Mountain Motor Company "loaned" a portion of its authority contained in PUC No. 56, covered in Decision No. 18703, to Package Delivery Service Co., which authority reads as follows:

" . . . for the transportation of small packages with a maximum weight of fifty (50) pounds (except that that maximum should not apply to furniture and house furnishings sold by retail stores in Denver) between Denver and Golden, and to the top of Lookout Mountain, and up Mount Vernon Canyon as far as the top of Mount Vernon Canyon where the Mount Vernon Country Club is situated, and also as far as, and to, Morrison, and any points within a triangle formed by Denver, Morrison and Golden, where said points are not already covered in Package Delivery's certificate transferred to Package Delivery Service Co., said service to be a door-to-door service, and to be performed only for retail stores located in the City and County of Denver, no service to be performed up Bear Creek Canyon to points beyond Morrison, and minimum rate to Morrison to be not less than twenty-five cents (25¢) per package."

In Application No. 11440, being Decision No. 39651, under date of November 10, 1952, this Commission granted the applicants authority to transport for hire on call and demand, packages and parcels weighing not in excess of 100 pounds each, between Denver on the one hand and on the other, points and places within a 30-mile radius thereof (excluding the area now authorized to be served under PUC No. 56, it being understood that the present authority under PUC No. 572 will not be impaired and this extension being to

points only beyond said certificates). It was the theory of the Commission at that time that it was powerless to extend authority of applicant under PUC No. 572 in the territory which it did not own (this being a part of PUC No. 56).

Subsequently, this Commission did authorize, through Application No. 12637, being Decisions Nos. 44786, 44881 and 45713, the transfer of the so-called "loaned" authority referred to in Decision No. 18703 to the applicant, Package Delivery Service Co. Applicant therefore finds it is in the position of having an authority which authorizes package delivery service throughout a 30-mile radius of the City and County of Denver, restricted to a maximum weight of 100 pounds per package except in the territory between Denver and Golden to the top of Lookout Mountain and up Mount Vernon Canyon as far as the top of Mount Vernon Canyon where the Mount Vernon Country Club is situated, and also as far as, and to, Morrison, and any point within a triangle formed by Denver, Morrison and Golden. Where they are not served by PUC No. 572, applicants are restricted to serving for retail stores in Denver only and restricted to a 50-pound maximum weight on packages (except that maximum shall not apply to furniture and house furnishings sold by retail stores in Denver. It is the limitations on weight of packages, customers and rates which applicants herein seek to have removed from this portion of their certificate.

Their testimony was to the effect that the limitation causes difficulties from a routing standpoint and from an enforcement viewpoint on the part of the P. U. C. Staff, as well as the attendant difficulties which would result for preparation of tariffs to conform with their authority.

The second phase of applicants' request seeks "Grandfather Rights" for services within the City and County of Denver and the City of Boulder, both cities being home-rule cities over which this Commission acquired regulatory jurisdiction on November 4, 1954.

The record demonstrates that the applicants were engaged in the performance of a general freight business in the City and County of Denver on and prior to November 4, 1954, and engaged in the transportation of packages not to exceed 100 pounds each in the City of Boulder on that date.

After a thorough consideration of the record and all of the problems involved, we feel that both phases of the application should be granted. The granting of that part of the application which eliminates the weight, rate and customer restrictions is in conformity with good regulatory practice in that it will result in applicant's PUC No. 572, being uniform throughout the 30-mile area which was heretofore granted to applicants, and further, it will result in uniform rates being established for the same type and kind of service throughout this same area. The elimination of the customer restriction is in the public interest for the reason that a certificate of public convenience and necessity is granted by regulatory commissions to serve the public or a general class of the public, and since applicant herein holds itself out to serve a certain class of the public, it behooves this Commission to authorize service to all of this class without restriction or limitation.

Insofar as the second phase of this application is concerned, the record amply demonstrates that applicants were rendering service to the public in the City of Boulder on the date that this Commission acquired jurisdiction, said service being confined to shipments not in excess of 100 pounds in weight.

Insofar as service within the City and County of Denver is concerned, the record amply demonstrates that applicants were rendering a service which was a general freight service within the City and County of Denver on the date that this Commission acquired jurisdiction.

## F I N D I N G S

### THE COMMISSION FINDS:

That the applicant is fit, willing and able to perform the aforementioned transportation service, and to conform with the provisions of the Motor Carrier Acts, and the rules and regulations thereunder. That the application should be granted for the reasons set forth in the Statement which, by reference, is made a part of these Findings.

## 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 Package Delivery Service Co. for the transportation of general commodities from point to point within the City and County of Denver in the operation of a package delivery service.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Package Delivery Service Co. for the transportation of general commodities from point to point within the City of Boulder, no shipment to exceed 100 pounds in weight.

That that portion of PUC No. 572 acquired through Decision No. 18703 shall have its weight limitation raised to 100 pounds and the limitation, "said services to be performed only for retail stores located in the City and County of Denver," deleted therefrom, and the minimum rate of 25¢ per package deleted therefrom, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

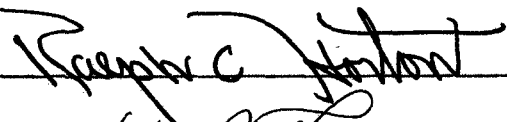

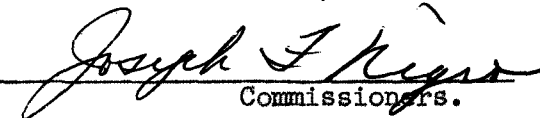
That applicant shall file a tariff of rates, rules and regulations as required by the rules and regulations of this Commission within 20 days from date.

That applicant shall operate his carrier system in accordance with the Order of this Commission except when prevented by an 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 27th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PACKAGE DELIVERY SERVICE CO., 2127	)	
ARAPAHOE STREET, DENVER, COLORADO,	)	
FOR AUTHORITY TO OBTAIN "GRANDFATHER	)	
RIGHTS" UNDER PERMIT NO. B-413, VIZ.,	)	APPLICATION NO. 15181-PP-Extension
THE RIGHT TO OPERATE AS A CLASS "B"	)	
PRIVATE CARRIER BY MOTOR VEHICLE	)	
FOR HIRE.	)	
-----	)	

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May 27, 1957  
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Appearances: Barry, Hupp & Dawkins, Esqs.,  
by John R. Barry, Esq.,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

The above-entitled application was regularly set for hearing before the Commission at ten o'clock A. M., March 19, 1957, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof having been forwarded to all parties in interest.

Applicant testified at the hearing that it is the owner of Package Delivery Service Co., and that it has operated this company in the City and County of Denver for a period of better than ten (10) years serving the general public and now wishes to validate its "Grandfather Rights."

Applicant's business in Denver has consisted of the transportation of general commodities, including furniture and household goods and commodities requiring special equipment.

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.

The Commission feels that the permit sought herein should issue to Applicant.

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.

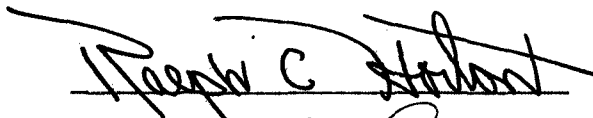
O R D E R

THE COMMISSION ORDERS:

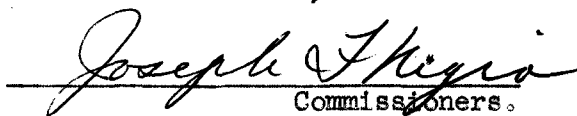
That Package Delivery Service Co., 2127 Arapahoe Street, Denver, Colorado, be, and it hereby is, authorized to operate within the corporate limits of Denver, Colorado, as a Class "B" private carrier by motor vehicle for hire, for the transportation of commodities sold by merchants, department stores, and other mercantile establishments, to customers of said merchants, department stores and other establishments, in the nature of a package delivery system, and for the transportation of commodities between stores of each individual owner; provided that there shall be no transportation between stores of the individual owners thereof of any commodity not taken from stock, nor for original shipments received by one store for distribution direct to other stores by "breaking shipments."

That this Order is to be made a part of the permit heretofore 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 27th day of May, 1957.

ea

original

(Decision No. 47955)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTHWESTERN TRANSPORTATION CO., )  
INC., 816 WATER STREET, CANON CITY, )  
COLORADO, FOR CLARIFICATION AND )  
EXTENSION OF PUC NO. 268. )  
----- )

APPLICATION NO. 15229  
CLARIFICATION AND EXTENSION

-----  
May 27, 1957  
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Appearances: Max C. Wilson, Canon City,  
Colorado, and  
Stanley Blunt, Canon City,  
Colorado, for Applicant;  
Frank Shafroth, Esq., Denver,  
Colorado, for Atchison,  
Topeka & Santa Fe Railway  
Company;  
Marion R. Smyser, Esq., Denver,  
Colorado, for The Denver &  
Rio Grande Western Railroad  
Company, Rio Grande Motor Way,  
Inc., and Larson Transportation  
Company;  
Paul M. Hupp, Esq., Denver, Colo-  
rado, for Verl Harvey, Inc.;  
Chris Sorenson, Longmont, Colo-  
rado, for Sorenson Truck  
Service;  
Shirley Avery, Buena Vista,  
Colorado, for Eveready Freight  
Service, Inc.;  
William Brumfield, Fort Morgan,  
Colorado, for Atwood Truck Line.

S T A T E M E N T

By the Commission:

The applicant presently holds PUC No. 268, a motor  
vehicle common carrier authority intrastate for the:

Transportation of freight in call and demand  
service from point to point within the City  
of Canon City and between points within a  
radius of thirty-five (35) miles thereof and  
between points within said radius and other  
points within the State of Colorado,

with certain restrictions.



One of these restrictions, imposed by our Decision No. 4005, dated January 14, 1932, provides that the applicant "shall not transport any freight consigned to or destined from points" on the Westcliffe Branch of the Denver and Rio Grande Western Railroad. The applicant now asks that this restriction be removed, the railroad's Westcliffe Branch having long since been abandoned.

A second restriction, imposed by our Decision No. 4158, dated April 11, 1932, provides that "the applicant in the transportation of household goods shall charge rates comparable with the tariff on file by the Colorado Transfer and Warehousemen's Association." The applicant now asks that this restriction be removed, as no such tariff has been on file with the Commission for many years.

In addition, the applicant asks that its intra-city authority within Canon City, Colorado, be clarified and recognized. By our Decision No. 3969, dated December 23, 1931 (the basic grant of authority in this matter), we granted authority "for the transportation of freight within Canon City . . ." Subsequently, that city became a home-rule city, and we presumably lost our regulatory authority there as to this carrier. On November 2, 1954, by adopting Article XXV of the Colorado Constitution, the People of the State of Colorado granted us regulatory authority in home-rule cities. The applicant is not certain of the effect of this hiatus upon its authority, and asks that any doubt existing be removed by specific Order of the Commission.

The foregoing requests are unopposed.

Finally, the applicant complains of a restriction as to locating offices outside Canon City insofar as the restriction applies to the transportation of cement from the Ideal Cement Company plant at Portland, Colorado (within applicant's base territory), to other points in the State. The restriction complained of was imposed by the basic order granting the authority, Decision No. 3969, dated December 23, 1931:

"(c) The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Canon City for the purpose of developing business."

Upon due notice to interested persons, these matters were set for hearing at the Hearing Room of the Commission in Denver; hearing was commenced April 5, 1957, and concluded April 29, 1957. At the conclusion of the hearing, the matters were taken under advisement.

The evidence as to the first three matters is clear and uncontradicted. Mr. Stanley Blunt, President of applicant corporation, testified in behalf of his company; there was no other testimony concerning these three matters.

As to the railroad's Westcliffe Branch, it appears undoubted that the branch has long since been abandoned. The circumstances warranting the exclusion therefore no longer exist. The railroad, represented at the hearing, made no protest as to this request; the only common carrier competitor likely to be affected, Hanssen Truck Line at Westcliffe, though notified of the hearing, did not appear. No reason now appears for continuing the restriction; an Order will be entered accordingly.

The circumstances concerning the restriction in favor of the Warehousemen's Association are of the same nature. No tariff is now on file with the Commission on behalf of any such organization; principal transfer and storage companies throughout the State were notified of the hearing, but entered no appearance. The restriction is no longer warranted, and the record should be cleared by its elimination. An Order will be entered accordingly.

Regarding the third matter, there was ample testimony that the operations of the applicant between points within Canon City have been continuous, of a general cartage nature, and regularly licensed by City officials prior to November, 1954, and continuously since then. An Order recognizing the applicant's "Grandfather Rights" will therefore be entered, removing any tenuous

doubt which may exist as to the applicant's intra-city authority in Canon City.

The final matter, that of the cement transportation, is a more difficult one.

It appears from the records of the Commission and the testimony of Mr. Blunt that the present authority was issued, early in the days of motor carrier operations and regulation, to provide the Canon City area with transportation facilities locally, and between that area and the rest of the state. Ideal Cement Company's cement manufacturing plant at Portland is within the base area, and is equipped with loading facilities for both rail and motor carriers. The applicant has been hauling cement in sacks away from this plant to other Colorado points for at least 15 years; with the advent of bulk transportation motor equipment during the past five years, however, the applicant's total volume of sack cement transportation has steadily declined, while its bulk cement transportation has grown rapidly, in the service of points throughout the state. The Cement Company, however, sells cement f. o. b. the plant; the buyer pays the transportation charges and selects the carrier. Though the supplying industry is within the base territory, therefore, the carrier's paying customer is not.

There was testimony of customers to the effect that they like to have two principal services of the carrier available in their own locality: (1) advisory service concerning rates, to assist them in preparing bids on construction jobs, and (2) dispatching and unloading assistance at the job location.

Concerning the first, the witnesses stated that in preparing bids, the item of transportation cost is of significant size; their work would be simplified if they had some person locally available by telephone who could give them accurate, expert information concerning these transportation charges and possible alternative routings. The applicant, however, gives no assurance

that it will actually establish such offices in all the communities represented by the witnesses; it will do so only where warranted by the volume of business; it does not appear to be warranted now, from the evidence.

The second service sought has been characterized by witnesses as local expediting and dispatching service. The testimony of Mr. Randall Pryor, formerly employed by a concrete contractor at Colorado Springs, is illustrative of this service. In the Air Force Academy construction, large volumes of concrete are being poured at various points on Academy grounds, by various contractors. The volumes are such that work must be closely scheduled to have large quantities of men, equipment, and cement available at all feasible pouring times during the day. Any one of a number of circumstances can delay the work; in addition to weather hazards, a breakdown of equipment or water supply, or any shortage of men or materials, interferes with orderly progress of the work. Each contractor is therefore concerned to have large quantities of cement ready at the precise point it is needed, when it is needed. The contractor being busy at this time with many other details, would like to have someone at the job site who is familiar with trucks, unloading facilities and methods, driver-employer problems, and having supervisory authority over the drivers, to relieve the contractor of the burden of this part of his problems. This function is described as "expediting" by certain witnesses.

In addition, the contractors would like to have some method of disposing of their immediate supply to other contractors or buyers, when circumstances prevent maintaining the planned daily schedule. This problem arises because of the necessity to order ahead day by day, not subject to cancellation. In order to have a supply of cement available at the Academy site Tuesday morning, the contractor must order it from Ideal Cement Company at Denver, and arrange for its transportation, on Monday. The trucks are dispatched to the cement plant early Tuesday, and with waiting,

loading, and over-the-road time, delivery at the job site near Colorado Springs is several hours later. If it becomes impossible to maintain schedule, this cement is enroute and, presently difficult or impossible to divert to another contractor at the job site, or to a readymix plant or house construction job elsewhere in the Colorado Springs area. No storage facilities for bulk cement are available at the job site. The vehicle must be unloaded, held idle, or diverted to another customer. Assistance in this respect would be feasible if a representative of the carrier were locally-domiciled, but the authority of the applicant at present prohibits it from rendering this additional service to the customer.

It is also said that the authority of the carrier to call upon its customers outside the base territory may be questioned. The restriction prohibits having "any agent employed in any other city or town than Canon City for the purpose of developing business." Illustrative of the stated concern of the carrier in this regard is its relationship with Ideal Cement Company and Climax Molybdenum Company, both with offices in the Denver area, some 110 miles from Canon City. Though Ideal Cement does not pay the freight nor select the routing, nevertheless, close coordination is desirable, if the work is to be done effectively. Similarly, though cement is delivered to the mining site of the Molybdenum Company at Climax, coordination with its Denver office is desirable. One result of such visits is goodwill, and consequently, additional business. In one sense, these visits "develop business." The applicant being a corporation, anyone who makes these calls is an employee or agent, who consequently is an agent employed outside Canon City who develops business, it is said.

We think this concern is unduly labored. The original authority being for local service to Canon City, the office was restricted to that location. The effect of the restriction is

economic; the carrier is not prohibited from sending solicitors outside its base territory, but as it is not allowed to have an agent or office except at Canon City, this outside solicitation costs money, for the travel involved. The carrier is therefore at a disadvantage when soliciting in another community which has its own local carrier, as that carrier can do the same solicitation without travel expense. Thus, each carrier is economically confined to its own territory; more important, each community is assured of a carrier locally officed to serve the community, as the carrier cannot economically do the bulk of its business anywhere else.

The significance of the restriction is therefore not to prohibit solicitation or service outside the base territory, but rather to prohibit having a representative who lives or is stationed outside the base territory. The restriction merely adds an economic sanction to enforce the duty of the carrier to serve its base territory.

We think that this restriction is a wholesome one; it relates an obligation to serve to the grant of authority. Accordingly, we think it should be carried forward, to the extent compatible with changed conditions.

The desirability of having some person stationed in Colorado Springs to assist the numerous local users of cement in handling their work more effectively seems to us to have been amply established by the testimony of customers from that area who testified in the applicant's behalf. Such service being proved as necessary, we will authorize it to be instituted. An employee stationed there can travel by day to projects around Colorado Springs, or to Denver or elsewhere, if need be, as circumstances require from time to time.

The testimony of witnesses from Denver, Rocky Ford, Gunnison, and Grand Junction related only to an occasional need for the information and attention, such as might well be handled by long-distance telephone or by special trips from Canon City or

Colorado Springs offices. No volume of service was indicated, sufficient to warrant a full-time agent at any of these points, nor at any other point in the State of Colorado, except Colorado Springs and Canon City. As no need sufficient to warrant establishing an office at these points was shown, we will not authorize the use of resident agents or employees at any of these points.

Motions to dismiss, taken under advisement at the time of hearing, should be denied.

Orders will be entered accordingly.

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

##### THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

The two restrictions described first above should be lifted.

The right of the applicant to engage as a motor vehicle common carrier in the transportation of freight between points within Canon City, Colorado, should be recognized.

The public convenience and necessity require that the applicant be authorized, in connection with the transportation of cement only, to station employees in Colorado Springs, Colorado.

In all other respects, the application should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

That the above and foregoing Statement be, and the same hereby is, made a part hereof by reference.

That the restriction imposed by our Decision No. 4005, dated January 14, 1932, prohibiting service to points along the route of the Westcliffe Branch of The Denver and Rio Grande Western Railroad, no longer serves any useful purpose, and is hereby ordered removed.

That the restriction imposed by our Decision No. 4158, dated April 11, 1932, as to the filing of tariffs for household goods, no longer serves any useful purpose, and is hereby ordered removed.

That the right of applicant to engage in the transportation of freight between points within the corporate limits of Canon City, Colorado, as set forth in the applicant's present authority, is hereby ordered recognized and affirmed.

That the applicant is authorized, in connection with transportation of cement only, to open and maintain an office in Colorado Springs, Colorado, and to station employees in that City in connection with the transportation of that commodity only, for the more effective service of customers for whom the applicant transports cement.

The applicant shall continue to maintain a full-time office in Canon City, and to maintain its permanent records at that office.

In all other respects the application is denied.

Protestants' motions to dismiss are denied.

Jurisdiction is retained to the end that if and as occasion may arise, appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers, and at the same time allow the applicant reasonable latitude in carrying on its business as it may develop in the future.

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

Harold C. Hobart

John P. Thompson

Joseph F. Higgins  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)	
HAROLD L. HUDSON, 2722 COLFAX	)
AVENUE, PUEBLO, COLORADO, FOR A	)
CLASS "B" PERMIT TO OPERATE AS A	)
PRIVATE CARRIER BY MOTOR VEHICLE	)
FOR HIRE.	)
-----	)
	APPLICATION NO. 15323-PP

-----  
May 27, 1957  
-----

Appearances: Harold L. Hudson, Pueblo,  
Colorado, pro se;  
Max C. Wilson, Esq., Canon  
City, Colorado, for  
Southwestern Transportation  
Company;  
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:

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 City Council Chamber, City Hall, Pueblo, Colorado, May 9, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It did not appear that applicant's proposed operations will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

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

##### THE COMMISSION FINDS:

That permit should issue to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Harold L. Hudson, Pueblo, 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; limited to the use of dump trucks.

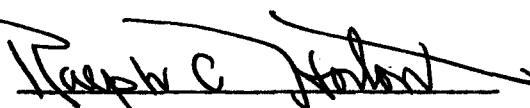
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

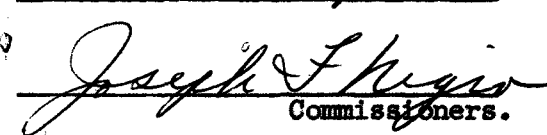
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Ralph C. Holbert

  
\_\_\_\_\_  
John P. Thompson

  
\_\_\_\_\_  
Joseph F. Kugler  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of May, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORVILLE L. HAWKS, STONE CITY, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY ) APPLICATION NO. 15322-PP  
MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
May 28, 1957  
-----

Appearances: William F. Mattoon, Esq.,  
Pueblo, Colorado, for  
Applicant;  
Max C. Wilson, Esq., Canon  
City, Colorado, for South-  
western Transportation  
Company.

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 clay, dirt, rock, sand, and gravel, between  
Stone City, Pueblo, and Canon City, Colorado, and within a  
radius of seventy-five miles from where trucks are housed.

Said application, pursuant to prior setting, after  
appropriate notice to all parties in interest, was heard at the  
City Council Chambers, City Hall, Pueblo, Colorado, May 9, 1957,  
and at the conclusion of the evidence, the matter was taken under  
advisement.

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.

It did not appear that applicant's proposed operations  
will impair the efficiency of any common carrier operating in the  
territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Orville L. Hawks, Stone City, 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, dirt, rock, stone, and clay, from Stone City to Canon City, Colorado, and from Canon City to Pueblo, Colorado, for General Refractories Company, only, without the right to add to the number of customers served without permission from this Commission so to do.

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

Robert C. Hobart

John P. Thompson

Joseph I. Higgins  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INVESTIGATION AND SUSPENSION )	
OF THE PROPOSED ABANDONMENT OF )	
TELEPHONE SERVICE BY THE GROVER )	
TELEPHONE EXCHANGE, GROVER, WELD )	<u>INVESTIGATION AND SUSPENSION</u>
COUNTY, COLORADO. )	<u>DOCKET NO. 400</u>
----- )	

-----  
May 27, 1957  
-----

S T A T E M E N T

By the Commission:

On April 30, 1957, Mrs. Edith Richards, owner of the Grover Telephone Exchange in the Town of Grover, Weld County, Colorado, filed with this Commission under Rule 24 of the Rules of Practice and Procedure, a notice of the intent to abandon said telephone exchange on June 1, 1957. Also, in compliance with Rule 24, Mrs. Richards filed an affidavit on May 20, 1957, stating that she had mailed to all subscribers of the Grover Telephone Exchange, on May 1, 1957, a copy of the notice sent to the Commission. A copy of said notice is set forth herewith:

"NOTICE OF A CHANGE IN THE SERVICE OF

April 30, 1957

THE GROVER TELEPHONE EXCHANGE, Grover, Colorado

"You are hereby notified that the GROVER TELEPHONE EXCHANGE, by EDITH RICHARDS, its OWNER, has filed with The Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Act, notice of certain changes in service effective June 1, 1957, unless suspended in accordance with the provisions of the Public Utility Laws of Colorado.

"All telephone service now being rendered by by said company will cease in its entirety, and all instruments, poles, lines and equipment now in operation within the Town of Grover, will be removed from service and disposed of by said company.

"Any person protesting the matters outlined in the above notice is privileged to notify The Public Utilities Commission of the State of Colorado, Denver, Colorado, at least ten days prior to the effective date of said discontinuance.

THE GROVER TELEPHONE EXCHANGE

By: Edith Richards  
Owner."

In the notice to the Commission, Mrs. Richards stated that she is taking this action because of the inability to operate and maintain said service with present equipment. She also states that the Telephone Exchange has lost 20% of its subscribers and 25% of its toll revenue, thereby making it an unsound business investment to endeavor to supply service to the remaining subscribers.

The Commission on May 22, 1957, received a Petition containing eighteen signatures requesting that the Grover Telephone Exchange continue its business operations in the Town of Grover. In view of the fact that the Commission has received said Petition, the Commission has decided to suspend the proposed effective date of the abandonment in order to protect the interests of all concerned.

F I N D I N G S

THE COMMISSION FINDS:

That the effective date of the proposed abandonment of telephone service by the Grover Telephone Exchange, Grover, Weld County, Colorado, should be suspended and an investigation made and hearing held in the matter.

O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed abandonment of telephone service in the Town of Grover by the Grover Telephone Exchange, Grover, Weld County, Colorado, be, and it hereby is, suspended for a period of one hundred twenty (120) days from June 1, 1957, or until September 28, 1957, unless otherwise ordered.



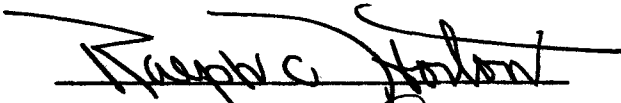

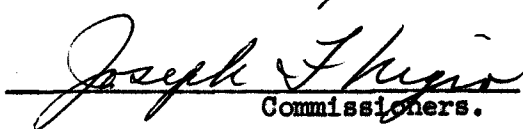
That during said period of suspension, the financial status, the physical condition of the property and the operations of the Grover Telephone Exchange be made a subject of investigation by the Commission.

That upon completion of said investigation, the matter be set for hearing by the Commission at a time and place to be later designated.

That a copy of this Order be sent to Mrs. Edith Richards, owner of the Grover Telephone Exchange, the Mayor of the Town of Grover, and Mrs. Lillie Goodwine, the first signer of the Petition.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of May, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VERL HAMILTON, CORTEZ, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 3240 ) APPLICATION NO. 15174-PP-Transfer  
(SUBSTITUTED FOR PERMITS NOS. B-2985 ) AMENDED  
AND B-2985-I) TO DON WARD, INC., 730 )  
EQUITABLE BUILDING, DENVER, COLORADO.)  
-----

-----  
May 28, 1957  
-----

Appearances: Charles H. Haines, Jr., Esq.,  
Denver, Colorado, for  
Transferee;  
George E. Diltz, Esq., Cortez,  
Colorado, for Transferor.

S T A T E M E N T

By the Commission:

As the circumstances of this matter are somewhat unusual,  
we must depart somewhat from our usual practice in transfer matters  
in order to do justice to the form as well as to the fact of this  
application. No purpose will be served by detailing the history of  
the matter to show how the error occurred, it being sufficient to  
say that notice was sent to interested persons, and it was determined  
who would be interested, upon the understanding that the application  
was one to transfer a private carrier authority to haul raw ore. In-  
stead, the applicants actually seek to transfer authority designated  
PUC No. 3240, which authorizes the Transferor to operate as a motor  
vehicle common carrier,

for the transportation of sulphuric  
acid in bulk from Rico to Naturita,  
Colorado, Uravan, Colorado, and  
Durango, Colorado, with no return  
pay-load,

(this authority having been obtained pursuant to our Decision No.

44899, dated November 14, 1955), and also authorizes the Transferor to operate as a motor vehicle common carrier,

for the transportation of acid in bulk in tank trucks from point to point within a radius of 50 miles of Telluride, Colorado, and from and to points within said radius to and from points in the State of Colorado,

(this authority having been transferred from C. J. Schuler, doing business as "Telluride Transfer Company," pursuant to our Decision No. 45521, dated March 29, 1956).

As the point of origin in the 1955 authority is within the radius stated in the authority transferred in 1956, the latter authority completely covers and enlarges the original authority. The Transferee, in this present proceeding, states that it is interested in obtaining only the enlarged authority, and we presume we may cancel the original authority to clarify our records.

The misunderstanding concerning the nature of the application was not discovered until the day before the matter was set to be heard. Inquiries at that time indicated that only one other carrier is actually engaged in the transportation of acid in bulk intrastate in Colorado. The legal representative of this carrier stated he had no objection to letting the matter proceed upon oral amendment to show the true nature of the application. Considering the possibility, however, that some carrier might have newly acquired bulk acid equipment, it was agreed at the hearing that, if the transfer is permitted, copies of the Order authorizing the transfer should be sent to all carriers having authority to perform this transportation so that they may, if they wish, object to the transfer in writing, stating the nature of their objections, and request that the matter be re-heard. This will be done. As our statute allows twenty days within which to apply for re-hearing, the interest of any carrier who might be affected by this Order will be fully protected

by the procedure adopted. If no request for further hearing is received within that time, it must be presumed that no carrier involved has a supportable interest to complain.

This matter was heard, under the conditions mentioned, at Durango, Colorado, on May 16, 1957.

The Transferor, Verl Hamilton, and the President of the Transferee corporation testified in support of the application. There was no testimony in protest. It appears from the testimony that there is no indebtedness connected with the operation. The purchase price of the intrastate Colorado authority is \$11,500. Mr. Hamilton stated that the insurance filings reports and tariffs are all current and that he has actually been engaged in operating this authority to its full extent. He has no other authority which might authorize the transportation of acids, he said. The authority itself is not to be mortgaged in connection with the transfer. Hamilton has no financial interest or stock ownership in the Transferee company.

Mr. Don Ward, President of the Transferee corporation, stated that he is the President and sole stockholder of the Transferee corporation. It appears that the Interstate Commerce Commission has approved transfer of the related interstate authority. There were testimony and exhibits sufficient to satisfy the Commission that the Company has equipment, finances, and experience suitable to the work and that the likely income is sufficient to indicate the feasibility of the proposal. Mr. Ward was impressed with the responsibility he is assuming, not only to his shippers and consignees, but to the general public using the highways and the danger to them which may result unless the utmost vigilance is used to insure the safe and secure transportation of this dangerous commodity upon the highways. Mr. Ward agreed for himself and his Company that his Company will maintain the high standard of care in the construc-

tion and maintenance of equipment required by the Interstate Commerce Commission as to all of his equipment, including such equipment which may in fact operate intrastate only.

No one appeared in protest, and no reason appears why the transfer should not be granted.

#### 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.

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 Verl Hamilton, Cortez, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 3240, with authority hereafter as follows:

for the transportation of acid in bulk in tank trucks from point to point within a radius of 50 miles of Telluride, Colorado, and from and to points within said radius to and from points in the State of Colorado,

to Don Ward, Inc., Denver, 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.

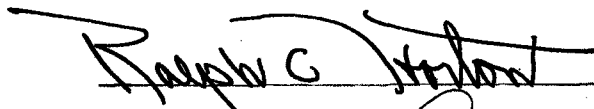


That the authority under PUC No. 3240 as follows:

for the transportation of sulphuric acid in bulk from Rico to Naturita, Colorado, Uravan, Colorado, and Durango, Colorado, with no return pay-load,

be, and the same hereby is, cancelled.

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 28th day of May, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH HOULTON, DOING BUSINESS AS )  
"HOULTON MANUFACTURING COMPANY", )  
2962 NORTH AVENUE, GRAND JUNCTION, )  
COLORADO. )  
-----)

PERMIT NO. M-9630

-----  
June 3, 1957

STATEMENT

By the Commission:

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

Ralph Houlton, d/b/a "Houlton Manufacturing Company"

requesting that Permit No. M-9630 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9630, heretofore issued to \_\_\_\_\_

Ralph Houlton, d/b/a "Houlton Manufacturing Company" be,

and the same is hereby, declared cancelled effective May 11, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Brown  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 3rd day of June, 1957

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

E. H. MOFFITT, 725 SOUTH FIFTH )  
STREET, GRAND JUNCTION, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1210

-----  
June 3, 1957

STATEMENT

By the Commission:

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

\_\_\_\_\_  
E. H. MOFFITT

requesting that Permit No. M-1210 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

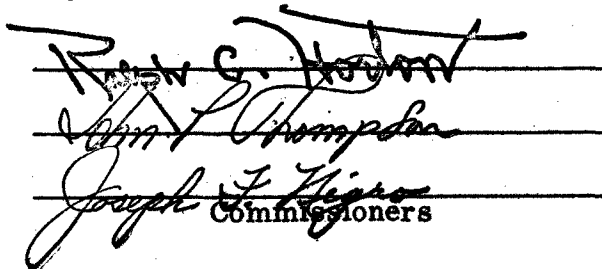
That Permit No. M-1210, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
E. H. Moffitt

be,

and the same is hereby, declared cancelled effective April 25, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 3rd day of June, 1957



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JACK HELLO, 4003 MARATHON, AUSTIN, )  
TEXAS. )  
\_\_\_\_\_ )

PERMIT NO. M-221

-----  
June 3, 1957  
-----

STATEMENT

By the Commission:

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

\_\_\_\_\_  
Jack Hello

requesting that Permit No. M-221 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

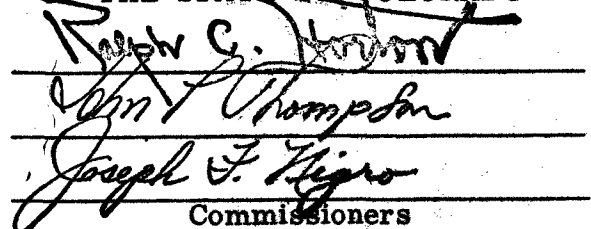
THE COMMISSION ORDERS:

That Permit No. M-221, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
Jack Hello be,

and the same is hereby, declared cancelled effective May 12, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 3rd day of June, 1957

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES KESSLER, DOING BUSINESS AS )  
"DIAMOND PETROLEUM COMPANY", 1000 )  
WATER STREET, DENVER 11, COLORADO. )  
----- )

PERMIT NO. M-4126

-----  
June 3, 1957  
-----

STATEMENT

By the Commission:

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

James Kessler, d/b/a "Diamond Petroleum Company"

requesting that Permit No. M-4126 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

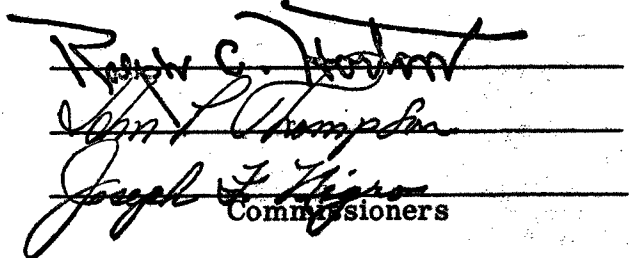
THE COMMISSION ORDERS:

That Permit No. M-4126, heretofore issued to \_\_\_\_\_

James Kessler, d/b/a "Diamond Petroleum Company" be,

and the same is hereby, declared cancelled effective March 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 3rd day of June, 1957

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

ABE AUERBACH, 5370 MARSHALL STREET,  
ARVADA, COLORADO.

PERMIT NO. M-1760

June 3, 1957

STATEMENT

By the Commission:

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

Abe Auerbach

requesting that Permit No. M-1760 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1760, heretofore issued to \_\_\_\_\_

Abe Auerbach

be,

and the same is hereby, declared cancelled effective May 18, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Anderson*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 3rd day of June, 1957

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

RUSSELL J. MARKER, 3956 SOUTH  
BROADWAY, WICHITA, KANSAS.

PERMIT NO. M-5628

June 3, 1957

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Russell J. Marker

requesting that Permit No. M-5628 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5628, heretofore issued to

Russell J. Marker

be,

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of June, 1957.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JAMES E. HACKLEMAN, RIVERTON, WYOMING )

PERMIT NO. M-9123

June 3, 1957

STATEMENT

By the Commission:

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

James E. Hackleman

requesting that Permit No. M-9123 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9123, heretofore issued to \_\_\_\_\_

James E. Hackleman be,

and the same is hereby, declared cancelled effective May 6, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hudson  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 3rd day of June, 1957.

mjm

original

(Decision No. 47967)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
ORITY TO EXTEND FACILITIES IN THE ) APPLICATION NO. 15347-Extension  
SOUTHWEST QUARTER OF SECTION 34, )  
TOWNSHIP 1-SOUTH, RANGE 68-WEST. )  
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May 28, 1957  
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S T A T E M E N T

By the Commission:

On May 6, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct an extension of its single-phase primary on an existing pole line a distance of 300 feet, and to extend said primary by new construction a distance of 450 feet. The extension is to serve Leo A. Koleski at a location in the Southwest Quarter of Section 34, Township 1-South, Range 68-West. The estimated cost of the construction is \$435.27.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will

issue its Order granting the construction as requested. The Commission has received a letter from the Public Service Company of Colorado, dated May 13, 1957, and a letter from the Colorado Central Power Company, dated May 21, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

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

##### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Leo A. Koleski at a location in the Southwest Quarter of Section 34, Township 1-South, Range 68-West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

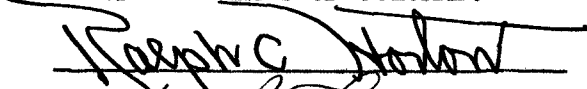
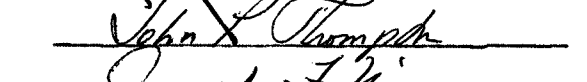
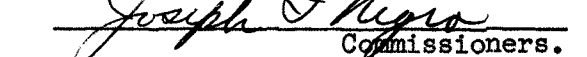
#### O R D E R

##### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve Leo A. Koleski at a location in the Southwest Quarter of Section 34, Township 1-South, Range 68-West, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

That this application 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 May, 1957.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF ADAMS, STATE OF  
COLORADO, COURT HOUSE, BRIGHTON,  
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,  
  
Defendants.  
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CASE NO. 5127

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May 28, 1957  
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Appearances: Clifford Gobble, Esq.,  
Brighton, Colorado,  
for Complainant;  
John C. Street, Esq.,  
Denver, Colorado,  
for Chicago, Burlington  
& Quincy Railroad Company;  
Clayton B. Knowles, Esq.,  
Denver, Colorado, and  
Kenneth Selby, Esq., Denver,  
Colorado, for Union  
Pacific Railroad Company;  
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:

This matter duly came on for hearing on February 26,  
1957, in the Hearing Room of the Commission, 330 State Office  
Building, Denver, Colorado.

For convenience, we will refer to the Complainant, the  
Board of County Commissioners of the County of Adams, State of  
Colorado, as the "Board" and the Defendant Union Pacific Railroad



Company as "Union Pacific" and Defendant Chicago, Burlington and Quincy Railroad Company as "Burlington."

The matter of the complaint by the Board against the Burlington was disposed of by stipulation on February 26, 1957.

The matter of the complaint of the Board against Union Pacific proceeded to hearing and evidence was adduced. At the conclusion of the evidence, both parties desired to submit written briefs. Prior to final submission of briefs, however, there was submitted to the Commission a stipulation entered into between the Board and Union Pacific providing for the installation of an automatic flasher light warning signal with a bell attachment, according to plans to be approved by the Commission at the crossing at 80th Avenue and the Union Pacific tracks in Adams County Colorado, which was the crossing over which the dispute in this matter arose.

Said stipulation further provides for the reimbursement by the County to the Union Pacific of 50% of the costs within thirty days after the receipt of the statement therefor, but that the cost of maintenance of the signal will be borne by Union Pacific, the installation to be commenced within thirty days of the order of the Commission approving the plans for the signal.

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

##### THE COMMISSION FINDS:

That the stipulation between the Board and Union Pacific referred to above is fair, equitable, and just as to the parties herein, and is compatible with the public safety and interest.

#### O R D E R

##### THE COMMISSION ORDERS:

That the stipulation entered into between the Board of County Commissioners of Adams County Colorado and the Union Pacific Railroad Company be, and the same is hereby approved.

That pursuant to said stipulation, Defendant Union Pacific install a regulation automatic flasher light signal, with bell

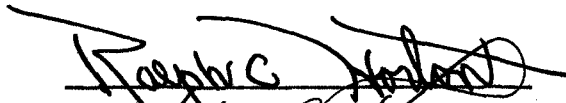


attachment, in accordance with plans to be approved by this Commission, at the crossing of 80th Avenue and the Union Pacific tracks in Adams County, Colorado, and that work thereon is to commence within thirty days after the order of this Commission approving the plans for said signal.

That Union Pacific be, and it is hereby, ordered to expend and bear 50% of the cost of said signal and its installation.

That upon completion of the installation of said signal in conformity with this order and in conformity with the stipulation entered into between the Board and Union Pacific, the complaint of the Board shall dismiss without further action of this Commission, upon proper notice being given to this Commission of said completion by both of the parties hereto.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of May, 1957.

ea

original

(Decision No. 47969)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDGAR PETE HAYNES, 930 WEST OAK )  
STREET, FORT COLLINS, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY AUTHORIZING EXTENSION ) APPLICATION NO. 15236-Extension  
OF OPERATIONS UNDER CERTIFICATE )  
GRANTED BY DECISION No. 47377, IN )  
APPLICATION NO. 15032. )  
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May 28, 1957  
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Appearances: Edgar Pete Haynes,  
Fort Collins, Colo-  
rado, pro se;  
Ralph H. Coyle, Esq.,  
Fort Collins, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

By Decision No. 47377, dated February 25, 1957, the Commission granted a certificate of public convenience and necessity to Edgar Pete Haynes, Fort Collins, Colorado, authorizing common carrier motor vehicle call and demand service for the transportation of trash from point to point within the City Limits of Fort Collins, Colorado.

On March 20, 1957, applicant filed an application for extension of this authority aforesaid, to provide trash hauling and general cartage, including package delivery, from point to point in Fort Collins and between points in Fort Collins, Colorado, and a radius of five miles thereof. This application included a request to re-open Decision No. 47377, and for re-hearing, on the grounds that applicant was entitled to ratification of "Grandfather Rights" on his general cartage authority within the City of Fort Collins, Colorado.

By our Decision No. 47768, dated April 22, 1957, the application of March 20, 1957, for an extension and for rehearing was dismissed by reason of applicant's failure to appear and prosecute.

On the 29th day of April, 1957, it was brought to the attention of the Commission that applicant had appeared for hearing on the application for extension at the time and place duly set by the Commission, but that through inadvertence, the file was not included on the hearing docket for that day. Upon due investigation by the Commission, it is found that these assertions are correct, and the Commission finds that applicant did appear for hearing at the time and place set by the Commission at Fort Collins, Colorado, on the 10th day of April, 1957.

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

##### THE COMMISSION FINDS:

That our Decision No. 47768, dated April 22, 1957, is in error and is the result of inadvertence and mistake, and should be rescinded.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Commission's Decision No. 47768, dated April 22, 1957, be, and the same is hereby, revoked and rescinded and held for naught, and that the Application of Edgar Pete Haynes, filed on the 20th day of March, 1957, be, and the same is hereby, re-instated, to be duly set for hearing at a proper time and place, with due notice to all interested parties.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton

John P. Thompson

Joseph F. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of May, 1957.