

original

(Decision No. 49275)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE SAUNDERS, BOX 261, FORT LUPTON, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 15801

-----  
December 23, 1957  
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Appearances: Glen Hawley, Esq., Denver,  
Colorado, for Applicant;  
Robert McLean, Esq., Den-  
ver, Colorado, for Asso-  
ciated Trash Removal.

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 refuse and trash from septic tanks, grease traps, ash pits, and incinerators, to proper places for disposal, within a radius of one hundred and fifty miles of Fort Lupton, Colorado, excluding the City and County of Denver.

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

Prior to the time designated for hearing, 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 stated he is a resident of Fort Lupton, Colorado; that he has been in the business of cleaning sewer systems and septic tanks for a period of five years; that he has also transported some ashes and trash at the same time; that he is the owner of a three-fourths-ton pick-up truck, equipped with a tank and vacuum system; that he is financially able to perform said service; that he will add equipment, if necessary; that he has performed such services for himself, and in conjunction with T. S. Littman, all within a radius of one hundred and fifty miles of Fort Lupton, Colorado.

T. S. Littman testified that he is engaged in sanitation service within a radius of one hundred and fifty miles of Longmont, Colorado; that he knows applicant, and has known him for five years; that applicant is capable and will render a good service, in the event the instant application is granted.

Harry Muse, of Brighton, Colorado, testified he is the owner of an apartment house, and that applicant has taken care of his sewers and septic tanks; that applicant's services are satisfactory and needed.

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 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 re-



ferred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier call and demand transportation service, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

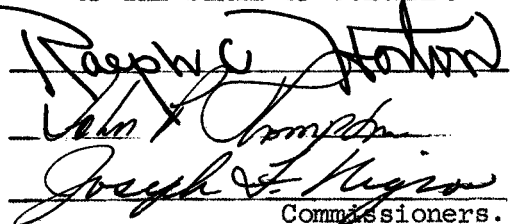
That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Joe Saunders, Fort Lupton, Colorado, for the transportation of refuse arising from the cleaning of septic tanks, sewers, grease traps, ash pits, and incinerators, and the transportation of trash and refuse in conjunction therewith, from points within a radius of one hundred and fifty miles of Fort Lupton, Colorado, excluding therefrom the City and County of Denver, Colorado, and subject to such licenses as may be required from towns, cities, and disposal districts in said one hundred and fifty-mile radius of Fort Lupton, Colorado, to points within said radius, 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.

Dated at Denver, Colorado,  
this 23rd day of December, 1957.  
mls

original

(Decision No. 49276)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JACOB SCHLAGEL, 7395 DECATUR STREET, )  
WESTMINSTER, COLORADO, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND ) APPLICATION NO. 15802-Extension  
NECESSITY, AUTHORIZING EXTENSION OF )  
OPERATIONS UNDER PUC NO. 3317. )  
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December 23, 1957  
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Appearances: Richard E. Bishop, Esq., Den-  
ver, Colorado, for Applicant;  
Robert McLean, Esq., Denver,  
Colorado, for Associated Rub-  
bish Removal;  
Robert McLean, Esq., Denver,  
Colorado, and  
E. B. Evans, Esq., Denver,  
Colorado, for Westway Motor  
Freight.

S T A T E M E N T

By the Commission:

Applicant herein is the owner and operator of PUC No. 3317,  
authorizing him to operate as a common carrier by motor vehicle for  
hire, on call and demand, for the 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 above-styled application, applicant seeks a certifi-  
cate of public convenience and necessity, authorizing extension of  
operations under said PUC No. 3317 to include the right to transport  
ashes and trash in the Town of Westminster, Colorado, and for a dis-  
tance of three miles beyond the Town Limits of Westminster, Colorado.

Said application was regularly set for hearing before the  
Commission, at the Hearing Room of the Commission, 330 State Office

Building, Denver, Colorado, October 30, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 25, 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 testified that he is presently engaged in the business of transporting ashes, trash, and other refuse, within the City and County of Denver, under PUC No. 3317; that he is the owner of a two-ton Chevrolet Dump Truck; that he has about six hours' work in Denver; that territory he now seeks authority to serve lies adjacent to Denver; that he has time to work outside Denver in said territory; that he has had many requests for service in the territory he now seeks to serve; that it is his opinion there is a need for additional service in said territory; that he is presently hauling some trash in Westminster; that he has had no calls for service in Englewood, Arvada, Western Hills, or Aurora.

John Sekulich testified that he resides between Denver and Westminster; that he is acquainted with applicant; that Harry Ellis, one of the protestants herein, hauled his ashes and trash for six months; that said service was not satisfactory, in that Ellis did not clean up in the rear of his home; that he never complained to Ellis relative to his service; that there are many people in the territory sought to be served by applicant, and that said territory is still growing; that applicant is a good hauler; that he uses applicant's services in Denver.

Harvey England testified he resides at 7611 Osceola, and is connected with Transit Homes Construction; that he has been either

Mayor or Councilman in Westminster for about sixteen years; that he knows applicant, and that his service is good; that Harry Ellis is now transporting trash from his residence.

In opposition, Harry Ellis testified that he has authority to transport ashes, trash, and other waste material in the territory sought to be served by applicant herein; that in addition to his authority, Arvada Rubbish Removal and Westway Motor Freight also had such authority; that he has equipment not now being used, and he could serve additional customers; that he has eleven hundred customers in Westminster; that he advertises his business.

Ralph Shimmel testified that he represented Westway Motor Freight, who has authority to transport ashes, trash, and other waste materials in the territory applicant seeks to serve; that his company is now serving fifteen business firms and two hundred residences in said territory; that said company has two trucks available; that it advertises its business; that there is no need for additional authority in said area.

Report of said Examiner further states the Examiner found the area sought to be served by applicant herein is a large one, and is heavily populated; that out of this population, applicant produced only two customer witnesses -- one who testified that Protestant Ellis is hauling his trash; that there was not a showing of need for applicant's proposed service; that said territory is now being adequately served; that no new service is necessary.

Report of said Examiner recommends that the instant application be denied.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity do not require applicant's proposed extended operations under PUC N . 3317, and that the above-styled application should be denied.

O R D E R

THE COMMISSION ORDERS:

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

That Application No. 15802 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

Ralph C. Stanton  
John P. Thompson  
Joseph F. Higgins  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of December, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INCREASE IN RATES ON MILK IN )  
SHIPPING CANS FROM NORTHERN COLORADO )  
ORIGINS TO DENVER, GOLDEN, AND A )  
RADIUS OF FIVE MILES OF THE CITY )  
LIMITS OF DENVER, BOULDER, LONGMONT, )  
FORT LUPTON AND BRIGHTON, COLORADO, )  
VIA COLORADO MILK TRANSPORT, INC. )  
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INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 407

-----  
December 20, 1957  
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Appearances: John R. Barry, Esq., Majestic Building,  
Denver, Colorado, for Colorado Milk  
Transport, Inc.  
T. S. Wood, S. J. Philippone and  
Harry Eastlund for the staff of the  
Commission.

S T A T E M E N T

By the Commission:

On October 4, 1957, the Motor Truck Common Carriers' Association filed new schedules to become effective November 16, 1957, designated 1st Revised Page No. 265, to their Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11, wherein they proposed to increase their rates on milk in shipping cans by 15 per cent from Northern Colorado origins to Golden, Denver and a radius of five miles of the City Limits of Denver, Boulder, Longmont, Fort Lupton and Brighton, Colorado.

On November 15, 1957, the Commission suspended the proposed changes and rates by its order in the above referred to docket under its Decision No. 49083, until the 15th day of March, 1958, unless otherwise ordered by the Commission and assigned the matter for hearing on December 5, 1957, in the Hearing Room of the Commission, Room 330, State Office Building, Denver, Colorado.

Copies of the Commission's order suspending the proposed rates and assigning the matter for hearing was sent to some 55 shippers of milk located in Northern Colorado, namely: Erie, Derby, Longmont,

Fort Lupton, Lafayette, Boulder, Broomfield, Brighton, Arvada, Loveland, Henderson and Platteville, Colorado. Copies were also sent to the Denver Milk Producers, Inc., and to the General Services Administration.

At the hearing no one appeared in opposition to the proposed increase. In fact, Mr. Moore, Manager of the Denver Milk Producers, Inc., (who, incidentally, has some 1600 members belonging to his Association) was present and offered no objection to the proposed change.

At the hearing Witness Kenneth Martin testified that during the last two and one-half years the percentage of bulk milk hauled by the Company as compared with milk in cans has steadily increased until in September of 1957 the revenue from bulk hauls was 58.61% as compared with 15.87% in May of 1955. The revenue from can hauls has decreased proportionately, although the territory served remains the same and the Company's trucks must travel a much greater distance to serve the canned customers, despite the fact that it is charging the same old rate.

The witness testified, that:

"The Company has made every effort to change the can routes, lengthen the working hours of its employees, and has taken all other steps possible to postpone the time of a rate increase for cans. The Company has discussed the proposed fifteen per cent increase with its customers and with Mr. Moore, Managing Secretary, Denver Milk Producers Association, Inc., and on behalf of the Company's customers, Mr. Moore has agreed to and consented to this fifteen per cent increase in the can rates."

In fact, the Witness attended a meeting of Mr. Moore's annual district meeting at Longmont, Colorado, where some three or four hundred producers were acquainted with the proposed fifteen per cent increase in the can rates. The Witness further testified that his Company's operating ratios for the months July, August, and September, 1957, were respectively as follows: 88.33%, 89.37% and 93.76%. If interest were deducted, which this Company must pay on the money which it borrows and invests in the business, then the operating ratios for these months would be 90.12%, 91.10% and 94.66%, and if income taxes also were deducted, the operating ratios for these three months would be 93.55%, 94.15% and 96.47%.

The record shows that the proposed fifteen per cent increase in the can rates will produce an estimated \$1,242.36 additional income before income taxes and lower its over-all operating ratio on the basis of its September profit and loss figures to 91.80%.

Exhibit No. 2 introduced in evidence is a schedule of increased expenses since August 1, 1953, which was prepared in July, 1956, and shows a total of \$8,850.00, or 8.22 per cent. Exhibit No. 3 introduced in evidence is a comparative statement of income for the months July, August and September, 1957, which shows a net income for the three months respectively of \$2,655.07, \$2,265.23 and \$1,306.63.

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

##### THE COMMISSION FINDS:

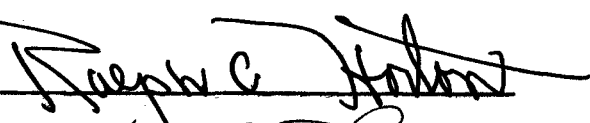


1. That the proposed increase has been justified.
2. That an order should be entered vacating its order of suspension and discontinuing the proceeding.

#### O R D E R

##### THE COMMISSION ORDERS:

That the order heretofore entered in this proceeding suspending the operation of said schedules be and it is hereby vacated and set aside as of December 31, 1957, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 20th day of December, 1957.

mem



original

(Decision No. 49278)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
THE ROCK ISLAND MOTOR TRANSIT )	PUC NO. 2607
COMPANY, 444 - 17TH STREET, )	<u>2607-I</u>
DENVER, COLORADO. )	
- - - - - )	

- - - - -  
December 23, 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 a portion of PUC Nos. 2607 and 2607-I be suspended for the period of one year.

F I N D I N G S

THE COMMISSION FINDS:

That the request of the above-named certificate-holder should be granted for a period of six months only.

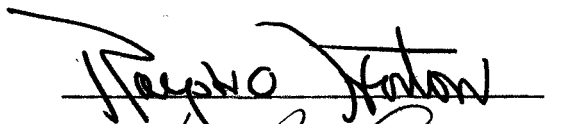


O R D E R

THE COMMISSION ORDERS:

That The Rock Island Motor Transit Company, be, and it is hereby, authorized to suspend a portion of its operations under PUC Nos. 2607 and 2607-I, until June 23, 1958, said portion being the common carrier authority for the transportation in substituted service upon railroad bills of lading of express matter, baggage, newspapers, cream, milk and returned empty cream and milk containers, from Denver, Colorado, to Burlington, Colorado, and the Colorado-Kansas state line over Routes U. S. 40 and 24, and return, one truck daily being operated each way, the eastbound truck leaving Denver at 11:45 o'clock A. M., and arriving in Burlington, Colorado, at 5:55 o'clock P. M.; the westbound truck leaving Burlington, Colorado, at 11:42 o'clock A. M., arriving in Denver, Colorado, at 5:45 o'clock P. M.

That unless said Rock Island Motor Transit Company 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 23rd day of December, 1957.

ea

original

(Decision No. 49279)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DON A. NEIL, DOING BUSINESS AS )	
"ROCKY MOUNTAIN AVIATION," HANGAR 4, )	
STAPLETON AIRFIELD, DENVER, COLO- )	
RADO, FOR AUTHORITY TO TRANSFER )	
AIRPLANE OPERATING RIGHTS ACQUIRED )	APPLICATION NO. 15905-Transfer
PURSUANT TO AUTHORITY CONTAINED IN )	
DECISION NO. 46866 (BEING OPERATING )	
RIGHTS GRANTED BY DECISION NO. )	
27756), TO ROCKY MOUNTAIN AVIATION, )	
INC., HANGAR 4, STAPLETON AIRFIELD, )	
DENVER, COLORADO. )	
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December 23, 1957  
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Appearances: Harper M. Orahood, Esq.,  
Denver, Colorado, for  
applicants;  
Willard F. Bridgeman, Denver,  
Colorado, for the staff  
of the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 27756, of date March 15, 1947, Donald W. Vest, doing business as "Vest Aircraft and Finance Company," Denver, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier, by air, for the transportation of:

passengers and property, not on schedule, between all points in the State of Colorado, applicant not to establish an office or branch for the purpose of developing business at any town, place, or city other than Denver, Colorado, near-by Hayden Airport, and other airports, if any, within a radius of fifteen miles of Denver, Colorado.

By Decision No. 37824, of date December 3, 1951, said Donald W. Vest, doing business as "Vest Aircraft and Finance Company," was authorized to transfer all his right, title, and interest in and to said certificate to Rader Flying Service, Inc., a corporation, Glenwood Springs, Colorado.

On December 1, 1952, as shown by the records and files of the Commission, the corporate name of Rader Flying Service, Inc., was changed to "Monarch Aviation, Inc."

Pursuant to authority contained in Decision No. 40718, of date June 9, 1953, Monarch Aviation, Inc., Denver, Colorado, transferred said operating rights to Irving Pasternak and Don Neil, co-partners, doing business as "Rocky Mountain Aviation," Denver, Colorado, who, pursuant to authority contained in Decision No. 43923, of date January 20, 1955, transferred said certificate to Rocky Mountain Aviation Company, a corporation, Denver, Colorado, who, pursuant to authority contained in Decision No. 46866, of date November 26, 1956, transferred said certificate to Don A. Neil, doing business as "Rocky Mountain Aviation," Denver, Colorado.

By the above-styled application, said Don A. Neil, doing business as "Rocky Mountain Aviation," Denver, Colorado, seeks authority to transfer said operating rights to Rocky Mountain Aviation, Inc., 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, December 11, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 4, 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, Kenneth Gerard testified that he is a pilot holding a Commercial Flying License, issued by C. A. A.; that he has been in air transportation business for two and one-half years, and is President of Rocky

Mountain Aviation, Inc., a Colorado corporation, transferee herein; that there are no outstanding debts against operating rights herein sought to be transferred; that applicant transferee is qualified, financially and otherwise, to carry on the operation.

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

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

Report of the Examiner recommends that transfer should be authorized.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

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

### O R D E R

#### THE COMMISSION ORDERS:

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

That Don A. Neil, doing business as "Rocky Mountain Aviation," Denver, Colorado, should be, and hereby is, authorized to transfer all right, title, and interest in and to certificate of public convenience and necessity granted by Decision No. 27756, and acquired by him pursuant to authority contained in Decision No. 46866, to Rocky Mountain Aviation, Inc., Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

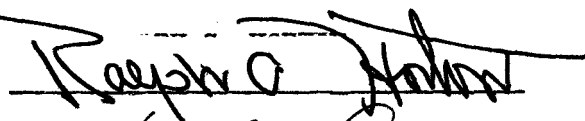


The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of

this Commission.

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 23rd day of December, 1957.

ea

original

(Decision No. 49280)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DELMAR SCHWARTZ, WILEY, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT )  
NO. B-5045 AND PERMIT NO. B-5045-I ) APPLICATION NO. 15872-PP-Transfer  
TO E. O. HADLEY, WILEY, COLORADO. )  
-----)

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December 26, 1957  
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Appearances: Grant, Shafroth, Toll and  
McHendrie, Esqs., by  
George L. Strain, Esq.,  
Denver, Colorado, for  
the Applicant, and for  
The Atchison, Topeka and  
Santa Fe Railway Company,  
as their interest may appear;  
H. D. Hicks, Denver, Colorado,  
for Centennial Truck Lines,  
as their interest may appear.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court  
Room, Court House, La Junta, Colorado, on November 26, 1957, and  
at the conclusion of the evidence, the matter was taken under  
advisement.

This is an application to transfer PUC authority, Permit  
No. B-5045 and Permit No. B-5045-I from Delmar Schwartz, Wiley,  
Colorado, to E. O. Hadley, Wiley, Colorado.

The authority provides as follows:

Conduct of a cartage service in both intrastate  
and interstate commerce, for the pickup and  
delivery of l. c. l. rail freight moving on  
rail billing, from or to points within the cor-  
porate limits of Wiley, Colorado, on the one  
hand, and The Atchison, Topeka and Santa Fe  
Railway station at Wiley, Colorado, on the  
other, which are designated from time to time  
in rail tariffs of The Atchison, Topeka and  
Santa Fe Railway Company on file with the  
Commission, as being within the limits for  
free pickup and delivery service at The Atchison,  
Topeka and Santa Fe Railway Station. Applicant

not prohibited from transporting or accepting for transportation any shipment of rail freight to be delivered to The Atchison, Topeka and Santa Fe Railway Company at Wiley, Colorado, or any shipment of express matter to be delivered to Railway Express Agency, Inc., at Wiley, Colorado.

E. O. Hadley, the transferee herein, appeared and testified that Delmar Schwartz is no longer able to conduct said business and it was necessary that he abandon the business in order to take care of his private employment. On the 18th day of December, 1957, Delmar Schwartz filed his sworn statement as a late-filed exhibit, consenting to the transfer of his permit to E. O. Hadley.

The training, experience and financial responsibility of the transferee E. O. Hadley, were established to the satisfaction of the Commission.

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

##### THE COMMISSION FINDS:

That the transfer is compatible with the public interest and should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Delmar Schwartz, Wiley, Colorado, should be, and is hereby, authorized to transfer all his right, title and interest in and to Permit No. B-5045 and Permit No. B-5045-I -- being the authority set forth in the above and foregoing Statement, which is made a part hereof by reference -- to E. O. Hadley, Wiley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, interstate operating rights transferred hereunder 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 transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from



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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Joseph L. Higgins  
Commissioners.

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

ea

original

(Decision No. 49281)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RUDY MAZZA, 904 ROBINSON AVENUE, )  
TRINIDAD, COLORADO, AND FRANK )  
FALSETTO, 723 SAN JUAN STREET, TRINI- )  
DAD, COLORADO, CO-PARTNERS, DOING ) APPLICATION NO. 15865-Extension  
BUSINESS AS "PICKETWIRE BUS COMPANY," )  
730 STONEWALL AVENUE, TRINIDAD, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 2430. )  
----- )

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December 23, 1957  
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Appearances: Rudy Mazza, Trinidad, Colo-  
rado, and  
Frank Falsetto, Trinidad,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, Trinidad, Colorado, on November 25, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

This is an application seeking authority of this Commission to conduct and operate a motor bus service within the City of Trinidad, Colorado. This operation has been conducted for approximately nine months under temporary authority in order to enable the applicants to ascertain the economic feasibility of such an operation. Evidence was adduced to show that this business varies from season to season, and that the applicants had not had the benefit of experience over a whole year, and therefore requested extension of the temporary authority for an additional ninety days, and requested that hearing on the application be continued to a future date.

F I N D I N G S

THE COMMISSION FINDS:

That the request of applicants for an extension of their temporary authority is reasonable, compatible with the public interest, and should be granted.

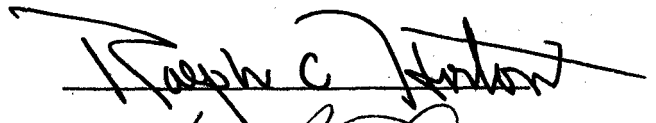

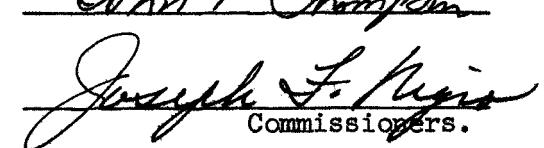
O R D E R

THE COMMISSION ORDERS:

That the request of applicants, Rudy Mazza and Frank Falsetto, Trinidad, Colorado, for an extension of ninety days from the date hereof, of their temporary authority be, and the same hereby is granted, and that hearing on the application for certificate be continued to a future date convenient to the Commission, with notice to all interested parties.

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 23rd day of December, 1957.

ea

original

(Decision No. 49282)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUEBLO TRANSPORTATION CO., FOR )  
ABANDONMENT OF OPERATIONS UNDER )  
AND CANCELLATION OF CERTIFICATES )  
PRESENTLY HELD BY SAID COMPANY ) APPLICATION NO. 15920-Abandonment  
WITH RESPECT TO THE MASS TRANSPORTA- )  
TION OF PASSENGERS IN THE CITY OF )  
PUEBLO, COLORADO AND ENVIRONS. )  
-----)

-----  
December 23, 1957  
-----

Appearances: Petersen, Evensen and Evans,  
Esqs., by Harry S. Petersen,  
Esq., Pueblo, Colorado, and  
Barry, Hupp and Dawkins, Esqs.,  
by John R. Barry, Esq.,  
Denver, Colorado, for Applicant;  
Gordon D. Hinds, Esq., Pueblo,  
Colorado, for the City of Pueblo;  
Charles L. Thomson, Pueblo, Colo-  
rado, for the Pueblo Chamber  
of Commerce;  
Henry E. Jobes, Denver, Colo-  
rado, and  
Joseph M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with the Commission on November 21, 1957, by Howard G. Emmons, President of the Pueblo Transportation Company, seeking to abandon the operations of the Company as of January 31, 1958. Applicant operates within the City of Pueblo by virtue of Ordinance No. 1387 and Ordinance No. 1428, and copies of said ordinances were filed in the instant matter as protestant's Exhibits A and B.

The matter was set for hearing, after due notice to all interested parties, on December 9, 1957, at 10:00 o'clock A. M., in the City Hall, Pueblo, Colorado. At said time and place the matter was called for hearing, and at the conclusion of the direct

testimony by applicant, the matter was continued to December 10, and on said date the hearing was concluded and taken under advisement by the Commission.

Applicant holds a certificate of public convenience and necessity obtained by a transfer of PUC Common Carrier Certificate No. 1464 from the Pueblo Transit Company in Application No. 14475, of June 28, 1956, Decision No. 46088. The authority under the certificate was extended by virtue of Application No. 14841, of December 3, 1956, Decision No. 46918. The authority under PUC No. 1464, as presently authorized, entitles applicant to furnish mass transportation service in the City of Pueblo and its environs, as well as common carrier call and demand transportation service for charter parties originating in Pueblo and a five-mile radius thereof, to points and places within a sixty-mile radius of Pueblo, and return. Applicant has been operating under the above authority since the transfer granted by the Commission. As of the present time, this certificate is in full force and effect, and applicant has been complying with the rules and regulations of this Commission.

Mr. Howard G. Emmons, President and General Manager of the Pueblo Transportation Company, testified at the hearing on behalf of the applicant Company. Nineteen exhibits were introduced and identified by the witness at the hearing, and one late-filed exhibit was submitted subsequent to the hearing at the request of the Commission. The gist of the testimony by the witness was to the effect that the Transportation Company has been losing money since its inception. Exhibit No. 10 is a summary, showing, among other things, the revenue, expenses and the operating ratio before income taxes, for the Company for the period July, 1956, to and including October, 1957. It is noted that the operating ratio is above 100 for every month shown. While the operating ratio for this exhibit is incorrectly calculated because it includes other income and bond interest expense, nevertheless, when this operating ratio is correctly calculated we arrive at the following operating ratios:

PUEBLO TRANSPORTATION COMPANY

Statement of Operating Ratio, by Months  
as corrected

<u>Date</u>	<u>Operating Ratio</u>
1956, July	124.8
August	107.0
September	112.1
October	108.4
November	118.2
December	100.3
1957, January	113.7
February	112.4
March	113.2
April	125.0
May	106.6
June	103.4
July	111.3
August	109.1
September	126.3
October	117.6

Late-filed Exhibit No. 20 is a statement showing the daily loss for the period July 1, 1957, to October 31, 1957, and this exhibit reveals that the Company lost \$142.58 for each and every day it operated during that period. Exhibit 14 for the same period of time shows that the loss on the operations amount in total to \$14,828.71. The evidence is conclusive as far as showing that this Company has been, and is, operating at a substantial loss.

Mr. Emmons further testified that numerous plans had been tried to cut down on expenses and to improve on the operating revenues. The Company cooperated with the Pueblo Retail Merchants Association in promoting Down Town Days, whereby free rides were given on the buses from 9:00 to 11:00 o'clock A. M., with the merchants reimbursing the Company for the free rides. This improved the revenue picture for a period of four or five months but the merchants did not elect to continue this and the revenue promptly fell off. Both Penney's and Sears participated in a promotional program and if a customer purchased more than \$2.00 worth of merchandise at Penney's, he would receive a validated sales slip which entitled him to a free ride. Sears reimbursed the Company for transportation on special trips to its store on an hourly basis. While these programs helped, they were

not continued and as a result, revenues again declined. The Company also cooperated with the Minnequa Business Men's Association on a 30-day trial to a new subdivision by issuing script which entitled the rider to ride free, but this promotion resulted in only 2 riders per trip. The Pueblo Chamber of Commerce promoted an advertising campaign to aid the Company in obtaining additional riders, but there was no noticeable results. The Company distributed questionnaires at both the State Hospital and the Triplex Corporation. Three thousand questionnaires were issued at the State Hospital and between three and four hundred replies were received. Triplex Corporation has approximately five hundred employees and only twenty-seven replies were received by the Company after distribution of its questionnaire. Because of the lack of response to the questionnaires, the Company did not feel justified in attempting any change in its service. The Company made a study of the location of homes of the employees of the Colorado Fuel and Iron Corporation and about eight thousand home locations were plotted on a map in an endeavor to determine if it would be feasible to inaugurate a tripper type service to the plant. This service was initiated and while the bus did not go into the plant grounds for safety reasons, the bus did go to the main plant gate. This service was abandoned after a trial period because of lack of patronage. The Builder of the Belmont Subdivision in northeast Pueblo subsidized the operation of a bus line to said subdivision during the development stages in the subdivision. The subsidy was discontinued by the Builder and the Company continued to run the bus, but the operation has been at a loss since the discontinuance of the subsidy.

In the Spring of 1957, the Company had a meeting with the City Officials and members of the Public Utilities Commission staff to determine if any operating economies could be effected by the curtailment of service. As a result of this meeting, the Company curtailed night and Sunday service and eliminated certain employees. The Company also relinquished fifty per cent of its

garage storage in order to cut down on expenses, and since that time has parked its buses in the open. In order to supplement income, the Company became agents for the Southwest Greyhound Lines and this operation has made some profit which in turn has been credited to the income of the Transportation Company.

Special studies were made in regard to running "tripper" type service to certain of the schools in Pueblo. Ten such trips were inaugurated, six of which were non-profitable. Special buses were run in the summertime to Runyon Field, the home of the Pueblo Dodgers of the Western League, but these trips were also non-profitable. Special buses were run to the Dog Track during the racing season and the track guaranteed the revenue so this operation was profitable.

Under cross-examination, Mr. Emmons stated that while service might be further curtailed by the lengthening of the headway between the buses and by the elimination of midday or off-peak service, which would save on the miles operated by the buses, he believed this would not result in an increase in net operating revenue. He also believed that an increase in fares would be detrimental as would any consolidation of routes. It has been his experience and the experience of most transportation companies, generally, that patronage declines with an increase in fares and customers seek other means of transportation rather than walk an extra distance because of a change in route.

The Company is financed principally by debt capital, \$75,000 of which is a note held by the Minnequa Bank. This loan bears interest at the rate of five per cent per annum, payable quarterly. In addition, the Company must pay \$5,000 quarterly on the principal of the loan. The loan is for a period of five years and the Company has paid back \$25,000 on the principal and is current on its interest payments. However, Mr. Emmons admitted



that he did not know how the Company would meet the January 1, 1958 payment on the loan. In addition to the bank loan, the stockholders of the Company hold notes also bearing interest at five per cent, the principal of which is payable in five years. The stockholders' notes are based on the ratio of 10 to 1, i. e., for each \$100 invested in stock, \$1,000 was advanced on a note. While some interest has been paid on the stockholder notes, the Company has defaulted on certain of its interest payments and at the present time is unable to meet the interest on the stockholder notes. The stockholder loans are subordinate to the Minnequa Bank loan. In addition to the above loans, the Company also owes \$16,000 to the Pueblo Ordnance Transit Company on demand notes which bear interest at the rate of three per cent. The Pueblo Ordnance Transit Company is a separate corporate entity, in no way related corporate-wise to the Pueblo Transportation Company, but the officers are the same in both companies. These two companies have certain common working relationships and any services performed between the two are charged and paid for on a cost basis. The fact that the Pueblo Ordnance Transit Company has been in a position to loan money to the Pueblo Transportation Company, has helped the latter Company to stay in business as long as it has, however, the Ordnance Company is no longer in a position to financially help the Transportation Company. As a result of services performed by the Transportation Company, the Ordnance Company owes about \$7,000 for services rendered, which, if written off against the loan, would leave a balance payable of \$9,000.

If the operation of the Pueblo Ordnance Transit Company were construed to be and considered a part of Pueblo Transportation Company, the entire operation would not be one justifying the continuation of bus service.

The concluding cross-examination of applicant's witness brought forth the facts that the Company is presently on the verge of bankruptcy and for all practical purposes, is insolvent. It

would appear that if applicant is to meet the principal payment on the bank note due January 1, 1958, it will be necessary to start liquidating some of its assets. In fact, the witness was not certain that the Company could stay in operation through the month of January since under the contract between the Company and the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Div. 662, the Company had given notice of the termination of said contract as of January 1, 1958, and subsequently the Union informed the Company that if the Company did not elect to continue the contract in force until its termination in July, 1958, the bus drivers would not work after January 1, 1958, without a contract.

The problems of the Pueblo Transportation Company which have been testified to in this record are serious and are matters of great concern to this Commission. We know that this situation is not unique in the City of Pueblo, but is a condition prevalent throughout the United States. To anyone familiar with the problems of mass transportation, the ills that we enumerate herein are common throughout the country. We know that even without curtailment of service, rearrangement of schedules, or fare increases, mass transportation companies are losing patronage. Highly experienced people have attempted to solve this problem, and while many remedies have been proposed, they are not uniformly successful. Some of the ills besetting mass transportation present in the instant matter and common to the industry include, increasing automobile registrations, suburban living, shorter work week, changing recreational habits, (such as TV which certainly has cut down on evening transportation), increasing costs of operation, traffic congestion, and the fact that the public generally has decided not to use public transportation. By its very nature, mass transportation possesses certain inconveniences when compared to the custom service and convenience of a private automobile. This nature of the business is a facet that the public as a whole refuses to accept, resulting

in a decline in patronage.

To combat some of the above ills, many experiments are being tried. Anything that will increase patronage and reduce operating expenses will, of course, be a help to the industry. Some of the suggestions that have been made have had to do with the elimination of such taxes as fuel tax, vehicle registration tax, franchise taxes, gross receipts taxes or any other tax that might be imposed as a result of an operation by a transportation company. As can be seen, certain of these taxes apply to a particular community, some to the state, and some to the Federal government as far as fuel tax is concerned. Any relief tax-wise on any of the above, would prove beneficial. Another method is to help the income situation by a subsidy either by the municipality or by private industry. In some instances, industries have undertaken a subsidy by means of validating the transportation ticket if presented in certain stores in the downtown area between certain hours of the day with a purchase of a specified amount. (This has been tried unsuccessfully in Pueblo.) Variations on this plan have also been devised.

On the part of the transportation company, express service has been suggested, home to factory service (such as was tried by the instant Company with the Colorado Fuel and Iron), peripheral parking areas for "Park-Ride" with the patron parking his car at the edge of town and riding a bus to the downtown area, thereby serving a dual purpose, patronage to the bus company and the elimination of traffic congestion in the business district; cooperation with the merchants to encourage use of the buses for shippers. To apply any or all the above suggestions is not a guarantee that the transportation company will remain healthy. It is only after prolonged studies that a cure can be effected for a particular company. The ills are many and varied, the remedy must be specific.

The applicant herein has endeavored apparently to try some of the remedies suggested, but to no avail. A subsidy would undoubtedly be effective but it must be on a continuing basis and not on a hit-or-miss part-time basis. A subsidy is a voluntary means of aiding this Company, and we are powerless to do other than suggest it.

In passing, we deem it advisable to once again direct attention to the legal functions, duties, and discretion of this Commission in the determination of questions such as those presented by this application. It is often not generally understood that this Commission is restricted in its determination to the issues joined before it by the application, the protests, and the evidence adduced at the hearing. The determination of these issues must be based upon competent evidence bearing probative value adduced at the hearing and such other evidence of which we may take judicial notice. It is not within the purview of our powers to embark upon explorations de hors the record. In substance, we are restricted, for all practical purposes, as fully and to the same extent as would be an ordinary court of record in the determination of issues before it. Our feelings, thoughts, suspicions, and sympathies are to no avail in the quasi-judicial method we must employ to reach our decision.

Thus, in rendering a decision in the matter before the Commission we are faced with and limited to the facts presented in the record. The evidence as adduced is uncontroverted and can lead to but one conclusion, however ~~reluctant~~ we may be to do so. The applicant company has been operating at a substantial loss, and this distressing economic picture cannot be ameliorated by the inclusion in the operating picture of the revenues and expenses of the Pueblo Ordnance Transit Company.

The applicant company has experimented with remedial measures which have proved unsuccessful. Thus, the company is faced with a cessation of business in an orderly manner or the

chaos of bankruptcy. In considering a determination of a choice such as is presented here, we must be ever mindful of the basic rights of individuals. A company which has dedicated its facilities to the public service is entitled to a reasonable return upon its investment. To hold otherwise would constitute a seizure of private property for public use without just compensation.

It is our personal feeling that a city such as Pueblo should not be deprived of a mass transportation system, but the dictates of the Constitutions and the uncontroverted evidence cannot and may not be escaped by us. We have no other recourse but to grant the petition as filed by the applicant herein. In so doing, we are cognizant that a segment of the public may be gravely inconvenienced by the termination of bus service in Pueblo. The only alternative that comes to mind is that if the resulting inconvenience is of sufficient public interest then it becomes the duty of the public to rectify the situation, private property cannot be so seized to do so. We do not deem it feasible at this late date to try alternate plans to continue the operation of the bus company on a reduced scale when there is no evidence that any such plan would prove feasible or remunerative and when logic dictates that any such panacea might merely prolong the serious illness with the same disastrous results.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of the applicant herein and of the subject matter of the instant application.

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

That the Pueblo Transportation Company should be permitted to abandon its operations under common carrier Certificate No. 1464 as of January 31, 1958.

That Certificate of Public Convenience and Necessity No. 1464 should be cancelled.

O R D E R

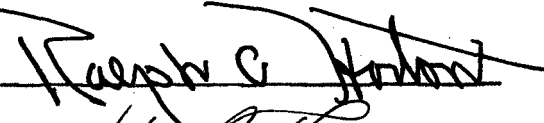


THE COMMISSION ORDERS:

That Pueblo Transportation Company be, and hereby is, authorized to abandon its operations under PUC Common Carrier Certificate No. 1464, for the supplying of mass transportation service in the City of Pueblo, Colorado, and its environs, as well as common carrier call and demand transportation service for charter parties originating in Pueblo and a five-mile radius thereof, to points and places within a sixty-mile radius of Pueblo, and return, as of January 31, 1958.

That PUC common carrier Certificate No. 1464 be, and hereby is, cancelled as of January 31, 1958,

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 23rd day of December, 1957.

ea

*Original*

(Decision No. 49283)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY, 1531 STOUT STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
DISCONTINUE OPERATION OF PASSENGER )  
TRAINS NOS. 9 AND 10 BETWEEN DENVER, )  
COLORADO, AND CRAIG, COLORADO. )  
-----

APPLICATION NO. 14727  
SUPPLEMENTAL ORDER

-----  
December 23, 1957  
-----

Appearances: T. A. White, Esq., Denver, Colorado,  
and  
Ernest Porter, Esq., Denver, Colo-  
rado, for Applicant;  
C. R. Monson, Esq., Steamboat Springs,  
Colorado, for Colorado Better  
Railroad Association, County of  
Routt, Town of Steamboat Springs,  
Town of Oak Creek, Don Lawrence;  
Henry S. Sherman, Esq., Denver, Colo-  
rado, for Brotherhood of Locomotive  
Engineers and Firemen, Brotherhood  
of Locomotive Engineers, Brotherhood  
of Railway Trainmen, Order of Railway  
Conductors and Brakemen, Steamboat  
Springs Chamber of Commerce, and  
certain other named individuals;  
Robert H. Gleason, Esq., Steamboat  
Springs, Colorado, for Steamboat  
Springs Chamber of Commerce;  
George R. Kemp, Esq., Denver, Colorado,  
for Brotherhood of Railway Clerks;  
Grant E. McGee, Esq., Denver, Colorado,  
and  
Rodney J. Bardwell, Esq., Denver, Colo-  
rado, for Moffat Tunnel Commission;  
Nicholas Magill, Steamboat Springs,  
Colorado, for Kiwanis Club of Steam-  
boat Springs, Colorado;  
E. D. Davis, Esq., Craig, Colorado, for  
Craig Green House and Florette Shop;  
Fred A. Videon, Esq., Craig, Colorado,  
for Craig Chamber of Commerce;  
George A. Pugh, Esq., Craig, Colorado,  
pro se;  
Clinton Hardenbrook, Esq., Granby, Colo-  
rado, for Granby Chamber of Commerce;  
Anthony L. Mueller, Esq., Denver, Colo-  
rado, and  
John L. McNeill, Denver, Colorado, for  
the Commission.

## S T A T E M E N T

### By the Commission:

On December 3, 1957, the Commission entered its Decision No. 49174 in the above-styled matter, requiring The Denver and Rio Grande Western Railroad Company to continue operation of Trains Nos. 9 and 10, between Denver, Colorado, and Craig, Colorado.

On December 19, 1957, "Application for Rehearing" was filed herein by The Denver and Rio Grande Western Railroad Company, by T. A. White and Ernest Porter, Attorneys.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered Application for Rehearing filed herein, and each and every allegation thereof.

## F I N D I N G S

### THE COMMISSION FINDS:

That no error was committed in the entry of Decision No. 49174, of date December 3, 1957; that no useful purpose would be served by granting rehearing herein, and that said Application for Rehearing should be denied.

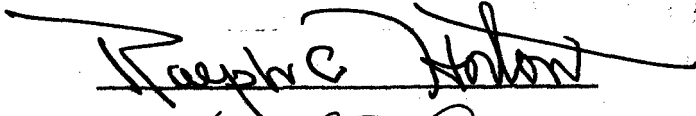

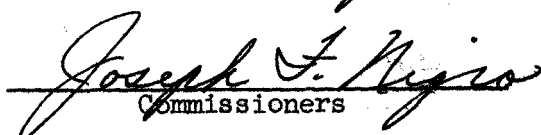
## O R D E R

### THE COMMISSION ORDERS:

That Application for Rehearing in the above-styled matter, filed December 19, 1957, by The Denver and Rio Grande Western Railroad Company, by T. A. White and Ernest Porter, Attorneys, 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 23rd day of December, 1957.



original

(Decision No. 49284)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DON LEWIS, BOX 475, TRINIDAD, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 15869-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
December 26, 1957  
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Appearances: Don Lewis, Trinidad,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, Trinidad, Colorado, on November 25, 1957, and at the conclusion of the evidence the matter was taken under advisement.

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

At the hearing, applicant appeared and testified in support of his application as to his financial responsibility, equipment, training and experience, all of which were established to the

satisfaction of the Commission.

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Don Lewis, Box 475, Trinidad, 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; insul-rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, all authority granted hereunder to be restricted to the use of dump trucks, only.

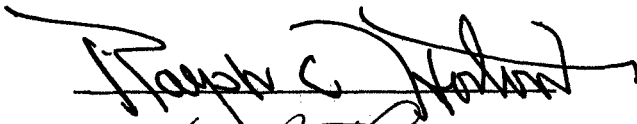
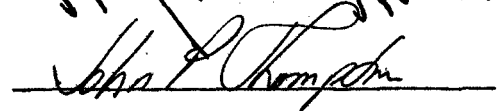

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction of make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea

original

(Decision No. 49285)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HAROLD D. HAMMOND, 422 BELLEVIEW, )	
LA JUNTA, COLORADO, FOR A CLASS "B" )	
PERMIT TO OPERATE AS A PRIVATE )	APPLICATION NO. 15874-PP
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
December 26, 1957  
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Appearances: Harold D. Hammond, La Junta,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, La Junta, Colorado, on November 26, 1957, after due notice to all interested parties, and was there heard and taken under advisement.

This is an application for authority to operate as a private carrier by motor vehicle for hire, for the transportation of hay, beets and corn silage, from point to point within a radius of twenty-five miles of La Junta, Colorado, and from and to points within said twenty-five-mile radius of La Junta, Colorado, to and from points within the State of Colorado.

The applicant appeared at the hearing and testified in his own behalf and called customer-witnesses in support of his application. The evidence developed that there is a need for a specialized type of service for the transportation of commodities requested, from farms to various points, all within a twenty-five mile radius of La Junta. The proof clearly established a need for authority of the type requested, from point to point within the twenty-five-mile radius of La Junta, but wholly failed to establish any need for the transportation of these commodities in

and out of the base territory to and from all points in the State of Colorado. The authority hereinafter granted will accordingly be limited to the area for which the need was established.

No one appeared in protest to the granting of the application.

The financial responsibility, training, experience and equipment of applicant were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the granting of the authority, as hereinafter stated, is compatible with the public interest and will not impair the ability of common carriers to serve.

### O R D E R

#### THE COMMISSION ORDERS:

That Harold D. Hammond, 422 Belleview, La Junta, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of hay, beets and corn silage, from point to point in an area within a twenty-five-mile radius of La Junta, Colorado, and that in all other respects the application is denied.

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

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

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
A. R. LEE AND R. F. LEE, CO-PARTNERS, )	
PRITCHETT, COLORADO, FOR AUTHORITY )	
TO TRANSFER PUC NO. 1434 TO E. F. )	APPLICATION NO. 15870-Transfer
COLE, PRITCHETT, COLORADO. )	
----- )	

-----  
December 26, 1957  
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Appearances: A. R. Lee, Pritchett, Colorado,  
                  pro se;  
                  E. F. Cole, Pritchett, Colorado,  
                  pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, La Junta, Colorado, on November 26, 1957, after due and proper notice to all interested parties, and was there heard and taken under advisement.

This is an application to transfer PUC No. 1434 from A. R. Lee and R. F. Lee to E. F. Cole, Pritchett, Colorado. This certificate provides for:

Call and demand transportation of grain, live-stock, wool in grease, broom corn, and other farm products, between farms and ranches within the area extending east to a line drawn north and south four miles east of Pritchett, to the State Line on the south, to the county line on the west and to a line on the north drawn east and west through a point twenty-five (25) miles north of Pritchett, on the one hand, and Pritchett and other markets, loading and storage points in said area, on the other hand.

Transportation, on call and demand, over irregular routes, of used household goods and farm machinery between points within the area extending east to a line drawn north and south four (4) miles east of Pritchett, to the state line on the south, to the county line on the west, and to a line on the north drawn east and west through a point twenty-five (25) miles north of Pritchett, and from and to points in said area to and from points in Bent, Baca and Prowers Counties south of U. S. Highway No. 50, and the

transportation of grain, livestock, wool in grease, broom corn, and other farm products from and to points in the aforescribed area, to and from points in Baca, Bent and Prowers and Otero Counties, without the right to engage in any service under the extension aforesaid in competition with the service of R. S. Thompson under Certificate No. 853.

There has been an agreement between the parties for the sale of said permit for the sum of \$600.00. The certificate is presently held by A. R. Lee and R. F. Lee. R. F. Lee is the son of A. R. Lee and left the business several years ago. A. R. Lee has now reached the age where he desires to retire and leave the trucking business.

The financial responsibility, training, experience and equipment of applicant transferee were established to the satisfaction of the Commission.

No one appeared in protest.

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

##### THE COMMISSION FINDS:

That the transfer as proposed is compatible with the public interest and should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That A. R. Lee and R. F. Lee, co-partners, Pritchett, Colorado, be, and they are hereby, authorized to transfer all their right, title and interest in and to PUC No. 1434 -- being the authority set forth in the above and foregoing Statement, which is made a part hereof by reference -- to E. F. Cole, Pritchett, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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



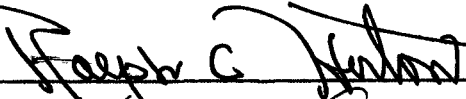


said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon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

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

The right of transferee to operate under this Order shall depend upon the prior filing by 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 the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea

original

(Decision No. 49287)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CHARLES C. JETT, NELLIE RUTH JETT, )	
C. O. KELLER AND ERNESTINE KELLER, )	
CO-PARTNERS, DOING BUSINESS AS "K & K )	
TRANSFER COMPANY," SPRINGFIELD, COLO- )	APPLICATION NO. 15871-Lease
RADO, FOR AUTHORITY TO LEASE PUC NO. )	
304 AND PUC NO. 304-I TO RUSSELL R. )	
ROBINSON AND MAUVERDENE ROBINSON, CO- )	
PARTNERS, DOING BUSINESS AS "K & K )	
TRANSFER COMPANY," SPRINGFIELD, COLO- )	
RADO. )	
----- )	

-----  
December 26, 1957  
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Appearances: Charles C. Jett, Springfield,  
Colorado, pro se;  
Russell R. Robinson, Spring-  
field, Colorado, pro se;  
H. D. Hicks, Denver, Colorado,  
for Centennial Truck Lines.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, La Junta, Colorado, on November 26, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

This is an application to transfer under lease PUC No. 304 and PUC No. 304-I, from the K and K Transfer Company, a co-partnership, to Russell R. Robinson and Mauverdene Robinson, co-partners, doing business as "K & K Transfer Company," Springfield, Colorado.

Authority under PUC No. 304 and PUC No. 304-I provides as follows:

Transportation of freight, on schedule, between Springfield and Lamar, and intermediate points; agricultural products, including livestock, and household furniture, from Springfield and the territory within a radius of fifty miles thereof to Lamar and other points within ten miles of

Lamar, excluding service in territory then being served by other authorized certificate-holders, if any; and commodities generally, between Springfield, Colorado, and Vilas, Walsh, Stonington, Midway, Richards and Rodley, and intermediate points, and between Springfield and Campo and intermediate points on schedule, and between Springfield and Two Buttes on call and demand;

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

The parties have entered into an agreement whereby the lessee is to buy the trucks and lease the authority from the lessors for a total of \$8,000. It appears that the demands of the other businesses of lessors made it difficult for lessors to operate, and that it was desirable to transfer the business to parties who had more time to devote to said business.

The experience, ability and financial responsibility of lessees were established to the satisfaction of the Commission.

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

##### THE COMMISSION FINDS:

That the transfer is compatible with the public interest and should be granted, and that public convenience and necessity would be better served thereby.

#### O R D E R

##### THE COMMISSION ORDERS:

That Charles C. Jett, Nellie Ruth Jett, C. O. Keller, and Ernestine Keller, co-partners, doing business as "K & K Transfer Company," Springfield, Colorado, be, and they are hereby, authorized to transfer by lease, all their right, title and interest in and to PUC No. 304 and PUC No. 304-I -- being the authority set forth in the Statement above, which, by reference, is made a part hereof -- to Russell R. Robinson and Mauverdene Robinson, co-partners, doing business as "K & K Transfer Company," Springfield, Colorado, subject to outstanding indebtedness, if any there be, whether secured or unsecured, interstate operating rights transferred hereunder being subject to the provisions of the Federal Motor Carrier Act of 1935,

as amended.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
ALEX BISULCO, DOING BUSINESS AS )  
"BISULCO MINE," BOX 17, AGUILAR, )  
COLORADO, FOR A CLASS "B" PERMIT ) APPLICATION NO. 15866-PP  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
----- )

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December 26, 1957  
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Appearances: Alex Bisulco, Aguilar,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, Trinidad, Colorado, on November 25, 1957, and at the conclusion of the evidence the matter was taken under advisement.

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

At the hearing, applicant testified in support of his application as to his financial responsibility, equipment and training, all of which was established to the satisfaction of the Commission.

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Alex Bisulco, doing business as "Bisulco Mine," Box 17, Aguilar, 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, all of which operations are restricted to the use of dump trucks, only.

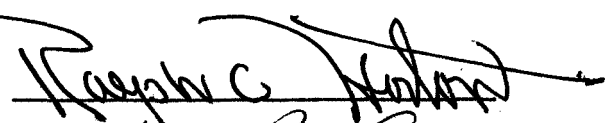
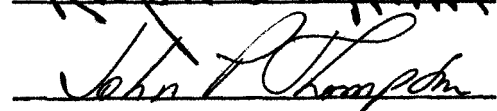

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea

original

(Decision No. 49289)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
ELICEO MAYNES, 502 SOUTH 14TH )  
STREET, ROCKY FORD, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 15875-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----)

-----  
December 26, 1957  
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Appearances: Elizabeth L. Guyton, Esq.,  
Rocky Ford, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

Applicant herein requests authority to engage in the transportation of farm products (excluding livestock) from farms within a radius of fifty miles of Rocky Ford, Colorado, to packing sheds, places of storage, and railroad shipping points within a radius of fifty miles of Rocky Ford, Colorado.

The matter was set for hearing at the Court House in La Junta, Colorado, on November 26, 1957, and the hearing was vacated and continued at the request of applicant's attorney by reason of a death in the family. Thereafter, on the 2nd day of December, 1957, counsel for applicant requested dismissal of the application.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

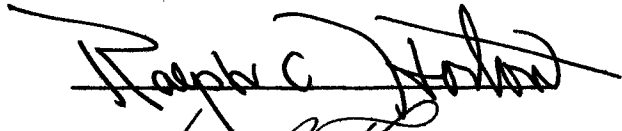


THE COMMISSION ORDERS:

That the above-styled application be, and it is hereby, dismissed, at the request of attorney 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 26th day of December, 1957.

ea

original

(Decision No. 49290)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. B. GRAHAM, DOING BUSINESS AS )  
"GRAHAM TRUCKING CO.," BOX 501, )  
AGUILAR, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 15868-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
December 26, 1957  
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Appearances: H. B. Graham, Aguilar,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, Trinidad, Colorado, on November 25, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

This is an application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five 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 seventy-five 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 seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points.

Applicant appeared at the hearing in support of his application, testifying as to his financial responsibility, training, experience and equipment, stating that he also desired to transport highway construction equipment from job to job between points in the State of Colorado, and from job to shop and shop to job within a radius of fifty miles of the highway construction jobs in the State of Colorado.

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

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

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

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That H. B. Graham, doing business as "Graham Trucking Co.," Box 501, Aguilar, 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 seventy-five 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 seventy-five 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; transportation of highway construction equipment from job to job between points in the State of Colorado, and from job to shop, and shop to job, within a radius of fifty miles of highway construction jobs in the State of Colorado, all operations hereunder being restricted to the use of dump trucks, only.



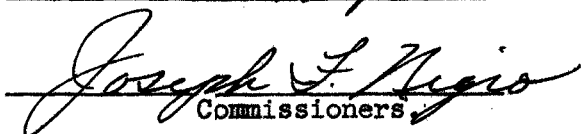
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

~~This order shall become~~ effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

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

ea

original

(Decision No. 49291)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PETE DOSEN, BOX 487, AGUILAR, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO OP- ) APPLICATION NO. 15867-PP  
ERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
----- )

-----  
December 26, 1957  
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Appearances: Pete Dosen, Aguilar,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing at the District Court Room, Court House, Trinidad, Colorado, on November 25, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

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

Applicant appeared and testified in support of his application, as to his financial responsibility, equipment and training.

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

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

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

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Pete Dosen, Box 487, Aguilar, 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; insul-rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, all operations hereunder being restricted to the use of dump trucks, only.

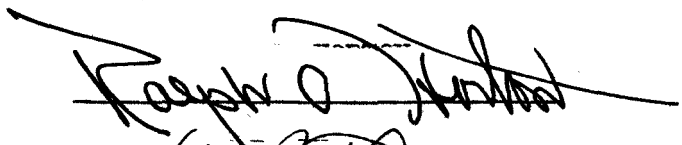
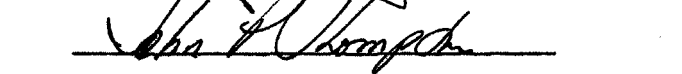

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea

original

(Decision No. 49292)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
NICK COCA, ROUTE 1, BOX 94, ROCKY )	
FORD, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 15873-PP
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
December 26, 1957  
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Appearances: Elizabeth L. Guyton, Esq.,  
Rocky Ford, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, La Junta, Colorado, on November 26, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

This is an application by Nick Coca for authority to operate as a private carrier in intrastate commerce for the transportation of farm products, excluding livestock, from farms within a fifty-mile radius of Rocky Ford, to packing sheds, places of storage, and railroad shipping points within a radius of fifty miles of Rocky Ford, Colorado; and between points within a fifty mile radius of Rocky Ford and from points in Bent and Prowers County to packing sheds, places of storage and railroad shipping points within a fifty-mile radius of Rocky Ford, Colorado.

The applicant proposes to act as a private carrier for the purpose of going into the fields of his respective customers in the areas described in the application, and transporting the several farm products shown in the application to their respective destinations. The service sought to be rendered is not one usually offered by existing common carriers and requires specialized service,



and, in addition, a certain amount of labor not normally performed by truckers.

A number of customer-witnesses appeared in support of the application, and no one appeared in protest. All the customer-witnesses testified that present transportation facilities for the specialized services sought herein were inadequate.

The training, experience, equipment and financial responsibility of applicant were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed operations of applicant are compatible with the public interest and will not impair the ability of existing common carriers to serve.

### O R D E R

#### THE COMMISSION ORDERS:

That Nick Coca, Route 1, Box 94, Rocky Ford, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products, excluding livestock, from farms within a fifty-mile radius of Rocky Ford, to packing sheds, places of storage and railroad shipping points within a fifty mile radius of Rocky Ford, Colorado; and between points within a fifty-mile radius of Rocky Ford, Colorado, and from points in Bent and Prowers County to packing sheds, places of storage, and railroad shipping points within a fifty-mile radius of Rocky Ford.

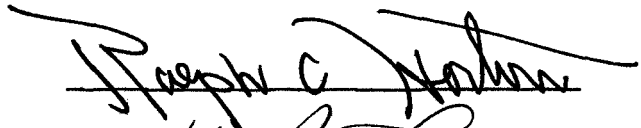

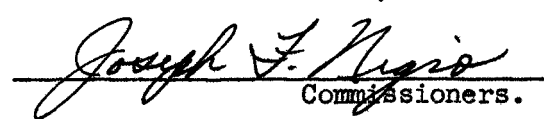
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea

original

(Decision No. 49293)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) W. B. OWENS AND E. M. CLICKNER, CO- ) PARTNERS, GENERAL DELIVERY, CORTEZ, ) COLORADO, FOR A CERTIFICATE OF PUB- ) LIC CONVENIENCE AND NECESSITY TO ) OPERATE AS A COMMON CARRIER BY MOTOR ) VEHICLE FOR HIRE. ) ----- )	APPLICATION NO. 15345
IN THE MATTER OF THE APPLICATION OF ) W. B. OWENS, GENERAL DELIVERY, COR- ) TEZ, COLORADO, FOR A CERTIFICATE OF ) PUBLIC CONVENIENCE AND NECESSITY TO ) OPERATE AS A COMMON CARRIER BY ) MOTOR VEHICLE FOR HIRE. ) ----- )	APPLICATION NO. 15345-Amended
IN THE MATTER OF THE APPLICATION OF ) W. B. OWENS, GENERAL DELIVERY, COR- ) TEZ, COLORADO, FOR A CERTIFICATE OF ) PUBLIC CONVENIENCE AND NECESSITY, ) AUTHORIZING EXTENDED OPERATIONS ) UNDER PUC NO. 3785. ) ----- )	APPLICATION NO. 15694-Extension

-----  
December 27, 1957  
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Appearances: Garrison, Dilts & Hancock,  
Esqs., Cortez, Colorado,  
for Applicant;  
McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
J. H. Strahan, and  
John B. Able.

S T A T E M E N T

By the Commission:

On January 30, 1957, W. B. Owens and E. M. Clickner  
filed application with this Commission for authority to operate  
as a motor vehicle common carrier for the transportation of  
general freight, including household goods, equipment and ap-  
pliances, and the storage of the same, between points located  
within the corporate limits of the City of Cortez, Colorado.  
The application was subsequently amended to eliminate E. M.  
Clickner as an applicant.

This application was duly heard in Durango, Colorado, on May 17, 1957, and as a result of that hearing, our Decision No. 48033 issued June 3, 1957, granting the authority sought.

On July 30, 1957, the applicant filed his present application which, as amended, he seeks to have the authority granted by our Decision No. 48033 extended so as to authorize the same transportation between all points in Montezuma County and points abutting U. S. Highway 160 in Dolores County, including point to point service within the Town of Dove Creek, Colorado.

This extension application was set down for hearing and heard in Durango, Colorado, on September 17, 1957, upon due notice to Dolores Truck Line, Montezuma Truck Line and J. H. Strahan, among others.

The matter being called up for hearing, J. H. Strahan appeared. He stated that he is a common carrier with authority to serve the area in question and that he was now protesting both the original grant of authority and the extension application on the basis that he had been given no notice nor opportunity to be heard as required by law in these matters. He asked that the original grant of authority be vacated and that both the original and the extended authority be denied. After receiving evidence upon these questions and studying the briefs submitted in support of the positions of the respective parties, the Commission determined that it should hear both the original application and the extension application de novo.

Upon due notice to interested persons, these matters were set to be heard and were heard at the New Court House in Durango, Colorado, on November 20, 1957. At the conclusion of the evidence, the matters were taken under advisement and now stand submitted for decision.

The applicant testified in support of his applications, as did ten public witnesses. Mr. John B. Able, operator of

Montezuma Truck Line, and Mr. J. H. Strahan, operator of Durango Transfer and Storage, testified in protest, as did Mr. M. G. Armstrong, a former employee of Mr. Strahan.

Mr. Owens amended his application so that he may use no equipment larger than a single-power axle truck, having a manufacturer's rating no larger than 3 tons. He also limited the commodities he wishes to haul to the following:

household goods, household appliances,  
telephone equipment, farm machinery,  
building materials, industrial equipment  
and supplies, cement in sacks, lumber,  
cement blocks, and structural steel.

By way of illustration, he specifically excluded from his intentions livestock, hay, animal feed, drill pipe, drilling water, and other drilling fluids, and farm products. He also specifically stated that he did not have in mind using any tank-type vehicles of any nature.

He stated that he started operating in Cortez in June, 1957, pursuant to authority from this Commission, and now operates two trucks there. He has leased a warehouse and conducts a storage business there. Since June, he has had approximately 250 moving jobs, ranging from delivery of a package to full truck loads of work. He employs one man fulltime and twelve others from time to time. He advertises in the newspapers, on the radio station and in the telephone directory. Local business has increased substantially since he started, he said. It appears that he has the experience, equipment and finances to perform the service proposed.

Among the witnesses testifying in support of his application from Cortez were the owner of the local radio station, a director of the local Bank, President of an industrial bank, a realty company, and a finance company, the Mayor, a sheet metal businessman, a jeweler, and an attorney. A real estate and insurance man from Dolores and the President of the Dolores Chamber of Commerce also testified in support of the application, as did

the President of the Dove Creek Chamber of Commerce, and a pre-mix and building supply operator from Cortez.

The substance of the testimony of these people was that there is no local transportation service in Cortez, Dolores, or Dove Creek; that for lack of such service citizens of these communities have necessarily had to arrange their own transportation; that the area has grown in population and that the public convenience and necessity require that the applications be granted.

Mr. John B. Able, of Durango, the common carrier operator of Montezuma Truck Line, testified in protest. He stated that he has authority to serve all of Montezuma County and Dove Creek and is willing to serve, and has idle equipment available for the service of these communities. His only office is at Durango, approximately 50 miles from Cortez. He occasionally has equipment located in Cortez, but maintains no office, no telephone and no personnel there and does not advertise by any of the local media in that area, although he does advertise over the Durango radio station. He is really not equipped, he said, to handle small loads of building materials, nor to handle household goods.

Review of this authority indicates that it was initially granted for local service in the Cortez area, but was subsequently expanded to authorize transportation within, into, and out of a radius of 50 miles of Cortez. The operation was then moved from Cortez to Durango and has been in Durango ever since.

Mr. J. H. Strahan testified in protest, as did his former employee, Mr. M. J. Armstrong of Farmington. Mr. Strahan is the operator of a common carrier authority based at Durango, who stated that he had attempted to get into the Cortez area where he has authority to operate, but could not do so economically unless he could get warehouse space. His efforts to obtain such space have been without avail to date and he is, therefore, not prepared at present to become active in the Cortez area. His only office is

at Durango, some 50 miles from Cortez, and the only advertising he does is in the Durango newspaper and over the Durango radio station. He maintains no telephone, no terminal, no personnel, and no equipment for local service in Cortez. The last movement he had between points within the area now sought to be certificated was in July, 1956.

It is apparent from the evidence that the two protesting carriers, though not locally domiciled in Cortez, Dolores, or Dove Creek, and having no desire at present to station personnel and equipment in those communities, wish to exclude anyone else from performing the service in the hope that some of it may of necessity be compelled to come to them. We have often said and say again that we feel each community in the State is entitled, as a matter of right, to have locally available transportation service where a carrier is willing to provide it. We do not consider that the presence of service in Durango can be considered locally available in Cortez, 50 miles away, in Dolores 60 miles away, or in Dove Creek 90 miles away. So far as Able is concerned, it appears that Able's authority originated in Cortez and that the operation has been abandoned in favor of operation at Durango; his objection to the granting of authority there is not entitled to a great deal of weight in our opinion. The other protestant stated that unless he could get warehouse space in Cortez it is not economically feasible for him to operate there; and that notwithstanding his past efforts, he has not been able to obtain warehouse space and had none now, and accordingly he had no present plan or intention to operate there. His protest is of limited significance also, in our opinion. An Order will be entered granting the authority sought in the amended form set forth above.

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.

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 call and demand service of W. B. Owens, Cortez, Colorado, for the transportation of household goods, household appliances, telephone equipment, farm machinery, building materials, industrial equipment and supplies, cement in sacks, lumber, cement blocks, and structural steel, between all points in Montezuma County, including Cortez, abutting U. S. Highway No. 160 in Dolores County, including point to point service in Dove Creek; provided, however, that no vehicle having a manufacturer's rated capacity larger than three tons shall be used in connection with any such operations; 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 the certificate herein granted shall bear the number PUC No. 3785, being the number of the certificate formerly held by applicant; the heretofore existing description of the authority of PUC-3785 shall become void as of the effective date of this Order.

This Order shall become effective twenty-one days from



date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Hahn  
John P. Thompson  
Joseph F. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of December, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VAN H. GOODWIN, WENDELL GOODWIN, )  
FRANCIS GOODWIN, RUSSELL GOODWIN, )  
LOWELL GOODWIN, AND LAWRENCE GOOD- )  
WIN, CO-PARTNERS, DOING BUSINESS AS )  
"GOODWIN & SONS," FLAGLER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
759, TO LESTER D. KEMP, ARRIBA, )  
COLORADO. )

APPLICATION NO. 15857-Transfer

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December 27, 1957  
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Appearances: Lester D. Kemp, Flagler,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Van H. Goodwin, Wendell Goodwin, Francis Goodwin, Russell Goodwin, Lowell Goodwin, and Lawrence Goodwin, co-partners, doing business as "Goodwin & Sons," Flagler, Colorado, seek authority to transfer PUC No. 759 to Lester D. Kemp, Arriba, Colorado, said PUC No. 759 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

Application No. 2395, Decision No. 6611, August 7, 1935 - Transportation not on schedule of general freight and livestock from point to point within Flagler trade area described as follows: Extended west from Flagler to Arriba, ten (10) miles east of Flagler, thirty (30) miles north of Flagler and to a point ten (10) miles south of Flagler, and livestock from all points in said area to Denver; and farm machinery, farm products and supplies, coal, furniture and household goods from and to points within said area, to and from points within the State, however, specifically excluding and excepting such service between Denver and Flagler and points intermediate thereto, provided that the transportation of all freight other than livestock between points served by scheduled motor vehicle or railroad common carrier service, the applicants and each of them shall charge rates which in all

cases shall be at least twenty per cent (20%) in excess of those charged by said scheduled carriers, and their rates for transportation of furniture and household goods shall not be less than those provided by tariff of Colorado Transfer and Warehousemen's Association now or hereafter on file with the Commission.

Application No. 2395-B, Decision No. 13543, May 24, 1939 - Amends Decision No. 12282 to read as follows: Extended services with authority to transport livestock to and from points in his original territory, from and to points in the State of Colorado; and the transportation of bulk farm products, including livestock, farm supplies, used farm machinery, coal and farmer's household goods to and from points within the south extension above described (Par. 2) from and to other points in the State of Colorado, all of which service to be upon call and demand, specific-excluding the transportation of freight (other than bulk farm products, livestock and used farm equipment) between towns on U. S. Highways 24 and 40 in competition with scheduled line haul common carriers.

Said application was regularly set for hearing before the Commission, at the Town Hall, in Flagler, Colorado, on November 15, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 5, 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 the Examiner states transferee, Lester D. Kemp, was the only witness and upon being sworn testified that his net worth \$10,000 00 and that he is the owner of one International Tractor and two Trailers; that he has been in the trucking business as an operator since 1950 and that according to the agreement with the transferor, Goodwin & Sons, Flagler, Colorado, if this application is granted, he will take over the entire operation, including PUC No. 759, and all the equipment as listed on the current equipment list of Goodwin & Sons,

for a consideration of \$5,000.00.

The witness further testified that he is familiar with and will comply with all regulations of the State of Colorado and more particularly the Public Utilities Commission; that the transfer will be completed subject to the payment of all outstanding obligations and debts against Goodwin & Sons at the present time.

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

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

Report of the Examiner recommends that the transfer herein requested by authorized. Our conclusions differ from those of the Examiner in some respects.

Examination of the records of the Commission indicates that the transferee buyer, Mr. Kemp, now owns another common carrier authority, PUC No. 403. The authority he now owns has itself been amended since its issuance and is partly overlapped by the authority now being acquired, which has also been amended since its original issuance. To approve the transfer without further clarifying the total authority the buyer will then hold will result in confusion of the record and make more difficult the enforcement of the Commission's regulations concerning the operation of the two authorities. We have, therefore, determined to combine the two authorities under a single number and to restate the combined authority so that the scope of the entire operation of the buyer will be readily ascertainable. The following Order is calculated to accomplish these purposes and is calculated neither to restrict the authorized operation nor to enlarge it, but only to restate it. It may be that in attempting to restate it we will have either restricted or enlarged the authority. If it is restricted, the applicant has twenty days within which to file Petition for Rehearing, so that the error, if any, can be corrected. We will



also direct a copy of this Order to be sent to the Denver-Limon-Burlington Transfer Company, which is the only motor vehicle common carrier line-haul authority serving the territory, so that, if in the process of restating we have enlarged the authority, it may file its objections within the twenty day period provided by law. Upon this basis, the transfer will 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 proposed transfer is compatible with the public interest only as the authorities have been clarified in the following Order and as so clarified the transfer should be authorized, subject to payment of outstanding indebtedness against said operation, 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 Van H. Goodwin, Wendell Goodwin, Francis Goodwin, Russell Goodwin, Lowell Goodwin, and Lawrence Goodwin, co-partners, doing business as "Goodwin & Sons," Flagler, Colorado, should be and hereby are, authorized to transfer all right, title, and interest in and to PUC No. 759 -- with authority as set forth below -- to Lester D. Kemp, Arriba, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

The authority of PUC No. 403 shall be restated, so that as of the effective date of the transfer hereby approved, it will authorize the owner thereof to operate as a call and demand motor vehicle

common carrier for the following transportation:

1. From an area to be known as Area 1, described as:

The area enclosed within east-west lines drawn 35 miles north and 10 miles south of Arriba, Colorado, and north-south lines drawn 7 miles west and 6 miles east of Arriba,

for the transportation of:

freight, between points within said area, and to and from points in said area from and to points in the State of Colorado.

2. From an area to be known as Area 2, described as:

The area enclosed within east-west lines drawn 30 miles north and 10 miles south of Flagler, Colorado, and north-south lines drawn 6 miles east of Arriba and 10 miles east of Flagler;

for the transportation of:

- (a) Livestock, between points within said area, and to and from points in said area from and to points in the State of Colorado; and
- (b) Farm machinery, products and supplies, coal and household goods between points within said area, and to and from points in said area from and to points in the State of Colorado, EXCLUDING service between Denver and Flagler and intermediate points.

3. From an area to be known as Area 3, described as:

An area extending eastward from the east boundary of Area 2 to a north-south line drawn 2 miles east of Vona, Colorado,

for the transportation of:

livestock, between points within said area, and to and from points within said area from and to points in the State of Colorado.

4. From an area to be known as Area 4, described as:

An area extending 10 miles southward from the south boundaries of Areas 2 and 3,

for the transportation of:

bulk farm products, including livestock, farm supplies and used farm machinery, coal and farmers household goods, between points in said area and to and from points within said area from and to points in the State of Colorado; SPECIFICALLY EXCLUDING transportation of freight other than

bulk farm products, livestock and used farm equipment between towns on Highways 24 and 40 in competition with scheduled line-haul common carriers.

Effective with the transfer of PUC No. 759, as herein authorized, the foregoing shall be the only valid description of the authority of PUC No. 403, and PUC No. 759 and former descriptions of PUC No. 403 shall become void.

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

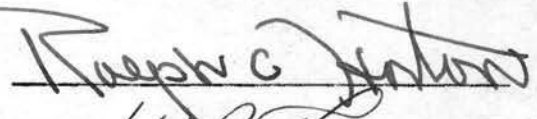
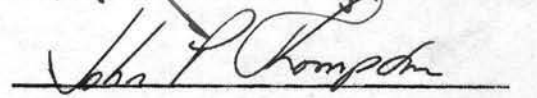

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

A copy of this Order shall be sent to Denver-Limon-Burlington Transfer Company, and a copy shall be filed with the Commission's records pertaining to PUC No. 403.

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 December, 1957.

mls



original

(Decision No. 49295)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO CENTRAL POWER COMPANY, 3470 )  
SOUTH BROADWAY, ENGLEWOOD, COLORADO, )  
FOR AN ORDER GRANTING TO IT A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND ) APPLICATION NO. 15691  
NECESSITY TO EXERCISE FRANCHISE )  
RIGHTS IN THE CITY OF ENGLEWOOD, )  
COUNTY OF ARAPAHOE, STATE OF COLO- )  
RADO. )  
-----)

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December 30, 1957  
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Appearances: Allen, Lynch & Rouse, Esqs.,  
by Philip A. Rouse, Esq.,  
Denver, Colorado, for  
Applicant;  
P. M. Brown, 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:

This is an application by Colorado Central Power Company,  
hereinafter called the "Applicant," seeking a certificate of  
public convenience and necessity to exercise franchise rights in  
the City of Englewood, Arapahoe County, Colorado, for the purchase,  
generation, transmission, distribution, and sale of electric energy  
in the City of Englewood.

The matter was set for hearing, after due notice to all  
interested parties, on December 13, 1957, at the Hearing Room of  
the Commission, 330 State Office Building, Denver, Colorado, and  
was heard on said date. 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 Delaware, qualified in

Colorado as a foreign corporation, and is a public utility company subject to the jurisdiction of this Commission, engaged primarily in the purchase, transmission, distribution and sale of electric energy at various points within the State of Colorado.

Applicant's witness, Mr. J. E. Wilson, Vice-President of Applicant, testified that 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 July 1, 1957, City Council of the City of Englewood duly passed and adopted Ordinance No. 20, Series of 1957 of the City of Englewood, entitled as follows:

"AN ORDINANCE BY THE CITY OF ENGLEWOOD, STATE OF COLORADO, GRANTING TO COLORADO CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AUTHORIZING THE CONSTRUCTION, ACQUISITION, MAINTENANCE AND OPERATION IN AND THROUGH SAID CITY, AND ALL ADDITIONS THERETO, OF PLANTS, WORKS AND SYSTEM FOR THE MANUFACTURE OR GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY, AND THE SALE THEREOF TO SAID CITY AND TO CONSUMERS THEREIN, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, WIRES AND ANY OTHER DEVICE OR MEANS USED FOR, OR IN, THE MANUFACTURE OR GENERATION, DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY, CONSTRUCTED IN, ALONG, ACROSS, OVER, UNDER AND THROUGH ALL STREETS, ALLEYS, PUBLIC WAYS AND PLACES IN SAID CITY, AND IN ALL ADDITIONS THERETO, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of the franchise is twenty-five years. A certified copy of the franchise contained in the Ordinance, together with a certified copy of the recording of the Ordinance by the City Clerk, proof of publication after final passage, and the formal acceptance by the Applicant for the said franchise, were introduced at the hearing, and marked Exhibits Nos. 1, 2, 3, and 4, and, by reference, are made a part hereof.

Exhibit No. 5, by reference made a part hereof, is a copy of Ordinance No. 21, Series of 1957, of the City of Englewood and provides for an occupation tax. This occupation tax provides for an annual payment in the amount of 2% of gross revenue for the first three years; 2½% of gross revenue for the next three years;

and 3% of gross revenue thereafter obtained from customers of Applicant within the corporate limits of the City of Englewood. The tax is not applied to billings in excess of \$2,500 for a single consumer, per year, nor to revenue received from the City for street lighting services. Prior to this time, an allowance was made to the City and applied as a credit against street lighting service. The present franchise will increase Applicant's franchise costs in the City of Englewood 76% based on the operations for the Year 1956.

At the present time, Applicant serves approximately 7,000 meters within the City limits of Englewood.

During the term of this franchise, Applicant anticipates additional capital investment within the city limits in the amount of \$1,750,000.00. This amount will be used as the basis of 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.

Applicant's witness testified that Applicant had been distributing electric energy in Englewood since 1927, and that prior to that time the city had been served by a predecessor company from the time electric energy was first distributed in said city.

There has been no other utility engaged in the distribution of electrical energy within the City of Englewood during the period of operation by Applicant.

Applicant further testified it is its present plan to continue the rates now in effect in the City of Englewood.

The Commission has reviewed this application and the evidence presented by Applicant in support thereof.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Colorado Central Power Company, 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 Colorado Central Power Company of the franchise rights granted in and by Ordinance No. 20, Series of 1957 of the City of Englewood, dated July 1, 1957, for the purchase, generation, transmission, distribution and sale of electric energy in said town by Colorado Central Power Company, 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 Colorado Central Power Company of franchise rights granted in and by Ordinance No. 20, Series of 1957 of the City of Englewood, State of Colorado, dated July 1, 1957, identified as Exhibit No. 1 herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Colorado Central Power Company in said town, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Colorado Central Power Company shall install, operate and maintain its electric system and service supply in the area heretofore designated in accordance with its schedules of electric 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 Colorado Central Power Company 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

Joseph C. Holman  
John P. Thompson  
Joseph F. Nigro  
Commissioners.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO CENTRAL POWER COMPANY, 3470 )  
SOUTH BROADWAY, ENGLEWOOD, COLORADO, )  
FOR AN ORDER GRANTING TO IT A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NECES- ) APPLICATION NO. 15809  
SITY TO EXERCISE FRANCHISE RIGHTS IN )  
THE CITY OF LITTLETON, COUNTY OF ARAPA- )  
HOE, STATE OF COLORADO. )  
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December 30, 1957  
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Appearances: Allen, Lynch & Rouse, Esqs.,  
by Philip A. Rouse, Esq.,  
Denver, Colorado, for  
Applicant;  
P. M. Brown, 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:

This is an application by Colorado Central Power Company, hereinafter called the "Applicant," seeking a certificate of public convenience and necessity to exercise franchise rights in the City of Littleton, Arapahoe County, Colorado, for the purchase, generation, transmission, distribution and sale of electric energy in the City of Littleton.

The matter was set for hearing, after due notice to all interested parties, on December 13, 1957, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and was heard on said date. 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 Delaware, qualified in

Colorado as a foreign corporation, and is a public utility subject to the jurisdiction of this Commission, engaged primarily in the purchase, transmission, distribution and sale of electric energy at various points within the State of Colorado.

Applicant's witness, Mr. J. E. Wilson, Vice-President of Applicant, testified that 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 August 6, 1957, City Council of the City of Littleton duly passed and adopted Ordinance No. 437 of the City of Littleton, entitled as follows:

"AN ORDINANCE BY THE CITY OF LITTLETON, STATE OF COLORADO, GRANTING TO COLORADO CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AUTHORIZING THE CONSTRUCTION, ACQUISITION, MAINTENANCE AND OPERATION IN AND THROUGH SAID CITY, AND ALL ADDITIONS THERETO, OF PLANTS, WORKS AND SYSTEM FOR THE MANUFACTURE OR GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY, AND THE SALE THEREOF TO SAID CITY AND TO CONSUMERS THEREIN, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, WIRES AND ANY OTHER DEVICES OR MEANS USED FOR, OR IN, THE MANUFACTURE OR GENERATION, DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY, CONSTRUCTED IN, ALONG, ACROSS, OVER, UNDER AND THROUGH ALL STREETS, ALLEYS, PUBLIC WAYS AND PLACES IN SAID CITY, AND IN ALL ADDITIONS THERETO, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of the franchise is twenty-five years. A certified copy of the franchise contained in the Ordinance, together with a certified copy of the recording of the Ordinance by the City Clerk, proof of publication after final passage and the formal acceptance by the Applicant for the said franchise, were introduced at the hearing, and marked Exhibits Nos. 1, 2, 3 and 4, and, by reference, are made a part hereof.

Exhibit No. 5, by reference made a part hereof, is a copy of Ordinance No. 438 of the City of Littleton, and provides for an occupation tax. This occupation tax provides for an annual payment in the amount of 2% of gross revenue.

for the first three years; 2 $\frac{1}{2}$ % of gross revenue for the next three years; and 3% of gross revenue thereafter obtained from customers of Applicant within the corporate limits of the City of Littleton. The tax is not applied to billings in excess of \$2,500 for a single consumer per year nor to revenue received from the city for street lighting services. Prior to this time, an allowance was made to the city and applied as a credit against street lighting service. The present franchise will increase Applicant's franchise costs in the City of Littleton 27% based on the operations for the Year 1956.

At the present time, Applicant serves approximately 3,000 meters within the city limits of Littleton.

During the term of this franchise, Applicant anticipates additional capital investment within the city limits in the amount of \$1,500,000.00. This amount will be used as the basis of 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.

Applicant's witness testified that Applicant had been distributing electric energy in Littleton since 1927, and that prior to that time the city had been served by a predecessor company from the time electric energy was first distributed in said city.

There has been no other utility engaged in the distribution of electrical energy within the City of Littleton during the period of operation by Applicant.

Applicant further testified it is its present plan to continue the rates now in effect in the City of Littleton.

The Commission has reviewed this application and the evidence presented by Applicant in support thereof.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Colorado Central Power Company, 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 Colorado Central Power Company of the franchise rights granted in and by Ordinance No. 437 of the City of Littleton, dated August 6, 1957, for the purchase, generation, transmission, distribution and sale of electric energy in said town by Colorado Central Power Company, and that the permission sought herein should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

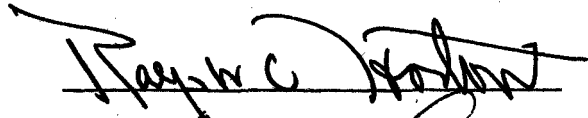


That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of franchise rights granted in and by Ordinance No. 437 of the City of Littleton, State of Colorado, dated August 6, 1957, identified as Exhibit No. 1 herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Colorado Central Power Company in said town, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Colorado Central Power Company shall install, operate and maintain its electric system and service supply in the area heretofore designated in accordance with its schedules of electric rates, rules and regulations now on file with the Commission or as the same may be changed according to law and the rules and regulations of this Commission.

That Colorado Central Power Company 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 30th day of December, 1957.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO CENTRAL POWER COMPANY, 3470 )  
SOUTH BROADWAY, ENGLEWOOD, COLORADO, )  
FOR APPROVAL OF METHOD OF ACCOUNTING )  
FOR THE FEDERAL AND STATE INCOME TAX ) APPLICATION NO. 15916  
RESULTS FROM THE AMORTIZATION OF )  
EMERGENCY FACILITIES PURSUANT TO THE )  
PROVISIONS OF SECTION 168 OF THE )  
INTERNAL REVENUE CODE OF 1954. )  
----- )

-----  
December 30, 1957  
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Appearances: Tippet, Haskell & Welborn,  
Esqs., by Floyd K. Haskell,  
Esq., Denver, Colorado, for  
Applicant Colorado Central  
Power Company;  
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:

This application of Colorado Central Power Company  
filed on November 27, 1957, after notice of hearing issued by  
the Commission, was duly heard by the Commission on December 13,  
1957, at 10:00 o'clock A. M., in the Hearing Room of the Commission,  
330 State Office Building, Denver, Colorado, and was then taken  
under advisement.

No petitions of intervention were filed with the Com-  
mission prior to the hearing, and no protestants appeared at the  
hearing.

This application was filed by Colorado Central Power  
Company pursuant to Article 4, of Chapter 115, Colorado Revised  
Statutes, 1953. The application seeks approval of this Commission  
of a proposed method of accounting not provided for in the Uniform  
System of Accounts for "deferred Federal Income Taxes" resulting

from the amortization of emergency facilities pursuant to the provisions of Section 168, Internal Revenue Code of 1954.

Applicant, a corporation organized and existing under and by virtue of the laws of the State of Delaware, is an operating public utility subject to the jurisdiction of this Commission engaged in the purchase, transmission, distribution and sale of electricity in various cities, towns, and communities in Arapahoe, Jefferson, Douglas, Weld and Clear Creek Counties, Colorado. Copies of Applicant's Certificate of Incorporation, and all amendments to date are on file with the Commission.

The post office address of Applicant is 3470 South Broadway, Englewood, Colorado.

Applicant's witness testified that it had constructed two 115,000-volt transmission lines with related facilities south of Littleton, Colorado. Total costs, after all right-of-way payments are finally determined, are estimated to be \$1,350,000.00. The cost, exclusive of right-of-way and other land cost, is \$1,055,228.65, and in respect to this cost Applicant has received from the Director of Defense Mobilization, Necessity Certificate No. TA-NC-31264, Exhibit No. 1 herein, permitting sixty-five per cent (65%) of \$1,055,228.65, or \$685,898.62, to be amortized for Federal Income tax purposes, as provided in Section 168, Internal Revenue Code of 1954.

Applicant's witness stated further that the Company may receive from time to time additional Necessity Certificates issued under the provisions of Section 168 of the Internal Revenue Code of 1954 in respect to the construction and installation of emergency facilities.

Necessity Certificates issued pursuant to Section 168 of the Internal Revenue Code of 1954 permit Applicant, at its election, to amortize for Federal Income Tax purposes over a period of sixty (60) months, that portion of the cost of such Certificated Facilities attributable to defense purposes, thereby deferring during the period

of such amortization a portion of its Federal Income Tax. Similar treatment for state income tax purposes is permitted by the Department of Revenue, State of Colorado.

The effect of the sixty (60) month amortization for tax purposes is to reduce income taxes during the sixty (60) month period. Nevertheless, at the end of the sixty (60) month period, income taxes are increased due to the fact that the portion of the facility subject to the Necessity Certificate is completely amortized and no depreciation deduction is available. If income tax rates remain unchanged, aggregate income tax payments will be the same whether the amortization of emergency facilities is taken in sixty (60) months or whether depreciation for tax purposes is taken over a longer period based on the useful lives of the certificated facilities.

In order that income may be "normalized" and the deduction for income taxes be equitably spread over the years of the useful life of the properties, Colorado Central Power Company proposes the following method of accounting:

- (a) As to the facilities for which the Company obtains Necessity Certificates from the Office of Defense Mobilization, it shall account for such property in the same manner as other utility property of the Company and shall accrue depreciation on such facilities on its books at the usual rate of depreciation for such kind of facilities.
- (b) During the sixty (60) month period when facilities subject to the Necessity Certificate are amortized, the Company shall charge to a special operating deduction account, entitled Account 507A, Provision for Deferred Federal Income Taxes and credit to a special balance sheet account entitled, Account 271-(1), Earned Surplus Restricted for Future Income Taxes an amount equal to the difference between income taxes

actually payable and the income taxes which would have been payable had not the Necessity Certificate been obtained.

- (c) After such special amortization under each Necessity Certificate is completed or discontinued, the Company shall charge to Account 271-(1), Earned Surplus Restricted for Future Income Taxes until such account is exhausted, and shall credit to a special operating deduction, Account 507B, Income Taxes Deferred in Prior Years, an amount equal to the increase in income taxes payable for that year due to the fact that the facility subject to the emergency certificate has been previously amortized.

The proposed accounting method described above and sought herein is identical, except for sub-account numbers, to the accounting method approved by this Commission for Applicant in reference to the accelerated depreciation methods authorized by Section 167, Internal Revenue Code, 1954, in Decision and Order No. 45176, Application No. 13871, January 16, 1956. The Company proposes through sub-accounts to maintain separate records of entries resulting from amortization of defense facilities and from accelerated depreciation so that the result, income tax-wise, can be readily determined and reported under each authority.

The Commission is of the opinion that the order sought by Applicant should be granted.

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

##### THE COMMISSION FINDS:

That Colorado Central Power Company is a public utility, as defined in Article 1, Section 3, Chapter 115, Colorado Revised Statutes, 1953.

This Commission has jurisdiction over said Company and of the subject matter herein.

That the Commission is fully advised in the premises.

That the method of accounting for the Federal Income Tax results from amortization of defense facilities pursuant to the provisions of Section 168 of the Internal Revenue Code of 1954 proposed by Applicant, as set forth in the foregoing Statement, which, by reference, is made a part hereof, is in the public interest, and should be approved.

That the Commission should retain jurisdiction of the matter so that the method of accounting prescribed herein should not be binding on the Commission, either as to ultimate disposition of restricted surplus, or in a rate case or in any matters where rates are involved.

#### O R D E R

##### THE COMMISSION ORDERS:

That Colorado Central Power Company be, and it is hereby, authorized to adopt the following method of accounting for the Federal Income Tax results from the amortization of defense facilities pursuant to the provisions of Section 168 of the Internal Revenue Code of 1954:

- (a) That Applicant shall account for property with respect to which Necessity Certificates are obtained pursuant to its election under Section 168 of the Internal Revenue Code of 1954 in the same manner as other utility property of the Applicant and shall accrue depreciation of such facilities on its books at the usual rate of depreciation.
- (b) That Applicant, during the period when the allowances for accelerated depreciation of property under Section 168 of the Internal Revenue Code of 1954 are more than the deduction allowable under the tax depreciation method heretofore followed, shall charge to a special operating deduction account entitled Account 507A, Provision for

Deferred Federal Income Taxes, an amount for each year during the special amortization period equal to the reduction in Federal Income Taxes payable for such year resulting from accelerated amortization of such facilities, with a corresponding credit to a special balance sheet account to be entitled Account 271-(1), Earned Surplus Restricted for Future Federal Income Taxes.

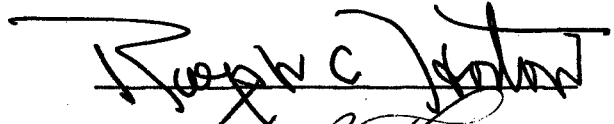

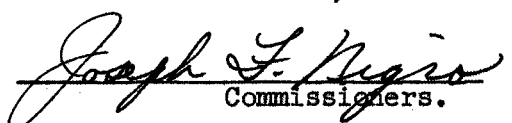
- (c) That Applicant, during the period when the allowances for accelerated depreciation of property under Section 168 of the Internal Revenue Code of 1954 are less than the deduction that would be allowable under the tax depreciation method heretofore used, shall charge to Account 271-(1), Earned Surplus Restricted for Future Federal Income Taxes, until such account is exhausted, and credit to a special operating deductions account to be entitled Account 507B, Federal Income Taxes Deferred in Prior Years, an amount for each year equal to the increase in Federal Income Taxes payable for that year due to the fact that allowances for accelerated depreciation of property are less than what would be allowable under the tax depreciation method heretofore used.
- (d) That Applicant through the use of appropriate sub-accounts to the above stated accounts shall keep its books so that results tax-wise, from the amortization of defense facilities (IRC-168) and from accelerated depreciation (IRC-167), can be readily determined and reported.

That the Commission shall retain jurisdiction of this matter so that the method of accounting prescribed herein shall not be binding on the Commission either as to the ultimate disposition of the restricted surplus or in a rate case or in any matter where rates or valuation are involved.



This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HUGH M. SLOAN, DOING BUSINESS AS )  
"ROADRUNNER TRUCK LINE," KEENESBURG, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 15863-Transfer  
A PORTION OF PUC-410 TO COLORADO )  
MILK TRANSPORT, INC., A CORPORATION, )  
ROUTE 1, BOX 141, BROOMFIELD, COLO- )  
RADO. )  
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December 30, 1957  
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Appearances: Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, by Paul  
M. Hupp, Esq., for Trans-  
feror and Transferee.

S T A T E M E N T

By the Commission:

Hugh M. Sloan, doing business as "Roadrunner Truck Line,"  
Keenesburg, Colorado, is the owner and operator of PUC No. 410, auth-  
orizing:

Transportation of general freight, without  
respect to weight thereof, from Denver to  
Hudson, and the transportation from Hudson  
to Denver of agricultural products, includ-  
ing livestock, in less than car load lots  
(formerly PUC-250), subject to the release  
granted to F. J. Strasbaugh and transferred  
to Yockey Truck Company (PUC-451), whereby  
the non-scheduled carrier shall not be re-  
quired to charge as much as twenty per cent  
higher than the scheduled carrier in the  
transportation of farm products, except milk  
and cream.

Transportation of freight in scheduled ser-  
vice between the following territory: Com-  
mencing at a point on the east section line  
of Section 26, T. 2 N., R. 64 W., immedi-  
ately east of Keenesburg; thence north four  
miles; thence east ten miles; thence south  
nineteen miles; thence west ten miles;  
thence north fifteen miles to the place of  
beginning; and Denver and Brighton, and from  
point to point within said territory and be-

tween those points in said territory and other points in the State of Colorado (PUC-410), subject to the release granted to F. J. Strasbaugh and transferred to Yockey Truck Company (PUC-451), whereby the non-scheduled carrier shall not be required to charge as much as twenty per cent higher than the scheduled carrier in the transportation of farm products, except milk and cream.

Transportation of milk and cream from the above-described territory east of Kennesburg to Fort Lupton, Colorado, with backhaul of empty cans. (Formerly Permit A-116, as cancelled.)

By Application No. 15863-Transfer, he seeks authority to transfer a portion of said certificate to Colorado Milk Transport, Inc., a Colorado corporation, Broomfield, Colorado.

The Application was set for hearing at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., November 21, 1957, and after due notice to all interested parties, and was there heard and taken under advisement.

Kenneth M. Martin, President of Colorado Milk Transport, Inc., transferee, testified his company was formed by the consolidation of nine formerly operated milk and cream authorities, and since 1953, under PUC No. 375, has served the greater part of the Denver Milk Shed. He identified the contract under which the proposed transfer is to be effected (Exhibit No. 1). By the terms thereof, the purchase price is One Thousand Dollars (\$1,000 00) to be paid in cash within thirty days after the effective date of the final Order of the Colorado Commission approving the transfer and concurrently with the execution of the Acceptance of Transfer to be executed by the parties and filed with the Commission subsequent to the entry of the Order of Approval. The witness identified Exhibit No. 2, a balance sheet of transferee as of October, 1957, showing net worth of \$354,480.47. There is no indebtedness against the certificate of operations thereunder. By purchasing this authority, transferee will

eliminate a conflict in some areas and obtain additional authority important to a well-rounded operation.

Hugh M. Sloan, transferor, corroborated the testimony of Mr. Martin in all particulars.

### 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.

That the proposed transfer of certificate 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 Hugh M. Sloan, doing business as "Roadrunner Truck Lines," Keenesburg, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 410 for the transportation of milk, cream, and dairy products between Denver and Hudson, as set forth herein in more detail:

"Transportation of milk, cream and dairy products between Denver and Hudson and Hudson and Denver in cans or in bulk;

"Transportation of milk, cream and dairy products in cans or in bulk between points in the following territory: Commencing at a point on the east section line of Section 26, T. 2 N., R. 64 W., immediately east of Keenesburg; thence north four miles; thence east ten miles; thence south nineteen miles; thence west ten miles; thence north fifteen miles to the place of beginning; and Denver and Brighton;

"Transportation of milk, cream and dairy products in cans or in bulk in the above-described territory east of Keenesburg to Fort Lupton, Colorado, with back-haul of empty cans;"

to Colorado Milk Transport, Inc., a corporation, Broomfield, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured; that PUC No. 410 is read henceforth from this Order as follows:

"Transportation of general freight (excluding transportation of milk, cream and dairy products in cans or in bulk), without respect to weight thereof, from Denver to Hudson, and the transportation from Hudson to Denver of agricultural products (excluding milk, cream and dairy products in cans or in bulk), including livestock, in less than car load lots (formerly PUC-250), subject to the release granted to F. J. Strasbaugh and transferred to Yockey Truck Company (PUC-451), whereby the non-scheduled carrier shall not be required to charge as much as twenty per cent higher than the scheduled carrier in the transportation of farm products (except milk and cream);

"Transportation of freight (excluding milk, cream and dairy products in cans or in bulk) in scheduled service between the following territory: Commencing at a point on the east section line of Section 26, T. 2 N., R. 64 W., immediately east of Keenesburg; thence north four miles; thence east ten miles; thence south nineteen miles; thence west ten miles; thence north fifteen miles to the place of beginning; and Denver and Brighton, and from point to point within said territory and between those points in said territory and other points in the State of Colorado (PUC-410), subject to the release granted to F. J. Strasbaugh and transferred to Yockey Truck Company, (PUC-451), whereby the non-scheduled carrier shall not be required to charge as much as twenty per cent higher than the scheduled carrier in the transportation of farm products (except milk and cream)."

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.

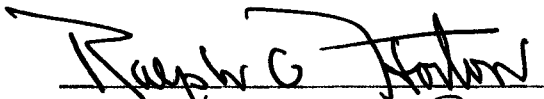


The tariff of rates, rules, and regulations of transferor

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 30th day of December, 1957.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM HARKALIS, LYONS, COLO- )  
RADO. )  
----- )

PERMIT NO. B-4140  
CASE NO. 83414-INS.

-----  
December 30, 1957  
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S T A T E M E N T

By the Commission:

On December 16, 1957, in Case No. 83414-Ins., the Commission entered an order revoking Permit No. B-4140 for failure to keep on file the required certificate of insurance.

Since required insurance has now been filed and within the five-day period of grace, the order of revocation should be set aside.

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 83414-Ins., should be cancelled and set aside, and said Permit No. B-4140 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on December 16, 1957, in Case No. 83414-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. B-4140 restored to its former status as of December 16, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thompson*  
*Joseph J. Nigro*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MELVIN R. MC DOWELL, DOING BUSINESS )	
AS "BIG 'M' MOVERS, 831 CLARK )	
STREET, STERLING, COLORADO, FOR )	APPLICATION NO. 15925-Transfer
AUTHORITY TO TRANSFER PUC NO. 1783 )	
TO EDWIN WELCH, 1120 WEST SEVENTH )	
STREET, WRAY, COLORADO. )	
----- )	

-----  
December 30, 1957  
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Appearances: Graydon Dowis, Esq., Sterling,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Melvin R. McDowell,  
doing business as "Big 'M' Movers," Sterling, Colorado, owner  
and operator of PUC No. 1783, authorizing:

transportation of houses and buildings, and  
equipment and supplies necessarily incident  
thereto, on call and demand, between points  
in the area included in the Counties of Logan,  
Morgan, Yuma, Sedgwick, Phillips, and the east  
half of Weld, all in the State of Colorado,

seeks authority to transfer said operating rights to Edwin Welch,  
Wray, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Court  
House, Fort Morgan, Colorado, December 17, 1957, and at the con-  
clusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration of  
transfer of said operating rights is the sum of \$3,500.00, to be  
paid upon approval of said transfer by the Commission.

No one appeared in opposition to transfer of said cer-  
tificate.

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



## F I N D I N G S

### THE COMMISSION FINDS:

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

## O R D E R

### THE COMMISSION ORDERS:

That Melvin R. McDowell, doing business as "Big 'M' Movers," Sterling, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1783 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Edwin Welch, Wray, 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 the, or either or 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 the 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

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

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

ea

original

(Decision No. 49301)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ASBURY TRANSPORTATION COMPANY, A )  
CALIFORNIA CORPORATION, 2222 EAST )  
38TH STREET, LOS ANGELES, CALIF- )  
ORNIA, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----)

APPLICATION NO. 15860-PP

-----  
December 30, 1957  
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Appearances: Thomas J. Mitchell, Esq.,  
Denver, Colorado, for  
Applicant;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association.

S T A T E M E N T

By the Commission:

By Decision No. 49163, dated December 2, 1957, the Commission granted to Asbury Transportation Company, a California corporation, Los Angeles, California, a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of liquid nitrogen and oxygen manufactured by Air Products, Inc., at its manufacturing plant adjacent to the Martin-Denver facility, to the Martin-Denver facility, over the five-tenths mile Colorado State Highway known as Platte River Road.

On December 24, 1957, "Petition for Rehearing" was filed in said matter by Goldstein Transportation & Storage, Inc., by Bennie Goldstein, Denver, Colorado, and by Capron Truck Company, by Rodney Capron, Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That "Petition for Rehearing" filed herein by Goldstein Transportation & Storage, Inc., by Bennie Goldstein, Denver, Colorado, and by Capron Truck Company, by Rodney Capron, Denver, Colorado, should be denied.

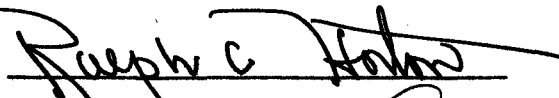


O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing" in the above-styled matter, filed by Goldstein Transportation & Storage, Inc., by Bennie Goldstein, Denver, Colorado, and by Capron Truck Company, by Rodney Capron, Denver, Colorado, 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 30th day of December, 1957.

ea

original

(Decision No. 49302)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SAN ISABEL ELECTRIC ASSOCIATION, INC., )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO FURNISH ELEC- )  
TRIC SERVICE FOR LIGHT, HEAT, POWER )  
AND OTHER PURPOSES, IN THE TERRITORY )  
DESCRIBED IN THIS APPLICATION, LO- )  
CATED IN PUEBLO, HUERFANO, LAS ANIMAS, )  
FREMONT AND CUSTER COUNTIES, COLORADO. )  
-----)

APPLICATION NO. 15758

-----  
January 13, 1958  
-----

Appearances: Preston and Altman, Esqs.,  
by Leo S. Altman, Esq.,  
Pueblo, Colorado, for  
the Applicant;  
Claude W. McAnally, Jr.,  
and Vail F. Shumaker,  
Trinidad, Colorado, for  
the City of Trinidad;  
Paul M. Brown, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The San Isabel Electric Association, Inc., hereinafter referred to as "Applicant" or "San Isabel" is a rural electric cooperative association engaged in the business of purchasing, transmitting, distributing, and selling electrical energy to its member and non-member consumers in Las Animas, Huerfano, Pueblo, Fremont, and Custer Counties in Colorado.

By its present application filed September 20, 1957, applicant seeks from this Commission a certificate of public convenience and necessity to furnish electric service for light, heat, power, and other purposes in the territory applied for and sought in this application.

The matter was set for hearing November 5, 1957, and upon receipt of a petition for extension of time from the City of Trinidad, the hearing was vacated. The matter was re-set for hearing,

and was heard in the County Commissioner's Room, Pueblo County Court House, Pueblo, Colorado, on November 27, 1957, at 10:00 o'clock A. M., after due notice thereof being forwarded to all interested parties. At the conclusion thereof, the matter was taken under advisement.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the authority sought by the applicant in this matter.

San Isabel is a Colorado corporation, organized and existing under and by virtue of the laws of the State of Colorado as they pertain to cooperative corporations. A copy of its Articles of Incorporation, as amended to date, certified by the Secretary of State of the State of Colorado, has heretofore been filed with this Commission.

Counsel for applicant requested the Commission's permission to amend its application, (1) by changing the 7th line on page 4 of the application, to read:

"Northwest corner of Section 35, Township 33-S,  
Range 64-W; then South";

(2) by addition to the application to exclude the areas within the corporate limits of the cities of Trinidad and Walsenburg from the area requested to be certificated in said application; and (3) to substitute, in accordance with the written description offered at the hearing, a complete new description of the area to be included within the non-exclusive certificated territory to be held jointly with Southern Colorado Power Company..

There being no objections to any of these amendments, permission was granted by the Commission.

Applicant's witness, Mr. Edward C. Gaither, introduced and identified a map of the area sought to be certified in this application, marked Exhibit A-B. Applicant already holds two certificates of public convenience and necessity in a part of the territory requested in this application. Its distribution lines within

this certificated area are shown on Exhibit A-B in red. Applicant obtained one of the above-mentioned certificates of public convenience and necessity from Frontier Power Company, and its transfer was approved by this Commission in Decision No. 44499, dated August 18, 1955. Certain areas were excepted from the overall area in the above-mentioned decision and were reserved to Southeast Colorado Power Association. Applicant testified that immediately after the acquisition by it of Frontier Power Company properties, it also acquired certain properties and territories from Southeast Colorado Power Association. This transaction was not subject to the jurisdiction of this Commission. Included in the territories so received were those excepted from the certificate of Frontier Power Company as fully described in Decision No. 44499. The second certificate was obtained from La Veta Light, Heat, and Power Company, transferred to applicant by this Commission in its Decision No. 44620, dated September 15, 1955.

The operation in the area served by the distribution lines of applicant shown in blue on Exhibit A-B has not heretofore been subject to the jurisdiction of this Commission, and such jurisdiction is now being sought. Witness further testified that in the area on the map inclosed by the solid blue line an exclusive certificate is being sought. The area is substantially all within the counties of Huerfano and Las Animas. Within the area inclosed by the blue dash and black dash lines, a non-exclusive certificate is being sought. This area is located within portions of Pueblo, Custer, and Fremont counties. Southern Colorado Power Company, an operating public utility, is now serving in all three of these counties by virtue of its "Grandfather Rights."

The approximate population of the area requested herein is 132,500 people, and the population of the area that is requested to be served by the applicant, including the non-exclusive territory, is 35,000. With the exception of the electric utility service of

Southern Colorado Power Company in the area wherein a non-exclusive certificate is being sought, no other electric utility operates. Applicant is ready and willing to continue service to all those now served and holds itself forth as being willing and able to serve all new applicants for service, including members and non-members, uniformly, whenever requested by them, in accordance with the rules and regulations and extension policies of the applicant now on file with this Commission and to be filed upon receipt of a Certificate of Public Convenience and Necessity.

Witness testified that in the area where a non-exclusive certificate is being sought, an agreement had been worked out between San Isabel and Southern Colorado Power Company (hereafter called Southern), for electric service. It contemplated the company most feasibly able to serve would provide electric service to applicants; however, each party would notify the other of such applications and if after discussions between themselves they would be unable to agree as to which company should provide the service, the facts in the matter would be referred by an application to the Public Utilities Commission of the State of Colorado for a decision as to which company should provide the service.

Cross-examination developed that no agreement between San Isabel and Southern to supply electric service in territory sought as non-exclusive by applicant had been reduced to writing. In the event of disputes between themselves as to which utility should supply service, it was witness' opinion that the Commission could proceed under its statutory powers in the determination of which utility should serve. He further testified that should an applicant request service of one utility which could more economically be supplied by the other utility, economic factors should determine which utility would serve.

Applicant presently has invested approximately \$4,800,000 in electric transmission and distribution system. Applicant is



financed by loans obtained from the Rural Electrification Administration. In support of its financial ability, Exhibit C was introduced and identified as a balance sheet of San Isabel at September 30, 1957, and Exhibit D, an operating statement showing the results of its operations for the twelve-month period ending September 30, 1957.

Cross-examination revealed that San Isabel, in addition to its original rate schedules, is operating under the rate schedules instituted by Southeast Colorado Power Association, Inc., Frontier Power Company, and La Veta Light, Heat and Power Company, and applicable in the territories acquired by San Isabel from these companies. For residence service alone throughout the territory sought San Isabel now has in effect not less than six distinctly different residential rate schedules. It was suggested that the total number of rate schedules under which San Isabel now operates could be combined and reduced in number. Witness stated there is presently under way a rate study being conducted primarily to the end that the rate schedules of San Isabel applicable throughout its entire territory will be simplified and reduced in number. San Isabel is working to the end of completing this study at an early date. In answer to an inquiry as to the magnitude of the present system demand and available capacity to supply this demand, witness advised as follows: the present system demand on a 30-minute basis is 6,000 KW, and through power purchase agreements with three different suppliers a maximum of 35,000 KW is available.

Mr. Shumaker, electric superintendent for the City of Trinidad, asked witness for applicant whether or not the City of Trinidad would be permitted, in his opinion, to continue supplying electric service to a number of customers now served by the city from its municipal system who are located outside the City of Trinidad. Witness replied that the City of Trinidad would continue the service to these customers. Mr. Shumaker, as a witness for the

City of Trinidad, testified the City of Trinidad was providing electric service to several customers beyond the city limits of Trinidad and that these customers were acquired from Frontier Power Company at the time the municipality entered into the business of generating and distributing electric energy to consumers on January 2, 1949. Mr. Shumaker identified city's Exhibit No. 1 which he indicated was an agreement between Frontier Power Company and the City of Trinidad, transferring to the City of Trinidad a number of customers located beyond the city limits along with Frontier Power Company's Certificate of Public Convenience and Necessity under which these customers were served. Witness for applicant stated it is the intention of San Isabel to honor any and all contracts and agreements entered into by and binding upon Frontier Power Company, the Company which formerly served these customers.

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

##### THE COMMISSION FINDS:

That this Commission has jurisdiction of subject matter of the instant application, and is fully advised in the premises.

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

That public convenience and necessity require, and will require, that San Isabel be declared to be a public utility.

That the Commission has jurisdiction over the applicant herein.

That the issuance of a certificate of public convenience and necessity is consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That applicant is and will be performing the functions of a public utility in providing electric service in the area sought, and it should be granted an exclusive certificate of public convenience and necessity in a part and a non-exclusive certificate of public convenience and necessity in the remainder of the territory

sought in this application as more fully described in the Order to follow.

That San Isabel should be granted a certificate of public convenience and necessity for that part of its electric system as now constructed in the territory herein sought on a non-exclusive basis.

That Southern is an electric public utility operating among other locations, in Pueblo, Fremont and Custer Counties, subject to the jurisdiction of this Commission. It operates as an electric public utility by virtue of its "Grandfather Rights." It thus is entitled to the protection of this Commission against "invasion" of its territory by other utilities. When, hereafter, agreement between applicant and Southern cannot be reached as to which utility shall supply requested electric service to a customer in the non-exclusive territory sought herein, the Commission shall retain effective control of the orderly expansion of such electric plant and electric service. The Order to follow shall provide the means.

That San Isabel should set up and maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That San Isabel should file with this Commission its rates, rules and regulations applicable in the exclusive and non-exclusive area set forth in the Order herein.

That it should maintain its operations as an electric utility in accordance with Rules Regulating the Service of Gas and Electric Utilities, as ordered by this Commission now in effect and as they may be amended.

#### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require and will require San Isabel Electric Association, Inc., be declared a public utility authorized to distribute electricity non-exclusively in the territory described as follows:

"Beginning at a point in the NE corner of Section 1, Township 19-S, Range 62-W; thence South along the East boundary of Range 62-W to a point in the SE corner of Section 13, Township 22-S., Range 62-W; thence diagonally in a Southeasterly direction across Sections 19, 20, 21, 28, 27, 26, 35 and 36, Township 22-S., Range 61-W; thence continuing in a Southeasterly direction diagonally across Section 31, Township 22-S., Range 60-W, Sections 6, 5, 4, 9, 10, 11, and 13, Township 23-S, Range 60-W; thence continuing in a Southeasterly direction diagonally across Sections 18, 20 and 21 to a point in the SE corner of Section 21, Township 23-S, Range 59-W; thence bearing to the South in a Southeasterly direction and continuing diagonally across Sections 27, 34, and 35, Township 23-S., Range 59-W; thence continuing in a Southeasterly direction diagonally across Sections 2, 1 and 12 to a point in the SE corner of Section 12, Township 24-S, Range 59-W; thence continuing South along the East boundary of Range 59-W to a point in the Southeast corner of Section 36, Township 25-S, Range 59-W; thence continuing in a Southeasterly direction diagonally across Sections 6, 7, 8, 17, 16, 21, 27, 34 and 35, Township 26-S, Range 58-W; thence continuing in a Southeasterly direction diagonally across Sections 2, 1, and 12, Township 27-S, Range 58-W; thence continuing in a Southeasterly direction diagonally across Sections 18, 19, 20, 29 and 33 to the SE corner of Section 33, Township 27-S, Range 57-W; thence West along the Otero-Las Animas County Line to the Southwest corner of Otero County; thence North along the Otero-Las Animas County Line to a point common to Otero, Las Animas and Pueblo Counties; thence Northwesterly along the Pueblo-Las Animas County Line to a point common with Pueblo, Las Animas and Huerfano Counties; thence continuing Northwesterly along the Pueblo-Huerfano County Line to a point common to Pueblo, Huerfano and Custer Counties; thence continuing Northwesterly along the Custer-Huerfano County Line to the Southwest corner of Section 31, Township 24-S, Range 70-W; thence North along the West boundary of Range 70-W to the Southwest corner of Section 31, Township 22-S, Range 70-W; thence East along the South lines of Sections 31, 32 and 33 to the Southeast corner of Section 33, Township 22-S, Range 70-W; thence North along the East lines of Sections 33, 28, 21 and 16 to the Northeast corner of Section 16, Township 22-S, Range 70-W; thence East along the South lines of Sections 10, 11 and 12 to the Southeast corner of Section 12, Township 22-S, Range 70-W; thence North along the East boundary of Range 70-W to the Northwest corner of Section 6, Township 19-S, Range 69-W; thence East along the North boundary of Township 19-S to the point of intersection with the Fremont-Pueblo County Line; thence continuing East along the North boundary of Township 19-S to the Northeast corner of Section 1, Township 19-S, Range 62-W, which is the point of beginning."

That San Isabel Electric Association, Inc., is granted a certificate of public convenience and necessity for its electric

distribution system in the above non-exclusive territory as such system now exists and as it may be extended from time to time. If and in the event San Isabel and Southern fail to agree on the right to serve any customer or customers, pursuant to their agreement on service in this non-exclusive territory, then, either or both San Isabel or Southern may appeal to the Commission for a determination of said rights. San Isabel shall furnish this Commission with fully executed copies of any memoranda, agreements or other instruments intended by San Isabel and Southern to eliminate or reduce the competition between themselves relative to such extensions of service.

That public convenience and necessity require, and will require, extension, from time to time, of its lines and service within the territory described below, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor:

"Beginning at a point on the Colorado-New Mexico State boundary where the Western line of Las Animas County intersects; thence along the Las Animas-Costilla County line to a point common to Las Animas, Costilla and Huerfano Counties; thence along the Huerfano-Costilla County line to a point common to Huerfano, Costilla and Alamosa Counties; thence along the Huerfano-Alamosa County line to a point common to Huerfano, Alamosa and Saguache Counties; thence along the Huerfano-Saguache County line to a point common to Huerfano, Saguache and Custer Counties; thence along the Huerfano-Custer County line to a point common to Huerfano, Custer and Pueblo Counties; thence along the Huerfano-Pueblo County line to a point common to Huerfano, Pueblo and Las Animas Counties; thence along the Pueblo-Las Animas County line to a point common to Pueblo, Las Animas and Otero Counties; thence along the Las Animas-Otero County line to a point of intersection with the Northeast corner of Section 3, Township 28-S, Range 56-W; thence South along the East lines of Sections 3, 10, 15, 22, 27 and 34, Township 28-S, Range 56-W; thence continuing South along the East lines of Sections 3, 10, 15, 22, 27 and 34, Township 29-S, Range 56-W; thence continuing South along the East lines of Sections 3, 10, 15, 22, 27 and 34, Township 30-S, Range 56-W; thence continuing South along the East lines of Sections 3, 10, 15, 22, 27 and 34, Township 31-S, Range 56-W; thence continuing South along the East lines of Sections 3, 10 and 15 to a point in the Southeast corner of Section 15, Township 32-S, Range 56-W; thence East along the South

lines of Sections 14 and 13, Township 32-S, Range 56-W; thence continuing East along the South lines of Sections 18, 17 and 16 to a point in the Southeast corner of Section 16, Township 32-S, Range 55-W; thence South along the East lines of Sections 21, 28 and 33, Township 32-S, Range 55-W; thence continuing South along the East lines of Sections 4, 9, 16, 21, 28 and 33, Township 33-S, Range 55-W; thence continuing South along the East lines of Sections 4, 9, 16, 21, 28 and 33, Township 34-S, Range 55-W; thence South along the East lines of Sections 4 and 9, to a point in the Southeast corner of Section 9, Township 35-S, Range 55-W; which is the point of intersection with the Colorado-New Mexico border; thence West along the Colorado-New Mexico boundary to a point which would be the intersection of the East line, if extended, of Section 32, Township 34-S, Range 63-W; thence North along said line to the Northeast corner of Section 32, Township 34 S, Range 63-W; thence West along the North lines of Sections 32 and 31 to the Northwest corner of Section 31, Township 34-S, Range 63-W; which is its point of intersection with the East boundary of Range 64-W; thence North along the East boundary of Range 64-W approximately six miles to the Northeast corner of Section 36, Township 33-S, Range 64-W; thence West along the North lines of Sections 36 and 35, to a point in the Northwest corner of Section 35, Township 33-S, Range 64-W; thence South along the West line of Section 35, Township 33-S, Range 64-W; thence continuing South along the West lines of Sections 2, 11, 14, 23 and 26, Township 34-S, Range 64-W, to a point in the Southwest corner of Section 26, Township 34-S, Range 64-W; thence West along the North lines of Sections 34 and 33 to the Northwest corner of Section 33, Township 34-S, Range 64-W; thence South along the West line of said Section 33, if extended, to a point of intersection on the Colorado-New Mexico border; thence West along the Colorado-New Mexico boundary to the point of beginning at the intersection of the West line of Las Animas County with the Colorado-New Mexico boundary."

Excluding, however, from the above-described territory, all the areas lying within the corporate limits of the City of Trinidad and the City of Walsenburg, and any customers now being served by said cities through prior agreement between San Isabel and, or, its predecessors in interest and the Cities of Trinidad or Walsenburg.

That service shall be available to members and non-members alike and without discrimination.

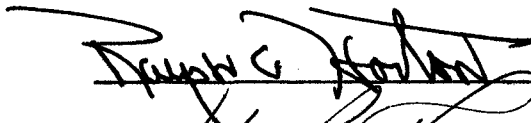


That San Isabel shall set up its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That within sixty (60) days of the effective date of this Order, San Isabel Electric Association, Inc. shall file with this Commission its PUC Tariff #6, which will include all its currently effective rates, rules and regulations applicable within the exclusive and the non-exclusive territories set forth herein.

That it shall maintain its operations as a public electric utility in accordance with the Rules Regulating the Service of Gas and Electric Utilities as ordered by this Commission now in effect and as hereafter amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 150 AND PUC NO. 150-I. )

APPLICATION NO. 15927-Extension

-----  
IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 174 AND PUC NO. 174-I. )

APPLICATION NO. 15928-Extension

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IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 177 AND PUC NO. 177-I. )

APPLICATION NO. 15929-Extension

-----  
IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 180 AND PUC NO. 180-I. )

APPLICATION NO. 15930-Extension

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IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "DE )  
LUXE CAB COMPANY," 1402 WALNUT )  
STREET, BOULDER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 1198. )

APPLICATION NO. 15931-Extension

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December 31, 1957  
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Appearances: Charles E. Williams, Esq.,  
Boulder, Colorado,  
for Applicant;  
Walter M. Simon, Esq.,  
Denver, Colorado, for  
Yellow Cab, Inc., and  
Checker Cab, Inc.;  
William L. Paddock, Esq.,  
Boulder, Colorado, for  
Denver-Boulder Bus Co.;  
I. B. James, Denver, Colo-  
rado, for Colorado Motor  
Way, Inc.

S T A T E M E N T

By the Commission:

Carl Zier, as a sole proprietor owns and operates all of the motor vehicle common carrier passenger authorities described in the heading of this decision. By these various applications, as amended at the hearing thereon, he seeks to have these authorities extended: (1) So as to recognize his "Grandfather Rights" to perform in Boulder, Colorado, the same service he is now authorized to perform outside the City of Boulder, and (2) To authorize him to perform taxi service of the same nature and within the same territory as presently authorized, but in vehicles not larger than 7-passenger vehicles instead of the present 5-passenger limitation, with the proviso that the 5-passenger limitation would remain applicable as to all taxi service rendered between Boulder on the one hand, and Denver, Central City, and Estes Park, on the other hand.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, December 16, 1957, and at the conclusion of the evidence, they were taken under advisement.

Concerning recognition of the "Grandfather Rights," there was ample and undisputed testimony that the present operation has been conducted under these various authorities within the home-rule City of Boulder for many years past and long prior to the time that this Commission acquired jurisdiction over operations in home-

rule cities. The existing authority of this operation should, therefore, be extended territorially to authorize service in Boulder.

The testimony concerning the use of 7-passenger vehicles was to the effect that the applicant in his sightseeing service now uses 7-passenger vehicles and would like to make these vehicles available in his taxi service, where they would be a convenience during rush hours, particularly for the transportation of students from the University to the bus depot and other places in Boulder. No customer witnesses testified as to any need or desire for service, and the applicant's testimony concerned only the operation of service within the City of Boulder in 7-passenger vehicles.

It will be noted that the applicant is presently authorized to perform sightseeing service, but the number of the vehicles he is authorized to use in this service is specifically limited. He has no desire to acquire a greater number of 7-passenger vehicles than he is presently authorized, but only wishes to use his present vehicles in taxi service, he said. Our Order will accomplish this purpose. Upon the limited basis of the application, as amended, there was no testimony in protest and no reason now appears why the extensions should not be approved as set forth 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.

That public convenience and necessity require the proposed extended service of the applicant and that certificates of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed

extended motor vehicle common carrier call and demand service of Carl Zier, doing business as "Bill's City Taxi and Sightseeing," Boulder, Colorado, under PUC No. 150, PUC No. 150-I, PUC No. 174, PUC No. 174-I, PUC No. 177, PUC No. 177-I, PUC No. 180 and PUC No. 180-I; and of Carl Zier, doing business as "DeLuxe Cab Company," Boulder, Colorado, under PUC No. 1198, so that each of the authorities involved in this proceeding shall be extended territorially, so as to authorize service between points within the City of Boulder, Colorado; and also extended to authorize the use of 7-passenger vehicles for taxi service between points within the city limits of Boulder and within one mile of such city limits, 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 interstate operating rights extended hereunder shall be subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holton*

*John P. Thompson*

*Joseph F. Regis*  
Commissioners

Dated at Denver, Colorado,  
this 31st day of December, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
150 AND PUC NO. 150-I TO BOULDER )  
STAGE LINES, INC., 1402 WALNUT )  
STREET, BOULDER, COLORADO. )  
----- )

APPLICATION NO. 15932-Transfer

IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
174 AND PUC NO. 174-I TO BOULDER )  
STAGE LINES, INC., 1402 WALNUT )  
STREET, BOULDER, COLORADO. )  
----- )

APPLICATION NO. 15933-Transfer

IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
177 AND PUC NO. 177-I TO BOULDER )  
STAGE LINES, INC., 1402 WALNUT )  
STREET, BOULDER, COLORADO. )  
----- )

APPLICATION NO. 15934-Transfer

IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "BILL'S )  
CITY TAXI AND SIGHTSEEING," 1402 )  
WALNUT STREET, BOULDER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
180 AND PUC NO. 180-I TO BOULDER )  
STAGE LINES, INC., 1402 WALNUT )  
STREET, BOULDER, COLORADO. )  
----- )

APPLICATION NO. 15935-Transfer

IN THE MATTER OF THE APPLICATION OF )  
CARL ZIER, DOING BUSINESS AS "DE )  
LUXE CAB COMPANY," 1402 WALNUT )  
STREET, BOULDER, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 1198 )  
TO BOULDER STAGE LINES, INC., 1402 )  
WALNUT STREET, BOULDER, COLORADO. )  
----- )

APPLICATION NO. 15936-Transfer

-----  
December 31, 1957  
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Appearances: Charles E. Williams, Esq.,  
Boulder, Colorado,  
for Applicant.

## S T A T E M E N T

### By the Commission:

The applicant Carl Zier presently owns the following motor vehicle common carrier authorities, each of which is now in the process of being extended, so as to authorize service within the home-rule City of Boulder and the use of 7-passenger vehicles.

### PUC No. 150 and PUC No. 150-I:

#### 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 intermediate points shall be permitted; (b) all operations herein shall be limited to sightseeing 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 operations, originating and terminating at Boulder or Gold Hill; transportation of sightseeing passengers in interstate commerce, only, between Boulder and all points outside of the State of Colorado; transportation of passengers between Boulder and Double M Ranch in Boulder County, provided, however, this certificate shall not authorize applicant to transport passengers from any intermediate points to Boulder and said Double M Ranch, including Gold Hill.

### PUC No. 174 and PUC No. 174-I:

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.

PUC No. 177 and PUC No. 177-I:

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 passenger 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 U. S. Highway No. 34 to Granby, or points on U. S. Highway No. 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.

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.

PUC No. 180 and PUC No. 180-I:

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.

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 one car from W. N. Clark with like authority.

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. 2630<sup>4</sup> transfers from PUC No. 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).

Transportation of passengers in interstate commerce, only, between Boulder and all points outside of the State of Colorado.

Decision No. 255<sup>4</sup> transferred one automobile with same authority from PUC No. 17<sup>4</sup> (total of three cars).

PUC No. 1198:

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 sightseeing 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 applications filed November 29, 1957, said applicant seeks authority to transfer said certificates to Boulder Stage Lines, Inc., Boulder, Colorado.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were consolidated for hearing, and heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 16, 1957, and at the conclusion of the evidence, the matters were taken under advisement.

By his present applications, the applicant seeks permission to transfer these authorities to a corporation of which he and his wife own all the stock, except qualifying shares. The corporation has been duly formed and appears to have assets sufficient to warrant the ownership of these authorities. He plans no change in the nature of the operation, nor the personnel involved in the operation. All of the motor carrier authorities he presently owns are to be transferred to the corporation. There is no outstanding indebtedness except current bills which will be paid and except a purchase money mortgage to the former owners of the authorities which the corporation assumes and agrees to pay.

No one appeared in opposition to the transfers and no reason appears why the same 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 transfers are compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

## O R D E R

### THE COMMISSION ORDERS:

That Carl Zier, doing business as "Bill's City Taxi and Sightseeing," Boulder, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest, in and to PUC No. 150, PUC No. 150-I, PUC No. 174, PUC No. 174-I, PUC No. 177, PUC No. 177-I, PUC No. 180, and PUC No. 180-I -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Boulder Stage Lines, Inc., Boulder, Colorado.

That Carl Zier, doing business as "DeLuxe Cab Company," Boulder, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest, in and to PUC No. 1198 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Boulder Stage Lines, Inc., Boulder, Colorado.

That said transfers shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificates (PUC No. 150, PUC No. 150-I, PUC No. 174, PUC No. 174-I, PUC No. 177, PUC No. 177-I, PUC No. 180, PUC No. 180-I, and PUC No. 1198) 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 transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of the Commission.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 31st day of December, 1957.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
H. L. JOHNSON, DOING BUSINESS AS	)	
"H. L. JOHNSON TRUCKING COMPANY,"	)	
P. O. BOX 926, FORT MORGAN, COLO-	)	<u>APPLICATION NO. 15923-Extension</u>
RADO, FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY, AUTHOR-	)	
IZING EXTENSION OF OPERATIONS	)	
UNDER PUC NO. 2400.	)	
-----	)	

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December 31, 1957  
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Appearances: Waino Johnson, Esq., Fort  
Morgan, Colorado,  
for Applicant.

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 Court House, Fort Morgan, Colorado, December 17, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, Attorney for Applicant requested that said application be continued, to be re-set for hearing at a future date to be determined by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

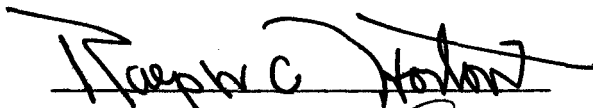

O R D E R

THE COMMISSION ORDERS:

That Application No. 15923 should be, and the same hereby is, continued, said matter to be re-set for hearing before the Commission at some future date to be determined by the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 31st day of December, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GOLDSTEIN TRANSPORTATION & STORAGE, )  
INC., 3434 WALNUT STREET, DENVER, ) APPLICATION NO. 15844-PP-Extension  
COLORADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PERMIT NO. A-787. )  
----- )

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December 31, 1957  
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Appearances: E. B. Evans, Esq., Denver,  
Colorado, and  
Howard Yelverton, Denver,  
Colorado, for Applicant;  
R. B. Danks, Esq., Denver,  
Colorado, and  
Howard Hicks, Denver, Colo-  
rado, for Centennial  
Truck Lines, Inc.;  
Herbert M. Thompson, Denver,  
Colorado, for Regional  
Director of Transporta-  
tion, General Services  
Administration.

S T A T E M E N T

By the Commission:

By application filed October 1, 1957, as restricted at the hearing of the matter, the applicant seeks to have its motor vehicle private carrier regular route authority PUC No. A-787 extended so as to authorize the transportation of Government freight moving on Government bills of lading between Peterson Field (Elsmere, Colorado) on the one hand, and points presently served under Permit No. A-787 on the other hand.

Upon due notice to interested persons, hearing of this application commenced November 12, 1957, at the Hearing Room of the Commission, in Denver, Colorado, and was concluded at the same place on December 20, 1957. At the conclusion of the evidence, the matter was taken under advisement, and now stands submitted for decision.

Mr. Howard Yelverton, General Traffic Manager for the applicant, testified in support of the application, as did Mr. Herbert M. Thompson, Regional Director of Transportation for the General Services Administration of the United States Government. Mr. H. B. Hicks, General Traffic Manager for Centennial Truck Line, a regular route motor vehicle common carrier, testified in protest.

It appears from the evidence that the applicant has been engaged in its regular route operations for many years, and also has irregular route common and private carrier authorities pursuant to which it has been rendering service to both the Ent Air Force base at Peterson Field, some 5 miles east of Colorado Springs, and to the Ent Air Force base office at Colorado Springs.

The principal service heretofore rendered by the applicant has been refrigerator service of perishable commodities, but in addition it has transported a small quantity of various kinds of dry freight to this Air Force facility from time to time. Our regulations of long standing require that irregular route carriers charge higher rates than regular route common carriers when in competition with such carriers. Until recently, there was no regular route common carrier serving Peterson Field. By our Decision No. 48861, issued October 31, 1957, we authorized applicant to extend its regular route service to Peterson Field. The applicant herein seeks merely to have its private carrier regular route authority extended so that it may continue to perform the service it has performed for many years, and will not be subject to penalty rates.

It appears that the Air Force facility at Peterson Field maintains an office downtown in Colorado Springs, which office the applicant can continue to serve without further authority. Traffic destined to the Air Force facility is not marked, nor required to be marked, as being destined to the downtown facility, or to Peterson Field, and consequently the applicant cannot presently know, when it accepts traffic for transportation to this Air Force facility,

whether the traffic is destined within or outside its regular route operating authority. To deny it the authority it now seeks will therefore effectively deny it, as a practical matter, any traffic to this Air Force facility, including traffic it is legally entitled to handle.

It does not appear that the granting of the authority, so that the applicant may continue to perform the service it has performed for many years, will materially affect the operations of any common carrier serving the area. The authority of the existing regular route carrier was obtained only a few weeks ago, and was obtained with knowledge that the area into which it desired to extend its operation was then served by other carriers whose business it would have to secure for itself if it were to succeed. Its protest is not entitled to great weight, in our opinion, in view of the fact that it sought and accepted its extended authority knowing of the service being performed by the applicant.

The applicant appears qualified financially and by experience to perform the service proposed and has equipment suitable to the work. In view of the Government's desire to have the service continue, we feel that the application in its present restricted form should be granted. The applicant placed the restriction upon the application only in light of the vigorous protest made in this case, in an evident attempt to obtain half a loaf rather than none; but this restricted service is satisfactory to the only shipper witness who appeared. Our Order following will therefore meet all the needs the evidence indicated are present.

#### 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 extension sought should be granted as set forth in the following Order.




O R D E R

THE COMMISSION ORDERS:

That Goldstein Transportation & Storage, Inc., Denver, Colorado, should be, and it is hereby, authorized to extend operations under Permit No. A-787 to authorize the transportation of Government freight moving on Government bills of lading between Peterson Field (Elsmere, Colorado) on the one hand, and points served under Permit A-787 on the other hand.

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

  
Frederic C. Stanton  
John P. Thompson  
Joseph F. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1957.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MERVIN ZYSSET, STERLING TRAILER )  
COURT, STERLING, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 15926-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

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January 2, 1958  
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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 was regularly set for hearing before the Commission, at the Court House, Fort Morgan, Colorado, December 17, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing said application, applicant failed to appear, either in person or by counsel.

Thereupon, the files were made a part of the record, and the matter was taken under advisement.

It appears from the files of the Commission that applicant herein is the owner of a 1954 Ford Dump Truck, and is qualified to carry on his proposed operations.

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 Mervin Zysset, Sterling, 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, operations under the authority herein granted to be limited to the

use of dump trucks, only.

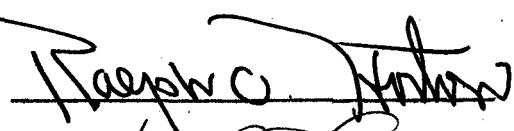


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

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 January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT LANTZ AND JACQUELINE LANTZ, )  
CO-PARTNERS, DOING BUSINESS AS )  
"LANTZ TRUCK LINES," BENNETT, COLO- )  
RADO, TO TRANSFER TO ROBERT L. )  
BURKE, DOING BUSINESS AS "B & V )  
TRUCK LINES," DEERTRAIL, COLORADO, ) APPLICATION NO. 15756-Transfer  
PUC NO. 2004, THAT PORTION OF PUC )  
NO. 559 AUTHORIZING TRANSPORTATION )  
OF MILK AND CREAM AND TO DELETE )  
THEREFROM THE CONFLICTING AUTH- )  
ORITIES BETWEEN PUC NO. 559 AND )  
PUC NO. 2004. )  
----- )

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January 2, 1958  
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Appearances: Coulter & Saviers, Esqs.,  
Aurora, Colorado, by  
Lee Coulter, Esq., for  
Transferors and Transferee.

S T A T E M E N T

By the Commission:

The applicant transferors, Robert Lantz and Jacqueline Lantz, doing business as "Lantz Truck Lines," Bennett, Colorado, are the owners of PUC No. 559, which in general authorizes operation as a motor vehicle common carrier for the transportation of milk and cream in an area surrounding Byers, Colorado. The applicant transferee, Robert L. Burke, doing business as "B & V Truck Lines," Deertrail, Colorado, is the owner of PUC No. 2004, which in general authorizes operation as a motor vehicle common carrier for the transportation of milk and cream in an area adjoining and partly overlapping on the east the territory served by the transferors.

By their present application, filed September 10, 1957, the transferors seek to sever off the easterly portion of their territory and sell it to the transferee, and the transferee agrees that his total authority should thereupon be restated so as to

eliminate any duplicating authority.

Upon due notice to interested persons, this application was heard October 4, 1957, at the Hearing Room of the Commission in Denver, Colorado, and at the conclusion of the evidence, the matter was taken under advisement and now stands submitted for decision.

Mr. Robert Lantz, one of the transferors, testified in support of the application, as did Mr. Robert L. Burke, the transferee. It appears from their testimony that the area to be transferred contains at present only two milk producers and that these two producers cannot economically be served by the transferor but can be served by the transferee. The purpose of this application is to arrange the two authorities so that they conform to the practical economics of the situation which confronts the two carriers. The area to be transferred is essentially rural; no matter of great public import is involved. The consideration for the transfer is \$1,000; no mortgage is involved. Neither carrier has any financial or other interest in the operation of the other carrier. There is no indebtedness connected with the authority to be transferred, except current bills which will be paid.

The parties explained in detail their present operations under their two authorities and explained the extent and nature of the overlapping authority. The Attorney for the parties has drawn a new description of the residual territories of the two carriers, assuming the transfer is approved, and our staff has carefully checked the description in the following Order to see that no injustice is done as a result of the Order. However, the parties are urged to check the descriptions upon receipt of the Order, as the Order will become final and irrevocable unless objection is made within twenty days from its date.

No one appeared in protest and no reason appears why the transfer should not be approved, subject to the condition that the descriptions contained in the following Order shall become the new

and only descriptions of the common carrier authorities mentioned in that Order. An Order will be entered accordingly.

### 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, as set forth in the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That Robert Lantz and Jacqueline Lantz, co-partners, doing business as "Lantz Truck Line," Bennett, Colorado, should be, and they are hereby, authorized to transfer all their right, title and interest in and to the easterly portion of the territory described in their PUC No. 559, included now in the description of PUC No. 2004, set forth below, to Robert L. Burke, doing business as "B & V Truck Lines," Deertrail, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

From the effective date of this Order forward, the authority of PUC No. 559 shall be as follows:

Operation as a common carrier, upon call and demand, for the transportation of milk and cream to Denver and intermediate points, with return of empty cans, from an area described as follows:

Commencing at a point on the Middle Bijou Creek and Highway 40, the same being approximately 1 mile Southeast of Peoria, Colorado; thence Northwest along Highway 40 to Peoria, Colorado; thence West 3 miles; thence South 5 miles to the Deertrail Road (the same being the Southwest corner of Section 13, Township 5 South, Range 61 West of the 6th P. M.); thence East along the Deertrail Road to the point where the Deertrail Road crosses Middle Bijou Creek; thence South along Middle Bijou Creek into Elbert County to a point on the dividing line between Townships 6 and 7 South, which point is approximately 6 miles South of the County line dividing Arapahoe County from Elbert County; thence west to the Highway which directly connects Bennett and Kiowa, Colorado;

thence North to the Arapahoe-Elbert County Line along said Highway; thence West 14 miles; thence North 13 miles; thence East 2 miles; thence North 7 miles; thence East 11 miles; thence North 4 miles; thence East approximately 1 mile, to the road which directly connects Bennett and Prospect Valley; thence North along said road 9 miles; thence East 5 miles; thence North 3 miles; thence East 9 miles; thence South 6 miles to the dividing line between Adams and Weld Counties; thence East to Bijou Creek; thence southerly along Bijou Creek to the point of beginning.

Effective as of the effective date of this Order, all previous descriptions of the authority of PUC No. 559 shall be, and hereby are, cancelled and held for naught.

From the effective date of this Order forward, the authority of PUC No. 2004 shall be as follows:

- (1) The transportation of milk and cream with return of empty cans between Denver, Colorado, and points within the following described territory including Deertrail, Colorado:

Commencing at the Northwest corner of Section 4, Township 4 South, Range 60 West; thence East on North Township Line 4 through Ranges 60, 59, 58 and 57, to the Northeast corner of Arapahoe County; thence due South on County Line between Arapahoe and Washington Counties to the Southeast corner of Section 13, Township 5 South, Range 57 West; thence West on the Center Township Line 5 through Ranges 57 and 58 to the Southeast corner of Section 13, Township 5 South, Range 59 West; thence South on the East Line of Range 59 West, 3 miles to the Southeast corner of Section 36, Township 5 South, Range 59 West; thence West on the Arapahoe and Elbert County Line 6 miles to the Southeast corner of Section 36, Township 5 South, Range 60 West; thence South on the East Line of Range 60 West, 5 miles to the Southeast corner of Section 25, Township 6 South, Range 60 West; thence due West on South Section Lines 25 to 30 inclusive; thence North on West Range Line 60 to the Southeast corner of Section 13, Township 5 South, Range 61 West; thence West 1 mile; thence North 5 miles; thence East 3 miles to Peoria, Colorado; thence North 4 miles to the point of beginning, together with intermediate points of Watkins, Bennett and Strasburg, Colorado, and points on U. S. Highway No. 36.

- (2) Transportation of milk and cream to Denver from points and places on U. S. Highway No. 40 from Limon to Agate, including points within 1 mile of either side of said route; from points and places on U. S. Highway No. 24 from Calhan to Limon; from the Junction of U. S. Highway No. 24 with unnumbered



County road 6 miles east of Matheson and via said unnumbered road to its junction with Colorado Highway No. 71; thence via Colorado Highway No. 71 to Limon; including points within one mile on each side of said routes; including also the Lincoln School stop and including intermediate points on U. S. Highway No. 24 on said routes. Haulage to Denver from said routes may be via U. S. Highway Nos. 40 and 24, also via U. S. Highways Nos. 85 and 24, without service to intermediate points.

- (3) Transportation of milk in the following described territory:

Beginning at a point one mile south of Elbert County Line, point being also one mile West of Byers, Colorado; thence East five miles; thence South nine miles to the end of territory being the SE corner of Section 24, Township 7 South, Range 61 West; thence West five miles; thence North nine miles to point of beginning, also known as "Pines Milk Route," with return of empty cans.

Effective as of the effective date of this Order, all previous descriptions of the authority of PUC No. 2004 shall be, and hereby are, cancelled and held for naught.

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 portion of PUC No. 559 has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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

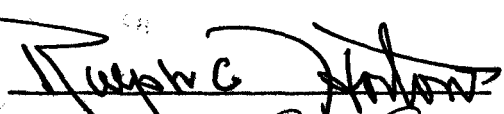


The right of transferee to operate under this Order shall depend upon the prior filing by transferors of delinquent reports,

if any, covering operations under said certificate up to the time of transfer of the portion of said certificate.

A copy of this Order shall be placed in our files concerning PUC No. 559 and also in our file concerning PUC No. 2004.

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 January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF MOUNTAIN VIEW ELECTRIC ASSOCIA-  
TION, INC., A COLORADO CORPORATION,  
COLORADO SPRINGS, COLORADO, FOR AN  
ORDER AUTHORIZING THE ISSUANCE OF  
SECURITIES AND THE APPLICATION OF  
THE PROCEEDS THEREFROM.

APPLICATION NO. 15989-Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed December 30,  
1957, by Mountain View 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 January 16,  
1958, at 10:30 o'clock A. M., Odd Fellows Hall, 220 E Avenue, Limon, Colo-  
rado, respecting the matters involved and the issues presented in this  
proceeding. Any interested municipality or any representative of interested  
consumers or security holders of applicant corporation, and any other person  
whose participation herein is in the public interest, may intervene in said  
proceedings. Intervention petitions should be filed with the Commission  
on or before January 10, 1958, and should set forth the grounds of the pro-  
posed intervention, and the position and interest of the petitioners, in the  
proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holton*  
*John P. Thompson*  
*Joseph F. Nigro*  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of January, 1958.

Original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION )  
OF AURORA TRANSPORTATION COMPANY, )  
2358 WASHINGTON STREET, DENVER, )  
COLORADO, AND PUBLIX CAB COMPANY, )  
2358 WASHINGTON STREET, DENVER, ) APPLICATION NO. 15956 - Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 1529 TO THE AURORA CORPORATION,)   
3455 ARKINS COURT, DENVER, COLORADO. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
THE ENGLEWOOD CORPORATION, 704 )  
EQUITABLE BUILDING, DENVER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. 2450 ) APPLICATION NO. 15957 - Transfer  
TO THE ENGLEWOOD TRANSPORTATION )  
COMPANY, 3455 ARKINS COURT, DENVER, )  
COLORADO. )  
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IN THE MATTER OF THE APPLICATION OF )  
PUBLIX CAB COMPANY, 2358 WASHINGTON )  
STREET, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 1223 ) APPLICATION NO. 15958 - Transfer  
TO THE PUBLIX CORPORATION, 3455 ARKINS )  
COURT, DENVER, COLORADO, AND THE )  
AURORA CORPORATION, 3455 ARKINS COURT, )  
DENVER, COLORADO. )  
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December 31, 1957  
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Appearances: Kobey and Mitchell, Esqs.,  
Denver, Colorado, for  
Publix Cab Company, The  
Englewood Corporation and  
Aurora Transportation Company;  
Charles D. Bromley, Esq.,  
for The Publix Corporation, The  
Englewood Transportation Company,  
and The Aurora Corporation.

S T A T E M E N T

By the Commission:

For the purposes of this decision, Publix Cab Company, operating under  
PUC No. 1223, will be referred to as "Publix;" The Englewood Corporation,

operating under PUC No. 2450, will be referred to as "Englewood;" and Aurora Transportation Company, operating under PUC No. 1529, will be referred as "Aurora," and these three corporations will be referred to as "Transferors." The Publix Corporation will be referred to as "Transferee Publix," The Englewood Transportation Company will be referred to as "Transferee Englewood," and The Aurora Corporation will be referred to as "Transferee Aurora." As a group, these latter three companies will be referred to as "Transferees."

On December 11, 1957, the Transferors and Transferees joined in an application to transfer PUC No. 2450 from Englewood to Transferee Englewood and to transfer from Aurora and Publix to Transferee Aurora all of PUC No. 1529, together with 28 Denver based taxicab units now owned by Publix under PUC No. 1223, and to transfer from Publix to Transferee Publix all of the remaining operating authority contained in PUC No. 1223, consisting of 55 Denver based taxicab units.

#### PUC No. 1529

Pursuant to Decision No. 35891, January 5, 1951, PUC No. 1529, then and now owned by Aurora Transportation Company, was defined as follows:

"For the transportation of passengers and their personal baggage by taxicab within a 16 mile radius of 16th and Champa Streets, Denver, Colorado, and between the City of Aurora and Strasburg, Colorado, and intermediate points between Aurora and Strasburg, provided that no service be rendered from Denver and Englewood to points within the above-described authority except to and from Aurora; applicant shall maintain only one office, that to be located in Aurora, Colorado, but this order shall not prevent the installation of telephone call boxes in any areas to be served hereunder except Denver and Englewood, Colorado."

PUC No. 1450

(DESIGNATED IN THE APPLICATION AS 2450)

PUC No. 1450 is owned by Englewood and is the result of a number of earlier decisions of this Commission which can be referred to as Decision No. 5002, April 26, 1933; Decision No. 5064 (amending Decision No. 5002), June 10, 1933; Decision No. 35487, October 17, 1950; Decision No. 18452, March 3, 1942; Decision No. 32893, June 18, 1949, all of which operating authority was more clearly defined in Decision No. 39375, September 25, 1952, and in Decision No. 41032, July 28, 1953, as follows:

"Decision No. 39375: App. No. 2083, Decision No. 5002 dated 4/26/33 as amended by Decision No. 5064, 6/10/33: Operation of a taxi system for the transportation of passengers from point to point in Englewood and between Englewood, Denver, Littleton, Sheridan, Petersburg, Ft. Logan and other points in the vicinity of Englewood, subject to the conditions hereinafter stated: applicant shall not transport, except between the hours of 12:30 o'clock and 6:00 o'clock A. M. any passengers to any points south of the point of the northern terminus of the Denver and So. Platte Transportation Co.'s line which are within 5 blocks of the route over which said company operates, unless these passengers originate at or are destined to points outside the Town of Englewood, Colo. DEC #35487 clarifies the above authority, by striking therefrom the words "and other points in the vicinity of Englewood," and substituting therefor the words, "and other points within a radius of 16 miles of Englewood, Colo." App. No. 5846, Dec #18452: Transportation of passengers and their baggage from point to point in Littleton, Colo., and within a radius of 10 miles thereof, excluding local service between Ft. Logan & Englewood, & from point to point in Englewood & within a radius of 1 mile thereof. App No. 9851, Dec #32843: Transportation, by taxicab, of passengers & their personal baggage between points in the City and County of Denver, Colo., on the one hand, & points & places within a radius of 16 miles of the City Limits of said City & County of Denver, Colo., on the other hand, provided, however, that he shall not be permitted to establish offices or stands for the solicitation of business outside of the City & County of Denver, Colo." Which authority includes all taxicab operating authority formerly defined in PUC 1450, PUC 681.

"Transportation of passengers and their personal baggage, upon call and demand, from point to point within the geographical limits of the City and County of Denver, State of Colorado, which operation is pursuant to DEC #44944, November 23, 1955, limited to 22 cabs."

(SINCE DECISION 41032, JULY 28, 1953, PUC NO. 1450 HAS BEEN REFERRED TO AND DESIGNATED BOTH BY ENGLEWOOD AND THE COMMISSION AS PUC NO. 2450.)

PUC No. 1223

Publix Cab Company is the owner and operator of PUC No. 1223, described as follows:

"Transportation of passengers and their personal baggage by taxicab between points within Denver and Arvada, Aurora, Broadmoor Country Club, Cherry Hills, Crown Hill, Derby, Englewood, Fairmount, Fitzsimons General Hospital, Fort Logan, Golden, Hart's Corner, J. C. R. S., Lakewood Country Club, Littleton, Loretto Heights, Lutheran Sanatorium, Morrison, Mount Olivet, O. E. S. Home (Sullivan) Rifle Range, Rock Rest and Welby, (Red Rocks Scenic Attraction not included), and other points within the Metropolitan area around Denver, which are outside of the City Limits but within a 12 mile radius of 16th and Champa Streets, Denver."

"Transportation of passengers and their personal baggage by taxicab to and from the City and County of Denver, from and to any and all other counties, cities, towns and points within the State of Colorado."

"Transportation of passengers and their personal baggage by taxicab upon call and demand, from point to point within the geographical limits of the City and County of Denver, State of Colorado, which operation is pursuant to Dec. No. 44944, November 23, 1955, limited to 83 cabs."

PUC No. 1223 derives its operating authority from a number of earlier decisions of the Commission. However, pursuant to Decision No. 43097, July 5, 1954, Publix acquired and now owns 1 additional Denver based unit,

together with the right and authority defined by Decision No. 4320, May 20, 1932, being the State wide authority above described in paragraph 2 of the defined operating authority of PUC No. 1223.

With reference to the operating authority of Transferors, Publix and Englewood, and pursuant to an amendment to the Charter of the City and County of Denver, and further amendment to the Constitution of the State of Colorado, in consequence of which amendments the regulation of taxicabs was vested in the State of Colorado, this Commission did, by Decision No. 41032, July 28, 1953, take jurisdiction over said taxicab operation and recognize the operating authorities of Publix and Englewood to the extent that they were domiciled within the City and County of Denver as so-called "grandfather rights." Thereafter by Decision No. 44944, November 23, 1955, the certificates of Publix were increased from 71 to 82 cabs and of Englewood from 18 to 22 cabs and the operating authority of the 1 unit of Masterson was not increased, but was recognized and was then and now is owned by Publix.

#### APPLICATION NO. 15956

With respect to this application, "Publix" and "Aurora" and "Transferee Aurora" apply jointly for authority to transfer to "Transferee Aurora" all of the operating authorities contained in PUC No. 1529, and in addition for transfer of 28 of the Denver based taxicab units now authorized by PUC No. 1223.

#### APPLICATION NO. 15957

In Application No. 15957 "Englewood" and "Transferee Englewood" join in seeking authority to transfer all rights and authority contained in PUC No. 2450 and 681.



APPLICATION NO. 15958

"Publix" and "Transferee Publix" join in Application No. 15958 in applying for authority to transfer the remaining authority of PUC No. 1223, consisting of 55 units to the "Transferee Publix."

\* \* \* \* \*

The allegations in support of the three above named applications are the same, namely:

1. There have been long standing disputes between the management of Transferors and Transferees, said disputes having transcended the boundaries of healthy competition and said disputes having been contrary to the best interests of the public and the drivers, which disputes will, at the time of the approval of this transfer, be terminated.

2. Substantial items of duplicating overhead can and will be eliminated.

3. Better control of equipment will benefit the public and the drivers.

4. The ratio of dead miles to live miles can and will be improved, thereby saving equipment and improving drivers' earnings.

5. There will be no serious nor substantial dislocation of employees or drivers as the result of the transfer.

\* \* \* \* \*

The three applications were set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 24, 1957, at ten o'clock and upon motion of the Commission and without objection the record of the three applications and hearing was ordered consolidated. After due notice to all parties in interest, said applications were then and there heard and taken under advisement. There were no appearances except for the applicants and no protests.

Attached to the applications were certified copies of the Articles of Incorporation of the Transferees, also attached were copies of the operating authorities sought to be transferred. There was no dispute or conflict in the testimony.

Nathan R. Kobey, as secretary for each of the Transferors, testified as to the terms of the contract, which was then introduced into evidence, the grounds upon which the applicants rely; that it was the intention of the parties that all operating authorities of the Transferors as common carriers of passengers and baggage by taxicab were being conveyed under the contract; that at the time of the application and hearing the Certificates of Public Convenience and Necessity sought to be transferred were in full force and effect; that the required insurance was on file; and that the Transferors had made all reports and paid all highway compensation taxes due on account of the operations of said Transferors and that in the opinion of the witness, Kobey, the transfers are in the best interests of the public and the drivers and in accordance with the legal elements and requirements of public convenience and necessity.

Testimony was introduced that the oral understanding among Transferors and Transferees is, that subject to the approval of this Commission, and

notwithstanding the inability to determine the exact purchase price in accordance with the appraisal, the transfers are to take effect and the Transferees are to take possession of and control said operations at 12:01 A. M. , January 1, 1958.

Walter M. Simon testified that he was secretary-treasurer of the transferee corporations; that the Publix Corporation, upon consummation of the transaction, will become a subsidiary of Yellow Cab, Inc. , which company will invest and dedicate the sum of \$30,000 as permanent capital of Transferee, and will loan Transferee an additional \$86,000, unsecured, and that Transferee has obtained a loan on a secured basis for \$39,000.

Mr. Simon further testified that The Aurora Corporation would become a wholly owned subsidiary of Checker Cab, Inc. , which company will dedicate as permanent capital the sum of \$35,000 and will loan to The Aurora Corporation the sum of \$29,120 on an unsecured basis and that other commitments, both secured and unsecured, had been obtained for loans in the aggregate total of \$78,180.

Mr. Simon further testified that The Englewood Transportation Company would, upon completion, become a wholly owned subsidiary of Airport Limousine Service, Inc. , which would subscribe to \$40,000 of the capital shares of said corporation and would loan, unsecured, \$36,400 and had obtained a loan commitment on a secured basis for \$43,000.

Mr. Simon thereupon identified and there were introduced into evidence three pro-forma balance sheets purporting to give effect to the transfers, but admittedly subject to further confirmation, depending upon the appraisal of equipment, in accordance with the contract of sale.

The contract of sale provides that the Transferees shall pay the Transferors, for their operating authorities, a total aggregate of \$250,000,

together with an appraised value for equipment. Though the appraisal has not been completed and the full purchase price, therefore, not yet determined, the amount to be paid at the time of transfer, to-wit: \$250,000, exceeds the liabilities of the Transferors so that no creditor will be adversely effected by the assumption of management and control by the Transferees. In accordance with the rules of this Commission, Transferors testified that all liabilities will be paid.

The evidence of Mr. Simon was to the effect that management and control of the three transferee corporations will be the same as the management and control of Yellow Cab, Inc. The financial responsibility and operating experience of Transferees were shown to the satisfaction of the Commission.

Mr. Charles Graham testified that he was an attorney at law, and as such represented Yellow Cab, Inc. in connection with its labor relations and in that capacity, he had negotiated with a committee of Publix Cab drivers and that an agreement had been reached which he believed to be satisfactory to Publix Cab drivers and for their benefit and in the interests of labor harmony and peace.

While Application No. 15956 requires the splitting of PUC No. 1223, it appears and the Commission so finds after the above hearing, that said splitting is not contrary to, but rather in the interests of, public convenience and necessity and would have a tendency to insure the continuity of the Aurora service rather than interfere with such service.

## F I N D I N G S

### THE COMMISSION FINDS:

That the transfers proposed in Applications No. 15956, 15957, and 15958 are compatible with the public interest and should be authorized.

## O R D E R

### THE COMMISSION ORDERS:

That Aurora Transportation Company shall be, and hereby is, authorized to transfer to The Aurora Corporation all taxicab operating rights under PUC No. 2358.

That Publix Cab Company shall be, and hereby is, authorized to transfer 28 Denver based taxicabs held under PUC No. 1223 to The Aurora Corporation.

That Publix Cab Company shall be, and hereby is, authorized to transfer to The Publix Corporation all taxicab operating rights under PUC No. 1223, except the 28 units to be conveyed to The Aurora Corporation.

The Englewood Corporation shall be, and hereby is, authorized to transfer to Englewood Transportation Company all taxicab operating rights under PUC No. 2450 and PUC No. 681, provided however that said rights so transferred shall be subject to and operated in accordance with the restrictions and controls imposed by this Commission in Decision No. 39375, September 25, 1952, including, but not limited to, the restrictions appearing on page 11 thereof.

The Commission finds that adequate provision for payment of Transferors' creditors has been made, and that the legal requirements with respect thereto have been met. Said transfers shall become effective at 12:01 A. M., January 1, 1958, provided, however, that said Transferors and Transferees have advised the Commission in writing that said operating rights have been formally assigned, and that the 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 such written acceptance of the terms of

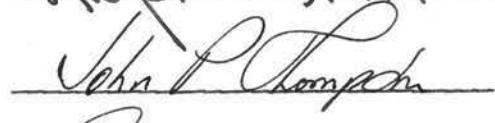

this order within thirty days of the effective date of this order shall automatically revoke the authority herein granted to make the transfer or transfers concerning which such acceptance is not filed.

The tariff of rates, rules and regulations of the Transferor shall become and remain those of the respective Transferees, until changed according to the law and rules and regulations of this Commission.

The right of the respective Transferees to operate under this order shall depend upon the prior filing by the Transferor of delinquency reports, if any, covering operations under the said certificates up to the time of transfer of such certificates and payment by said Transferors or Transferees of all unpaid passenger mile tax, upon completion of which the deposits of Transferor shall be credited and returned to the Transferors.

This Order shall become effective as of 12:01 A. M., January 1, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of December, 1957.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLARD WEBER, 8TH AND GRAND )  
AVENUE, PUEBLO, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE, )  
TO PROVIDE A LIMOUSINE SERVICE, SERV- )  
ING PUEBLO MEMORIAL (MUNICIPAL) AIR- )  
PORT, AT PUEBLO, COLORADO. )

APPLICATION NO. 15560

January 3, 1958

Appearances: Charles F. Keen, Esq., Pueblo,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

On June 6, 1957, the above-styled application was filed with  
the Commission by Willard Weber, Pueblo, Colorado.

The Commission is now in receipt of a communication from  
Charles F. Keen, Attorney for Applicant herein, requesting dismissal  
of said application.

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 Application No. 15560 should be, and the same hereby is,  
dismissed, at request of Attorney for Applicant.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Wm. C. Hobart*  
*John P. Thompson*  
*Joseph F. Kyrie*  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of January, 1958.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )	
CERTAIN RATES OF COLORADO P.U.C. )	
TARIFF NO. 5 OF THE SOUTH SUBURBAN )	INVESTIGATION AND SUSPENSION
WATER COMPANY, 121 EAST PIKES PEAK )	<u>DOCKET NO. 401</u>
AVENUE, COLORADO SPRINGS, COLORADO. )	
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January 6, 1958  
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Appearances: Hughes & Dorsey, Esqs., Denver,  
Colorado, by Allan R. Phipps,  
Esq., for South Suburban  
Water Co.;  
Ammons & Seavy, Esqs., Denver,  
Colorado, for Tri Community  
Civic Corp, Protestants;  
J. M. McNulty, Denver, Colorado,  
and  
Everett R. Thompson, Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On May 6, 1957, the South Suburban Water Company, 121 East  
Pikes Peak Avenue, Colorado Springs, Colorado, filed with the Public  
Utilities Commission of the State of Colorado, a proposed change in  
its Colorado P.U.C. Tariff No. 5, being Fourth Revised Sheet No. 3.  
By this filing, the Company proposed to increase water rates to its  
customers commencing on June 15, 1957.

The Company having duly notified its customers of the pro-  
posed increase, the Commission received numerous complaints from said  
customers protesting the increase. In view of the protests, the Com-  
mission suspended the effective date of the increase in rates for a  
period of one hundred twenty days from June 15, 1957, to October 13,  
1957. The suspension has been continued by stipulation until the  
effective date of our decision of the matter.



The matter was set for hearing, after due notice to all interested parties, at Colorado Springs, Colorado, on Tuesday, October 8, 1957. The presentation of the direct testimony by Applicant in support of its rate increase was concluded on said date. The hearing was then recessed until October 21, 1957, at Colorado Springs, Colorado, at which time cross-examination of the Applicant was held, followed by testimony of the protestants and the Commission's staff. The second phase of the hearing which included cross-examination by Applicant of protestant's witnesses and staff witnesses and rebuttal by South Suburban was concluded on October 23, 1957. At the conclusion thereof the Commission took the matter under advisement. Briefs were filed by South Suburban and the Protestants within the time allotted by the Commission, and the matter now stands submitted for decision.

On August 20, 1957, the Tri Community Civic Corporation filed two documents in this proceeding, one having to do with the production of documents by South Suburban Water Company, and the other requesting this Commission to establish just and reasonable rates for said Company. The South Suburban Water filed a "Motion to Strike" on August 23, 1957, requesting an order from the Commission to strike from the record the documents filed on behalf of Tri Community Civic Corporation. By a written Stipulation by and between the South Suburban Water Company and Tri Community Civic Corporation, filed with the Commission on September 25, 1957, an understanding was reached obviating the necessity for the Commission to hold a hearing or to rule on the "Motion to Strike."

The South Suburban Water Company is a public utility subject to the jurisdiction of this Commission and is the holder of a certificate of public convenience and necessity to render water service in certain delineated territory south of the City of Colorado Springs, including the unincorporated areas of Ivywild, Broadmoor and

North and South Cheyenne Canons. The South Suburban Water Company was originally known as the Brookside Water Company, its name having been changed in 1953. The present Company is also the successor in interest, as far as the distribution of water is concerned, of the Myron Stratton Home Water Department which was purchased by South Suburban Water Company also in 1953. South Suburban Water Company is owned 100% by the Myron Stratton Home, a charitable corporation established pursuant to the will of the late Winfield S. Stratton.

The Myron Stratton Home Water Department and the Brookside Water Company rendered water service originally as two separate and distinct non-affiliated corporations. The Myron Stratton Home Water system was not operated as a public utility. The source of supply of water for both systems is North and South Cheyenne Creeks; in times past there were many conflicts in regard to the division of water. In 1927, the Myron Stratton Home acquired ownership of the Brookside Water Company, but while it controlled the Company it was operated as a separate entity and it was not until 1953 that the South Suburban Water Company came into being, by a change in name from the old Brookside Company. The South Suburban Water Company issued its promissory note for \$958,593.16 to the Myron Stratton Home payable in twenty-five years, bearing interest at the rate of 5% per annum, in exchange for the water rights, plant of the Myron Stratton Home Water system, and for certain system improvements. A subsequent five-year note makes total indebtedness evidenced by notes slightly over \$1,000,000.00 total. This merger and sale was approved by the Commission in Application No. 11887, by Decision No. 40247, of April 10, 1953.

At the instant hearing, the South Suburban Water Company introduced a total of 42 exhibits in its presentation, the Protestants five exhibits and the Staff of the Commission six exhibits. In addi-

North and South Cheyenne Canons. The South Suburban Water Company was originally known as the Brookside Water Company, its name having been changed in 1953. The present Company is also the successor in interest, as far as the distribution of water is concerned, of the Myron Stratton Home Water Department which was purchased by South Suburban Water Company also in 1953. South Suburban Water Company is owned 100% by the Myron Stratton Home, a charitable corporation established pursuant to the will of the late Winfield S. Stratton.

The Myron Stratton Home Water Department and the Brookside Water Company rendered water service originally as two separate and distinct non-affiliated corporations. The Myron Stratton Home Water system was not operated as a public utility. The source of supply of water for both systems is North and South Cheyenne Creeks; in times past there were many conflicts in regard to the division of water. In 1927, the Myron Stratton Home acquired ownership of the Brookside Water Company, but while it controlled the Company it was operated as a separate entity and it was not until 1953 that the South Suburban Water Company came into being, by a change in name from the old Brookside Company. The South Suburban Water Company issued its promissory note for \$958,593.16 to the Myron Stratton Home payable in twenty-five years, bearing interest at the rate of 5% per annum, in exchange for the water rights, plant of the Myron Stratton Home Water system, and for certain system improvements. A subsequent five-year note makes total indebtedness evidence by notes slightly over \$1,000,000.00 total. This merger and sale was approved by the Commission in Application No. 11887, by Decision No. 40247, of April 10, 1953.

At the instant hearing, the South Suburban Water Company introduced a total of 42 exhibits in its presentation, the Protestants five exhibits and the Staff of the Commission six exhibits. In addi-

tion to the briefs previously mentioned, the transcript of the record consists of 426 pages.

#### INCOME AND EXPENSES

The test year adopted for the determination of the reasonableness of the proposed rates terminated June 30, 1957. Various exhibits were introduced proposing certain adjustments for this test year. Some of the adjustments suggested for the test period are reasonable and should be made, while others are not; those not mentioned herein have been found to be without merit.

One of the adjustments proposed relates to establishment of a hypothetical "average year's" use of water; this in turn depended upon the availability of water and the amount of precipitation during the irrigation season. The area of service of South Suburban Water Company has been experiencing periods of drought in recent years and this, coupled with the fact that additional storage capacity was needed, has tended to distort what could be considered normal usage. The Spring of 1957, included in the test period herein, was a season of unusually high precipitation. As one of the adjustments proposed for the test year, the Staff made a study of the precipitation, using as records for the study data obtained from the City of Colorado Springs and the United States Weather Bureau. As a result of this study, it was determined that the calendar year 1956 more nearly approached being a normal year as far as precipitation was concerned than any period in the last seven years. The Engineer witness for the Protestants herein made an independent study to determine a normal year as far as precipitation was concerned and its exhibit substantiates the Staff exhibit. As a result of these studies, we believe that the actual income to the Company for the calendar year 1956 closely approximates a normal year for water sales and we will, accordingly, use the operating revenue for this period as being proper under the test year involved herein. The

total operating revenue, therefore, is as shown on Staff Exhibit No. 1, as adjusted in the amount of \$122,348.73.

Staff Exhibit No. 1 made certain adjustments in the operating expenses, and as a result of the testimony at the hearing, we believe certain additional adjustments are necessary. Late-filed Exhibit No. 42 by Applicant lists the expenses expected to be incurred as a result of the instant matter. These figures were not available prior to the hearing and no provision for them was made by the Staff. We believe that this expense should be amortized over a period of five years and, consequently, we will further adjust Staff Exhibit No. 1 by the addition of \$4,400.00 for regulatory Commission expenses.

Some exceptions were taken to the adjustments made by the Staff for management and supervision expenses. While it is true the Myron Stratton Home owns the South Suburban Water Company, yet any service rendered to water users by employees serving in a dual capacity for the Home and the Water Company is an expense the water users must meet. The Staff adjusted this expense after a study based on the actual time spent by the various employees and trustees and the time devoted to the water company. This adjustment adds \$5,000.00 to the cost of service on an annual basis and we will allow this adjustment. In allocating an expense such as this, a study of the time involved is certainly one way of making the pro-ration and in the instant matter, we believe it to be fair and reasonable and, consequently, will allow the additional expense.

The Company has included in its charge for depreciation an amount representing a five-year write-off of the pumping equipment at the Venetucci wells. Under cross-examination, the witness stated he had no particular reason for the 20% depreciation rate other than that the late Mr. Chamberlain had apparently approved this charge in his capacity as manager of the water company. All of the testimony at the hearing was to the effect that the Venetucci contract was still in

force and effect even though at the moment the matter was in the courts under litigation. We see no compelling reason in this record why this particular item of property should be depreciated on the basis of five years, as the normal life would be approximately twenty years. The Company having failed to sustain the burden of proof for the necessity for the apparent fast write-off, we will adjust the depreciation expense on the Venetucci wells so as to depreciate the pumping equipment over a period of twenty years. The cost of the Venetucci equipment is shown as \$25,157.23, and the depreciation expense as \$5,031.45. On the basis of 5%, or twenty year life, the yearly depreciation expense would be \$1,257.86. The difference between the two amounts would be \$3,773.59, which is the amount that we will decrease the depreciation expense as a result of this adjustment.

The Staff made certain other adjustments as shown on Staff Exhibit No. 1, and we are in accord with said adjustments and will accept the Staff figures as shown on said exhibit with the additional adjustments noted above. Since we have increased the administrative and general expense, in the amount of \$4,400.00, and decreased the depreciation expense in the amount of \$3,773.59, in addition to adjustments made on Staff Exhibit No. 1, the net result is to increase the total operating expense on that Exhibit, which we have adopted, from \$90,966.27 to \$91,592.68, which, in turn, reduces net operating revenue from \$31,382.46 to \$30,756.05 for the test year.

We will also adjust certain figures in the plant account to be set forth later herein, but since the adjustments are for nondepreciable property, no further adjustment is necessary for the item of depreciation expense.

Applicant proposed certain other adjustments to its operating expenses, but we have allowed only those enumerated above either because the expenses have not yet been incurred or because the ex-

penses were out of period selected, or were not properly included as operating expenses. In this latter category, we have in mind depreciation expense on work in progress and proposed construction, and amortization of debt expense which is a below the line charge.

#### RATE BASE

The plant, property and equipment as shown by the books of South Suburban, as of June 30, 1957, amounted to \$1,550,753.23 and the Protestant, the Staff, and the Applicant have all introduced exhibits and testified to changes that should be made to arrive at a proper rate base. Applicant's Exhibit No. 14 sets forth in detail certain adjustments that would affect the above book figure for the plant account if we are to record the historical cost. The Staff of the Commission in its Exhibit No. 2 has adjusted the plant account in the amount of \$40,485.75 as a result of certain data presented in Exhibit No. 14. We feel this adjustment should be made and also certain additional adjustments as set forth in said Exhibit No. 14. We feel a further adjustment is necessary to book the historical cost by reversing the entry on the books of the Company in the amount of \$17,340.41, consisting principally of the write down of water rights, and to also again reverse on the books of the Company the entry for water rights in the amount of \$16,347.59. Since the adjusting entries having to do with water rights are non-depreciable, no adjustment need be made in the depreciation reserve. However, it is our intent to allow the deduction of the \$40,485.75 from the plant account, we will also adjust the depreciation reserve for the accrued depreciation. The Staff has made an adjustment in the amount of \$12,145.73, but testimony revealed that the Company over the years had been using a different rate of depreciation than that calculated by the Staff. We believe that the correct amount to be deducted from the depreciation reserve is \$26,751.82 as calculated by Applicant on Exhibit No. 31.

While a test year is used so as to have a fixed period for examination of operating data, otherwise the rate case would never come to a conclusion because of the changing day-to-day operations, we nevertheless will add certain items to the plant account which apparently were under construction as of the close of the test period. One item of shop equipment in the amount of \$134.50 for a chlorine injector should be added. An item in the amount of \$3,369.08 for the grouting of the reservoir is another. Distribution mains under construction as of June 30, 1957, amounted to \$11,537.40 and should also be included. These three items are shown on Applicant's Exhibit No. 41. As to the other items claimed by Applicant shown on Exhibit No. 41 or claimed elsewhere, we do not believe that they should be allowed or included, either because they are out of period items that were not under construction as of the test date, or they are not properly includable as a part of the rate base.

There was considerable testimony in regard to Customer Contributions in Aid of Construction and Advances in Aid of Construction. In setting up a rate base, the Staff has deducted the Contribution in Aid of Construction in toto, amounting to \$23,793.13, and has also deducted Customers Advances for Construction in the amount of \$61,419.00 being the unrefunded portion of these advances. On the basis that this is customer money, we feel it to be a proper deduction from the rate base and accordingly these amounts as set forth will be deducted. On Exhibit No. 41, Applicant has set forth two additional amounts that have to do with Customer Advances for Construction. Since we intend to deduct all unrefunded advances, there would be no point in adding these amounts to the plant account and then deducting the same amount from the rate base. Both of these items are subsequent to June 30, 1957, and while they may have been under construction, the fact that the customer advanced the money precludes them from being in the rate base under the treatment we propose herein. After making the above ad-



justments, we believe that an item for materials and supplies should be allowed in the amount of \$16,329.04, together with working capital in the amount of \$12,690.50. The above allowance for working capital is larger than said allowance would normally be where a utility is billing all of its customers monthly, but since this utility is billing on a quarterly basis at the present time, we feel that above amount is necessary. Set out below is a tabulation of the rate base reflecting all the adjustments which we have enumerated and which we feel are necessary to arrive at the proper rate base for the Applicant herein:

<u>RATE BASE</u>		
	<u>ADJUSTMENTS</u>	<u>AS ADJUSTED BY COMMISSION</u>
<u>PLANT IN SERVICE</u> (Staff Exhibit No. 2)		\$1,510,267.48
<u>PLANT UNDER CONSTRUCTION</u>		
Chlorine Ejector	\$ 134.50	
Grouting Reservoir	3,369.08	
Distribution Mains	11,537.40	
Total Plant Under Construction		15,040.98
To Adjust Water Rights & Misc. (Exhibit No. 14, Page 2)	17,340.41	
To Adjust Water Rights (Exhibit No. 14, Page 5)	(16,347.59)	
Net Adjustment for Water Rights		992.82
<u>TOTAL PLANT IN SERVICE &amp; UNDER CONSTRUCTION</u>		\$1,526,301.28
Materials & Supplies		16,329.04
Working Capital		12,690.50
		<u>\$1,555,320.82</u>
<u>DEDUCT</u>		
Depreciation Reserve as Adjusted (a)	\$ 316,715.37	
Contributions in Aid of Construction	23,793.13	
Customer's Advances for Construction	<u>61,419.00</u>	
Total Deductions		\$ 401,927.50
<u>NET RATE BASE</u>		\$1,153,393.32

(a) \$343,467.19 - \$26,751.82 = \$316,715.37.

Based on the operating revenues as adjusted by the Commission in the amount of \$30,756.05 and the rate base set forth herein, Applicant earned 2.67% return, for the test year.

It is obvious that the applicant is entitled to increased earnings and indeed must have them if it is to continue safe and efficient service, cover its settling basins, and make other system changes it now faces. Our problem is to determine how great an increase is required.

In arriving at our decision, we have taken into account, among other matters, certain things which set this company apart from others in the utility field. It is a relatively small company and both its service territory and its limited supply of water restrict its growth possibilities. Its investments in future plant, consequently, will not be from the service of additional customers, but principally will be improvement and replacement of existing facilities at higher cost without producing increased revenues. It does not have the flexibility of income, nor the ability to recover from other sources losses it sustains in its service area, which characterizes large integrated companies. It is not as attractive an investment opportunity as larger companies, therefore, and if it is to obtain funds it needs for system improvements, an income sufficient to assure repayment must be provided.

Another unusual feature of this company is its high debt ratio: debt amounts to 90% of the rate base we have adopted. This unusual condition has several consequences: on the one hand, the expense is reduced, interest payments being tax deductible; but a company with a high debt ratio is a less attractive investment than one with a high proportion of equity, and higher yields must therefore be paid to attract capital; and with the fixed obligation so great, in relation to assets, a small drop in revenues raises the

specter of bankruptcy. All of these circumstances marshal in favor of allowing a higher rate of return on rate base than prevails in a large integrated utility.

On the other hand, operations of the Company in recent years have resulted in the accumulation of a loss carry-forward such that it appears no Federal income tax will actually have to be paid for approximately one year. The retention of this money within the Company reduces the number of dollars required to be obtained through rate of return.

There is, however, the matter of debt amortization. Though this company's present obligations do not require establishment of a sinking fund, yet it must be recognized that outstanding debt must be paid, and preparations must be made for payment. Depreciation rates are low enough that they will not generate cash fully to meet these obligations within the allotted time; after payment of interest, any normal rate of return will leave only a relatively small number of dollars available for surplus, to supplement other cash generated. Continuity of service and investment assumes that some progress will be made on net worth -- that the company will not be borrowing merely to stay even. While we do not believe that any specific amount should be provided "below the line" for debt amortization in this case, yet clearly our result must provide sufficient funds in total to meet all of the demands for money the company faces.

Taking into account all of the unique facts and circumstances affecting this Company, we conclude that a rate of return of 6.50% on the adjusted rate base we have selected will result in just and reasonable rates, and is necessary to be allowed if this Company is to continue to render efficient, safe, and economical service to the public.

A 6.50% rate of return on said rate base would amount to \$74,970.00. In a normal test year, Applicant would have operating revenues in the amount of \$122,348.73 on its present rates and set

forth below is a tabulation showing the additional operating revenue which it would be entitled to earn in order to arrive at the above rate of return.

TOTAL OPERATING REVENUES REQUIRED @ 6.50%		\$178,421.00
Operating Expense Before Income Taxes	\$ 91,593.00	
Federal & State Income Taxes	11,858.00	
Total Operating Expenses		<u>103,451.00</u>
Net Operating Income		<u>\$ 74,970.00</u>
Required Operating Revenues		178,421.00
Operating Revenues on Present Rates		<u>122,349.00</u>
Necessary Additional Operating Revenues to earn 6.5%		\$ 56,072.00

On Exhibit No. 22A, Applicant set forth the operating revenues that it believed it would derive if the rate proposed by the Company were to become effective. We are not in accord with the method Applicant used to determine the operating revenue under its proposed rate filing since the method of calculation is subject to criticism because of the small number of sample bills used and the method of selecting said samples. However, if we accept for the moment the anticipated revenues in the amount of \$200,468.00, as shown on Exhibit No. 22A and the Operating Expenses set forth for the test year, Applicant would earn 7.28% <sup>(1)</sup> on the rate base which we have set forth herein. We believe this rate of return is too high and, consequently, the rates as proposed by Applicant and as filed with the Commission are excessive, unjust, unreasonable and should not be permitted to become effective.

Applicant at the present time is reading and billing its customers on a quarterly basis and has staggered the meter and billing periods so that it is billing approximately one-third of its customers

(1) Operating Expense \$91,593.00, Income Taxes \$24,880.00, Net Operating Income \$83,995.00.

every month. In our Order to follow, we will permit Applicant to file a rate to bring in certain operating revenues to enable Applicant to earn 6.50% on the rate base as previously determined. The rates when filed by Applicant will be permitted to become effective on the first of the following month and, in order to prevent undue discrimination, Applicant should pro rate the charges for water on its bills as between the old and the new rates.

In the operation of the Water Company in times past, it was apparent that because of the physical limitations of the transmission system, water was being spilled either into Cheyenne Creek or into the Myers Ditch when it would have been to an advantage to both the customers and the Company to utilize at least a part of this water for domestic purposes. Under the Agreement of Sale between South Suburban and Myron Stratton Home, the Home retained irrigation water rights on so-called "excess water." Apparently, the determination of "excess water" is at the discretion of the Home since it is, in effect, the sole operator involved. It would appear that as time goes on there will be a larger and larger demand for domestic water on this system, and in the interests of all concerned a means should be provided to utilize a part of this water that has in the past been allowed to flow down stream. There was testimony at the hearing to the effect that a cross-connection was to be installed between the North and South Cheyenne systems, but that work was being held up because of the difficulty of installing the line in the summer when the stream flow was high. The inference in the record is that this line is to be installed. We believe that the installation of this line is necessary and in our Order to follow we will require that the Company install this cross-connection in the interests of better service and better utilization of water in the future.

The staff of the Commission in examining the records of the

South Suburban Water Company were able to check the books and accounts, but apparently they are not being kept in accordance with the Uniform System of Accounts for Water Utilities as prescribed by this Commission. As near as can be determined from the record herein, the records being kept are accurate as far as accounting is concerned, but are not in accordance with the Uniform System. In our Order to follow, we will require that Applicant set up its books and accounts in accordance with the system as prescribed by this Commission.

The matter of the corporate relationships between the Myron Stratton Home, the Brookside Water Company, and the South Suburban Water Company has been clearly set forth on the record herein. There has been some concern expressed in regard to the purchase price for the water properties that were finally acquired and that now comprise the South Suburban Water Company. Some of the properties acquired while used for the rendering of water service were not necessarily classed as public utility property and therefore have a different category as far as determining original cost is concerned. Because of the lack of arms-length bargaining in the purchase and sale of the properties acquired by South Suburban Water Company, we have scrutinized these transactions to make sure that the amounts paid were not unreasonable. We are dealing, in effect, with the Myron Stratton Home as the sole owner directly or indirectly of all the properties herein, but, nevertheless, on the record before us we did not find where any of the costs involved were unreasonable.

We have carefully reviewed the record herein, together with the exhibits and briefs as submitted. Our failure to comment on each and every point that was raised, either at the hearing or in the briefs, does not mean we have not carefully weighed all of such matters. In making our determination herein, we have confined our attention to those issues which we believe to be most pertinent to the determination

of the matters at issue.

## F I N D I N G S

### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of the South Suburban Water Company and of the subject matter involved herein.
2. That the Commission is fully advised in the premises.
3. That the above Statement be made a part of these Findings by reference.
4. That the rates as filed by South Suburban Water Company with this Commission on May 6, 1957, being Fourth Revised Sheet No. 3 of its Colorado P.U.C. Tariff No. 5, proposing to increase the charges for water service to customers of said Company are unjust, unreasonable, and should not be permitted to become effective.
5. That the fair value of the rate base upon which Applicant should be entitled to earn a fair rate of return is \$1,153,393.32 and that the fair rate of return on said rate base is 6.50%.
6. That Applicant should be permitted to file new rates increasing the charge for water service to its customers in an amount to increase its gross annual operating revenues \$56,072.00, which should enable it to earn said fair rate of return, after payment of its operating expenses, depreciation and taxes.
7. That said new rates when filed should be permitted to become effective on the first day of February, 1958, and that Applicant shall pro rate its water bills in accordance with the preceding Statement.
8. That Applicant should install, within six months of the effective date of the Order herein, a transmission line interconnecting its North and South Cheyenne Creek distribution facilities so as to enable it to render a more adequate water service in the future.
9. That Applicant should set up its books and accounts and maintain same in accordance with the Uniform System of Accounts for

Water Utilities as prescribed by this Commission.

O R D E R

THE COMMISSION ORDERS:

That the rates as filed by South Suburban Water Company with this Commission on May 6, 1957, being Fourth Revised Sheet No. 3 of it Colorado P.U.C. Tariff No. 5, proposing to increase the charges for water service to customers of said Company are unjust, unreasonable and are hereby not permitted to become effective.

That Applicant be, and hereby is, authorized to file new rates, on not less than one (1) day's notice in the manner prescribed by law and the rules and regulations of this Commission, increasing the charge for water service to its customers in an amount to increase its gross annual operating revenues \$56,072.00 based on the test year.

That the water rates permitted to be filed herein are just and reasonable and permitted to become effective on the first day of February, 1958.

That Applicant shall pro rate its water bills so as to properly reflect the amount of water sold under the old and the new rates so that there will be no undue discrimination.

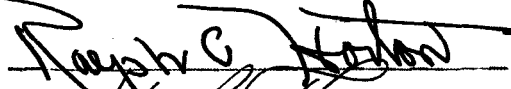
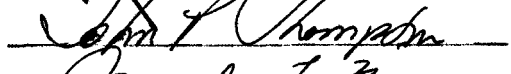
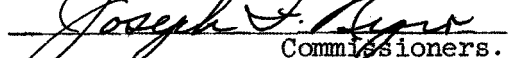
That Applicant shall install, within six (6) months of the effective date of the Order herein, a transmission line interconnecting its North and South Cheyenne Creek distribution facilities.

That Applicant shall, within ninety (90) days of the effective date of the Order herein, set up its books and accounts and maintain the same in accordance with the Uniform System of Accounts for water utilities as prescribed by this Commission.

That Investigation and Suspension Docket No. 401 be, and it hereby is, closed.

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 January, 1958.  
mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN B. MAURO, DOING BUSINESS AS )  
"MAURO MOTOR SALES," 4140 TEJON ST., )  
DENVER 11, COLORADO. )  
----- )

PERMIT NO. M-238

-----  
January 6, 1958  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
John B. Mauro dba Mauro Motor Sales  
requesting that Permit No. M-238 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-238, heretofore issued to \_\_\_\_\_  
John B. Mauro dba Mauro Motor Sales \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective October 9, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 6th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. O. BUCKNER, DOING BUSINESS AS )  
"BUCKNER FUEL & FEED," ELBERT, )  
COLORADO. )  
----- )

PERMIT NO. M-1983

-----  
January 6, 1958  
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STATEMENT

By the Commission:

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

C. O. Buckner dba Buckner Fuel & Feed

requesting that Permit No. M-1983 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1983, heretofore issued to \_\_\_\_\_

C. O. Buckner dba Buckner Fuel & Feed

be,

and the same is hereby, declared cancelled effective November 22, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holman*  
\_\_\_\_\_  
*John Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 6th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILFRID H. COOZE, DOING BUSINESS AS )  
"COOZE AUTO SUPPLY," 4TH AND GRAND, )  
PUEBLO, COLORADO. )  
----- )

PERMIT NO. M-4003

-----  
January 6, 1958  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Wilfrid H. Cooze dba Cooze Auto Supply  
requesting that Permit No. M-4003 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4003, heretofore issued to \_\_\_\_\_  
Wilfrid H. Cooze dba Cooze Auto Supply \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective September 15, 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 6th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONALD B. AND LUCILLE F. MURRAY, )  
DOING BUSINESS AS "MURRAY RADIO CO.," )  
BOX 377, FORSYTH, MISSOURI. )  
----- )

PERMIT NO. M-7041

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January 6, 1958  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Donald B. and Lucille F. Murray dba Murray Radio Co.  
\_\_\_\_\_  
requesting that Permit No. M-7041 be cancelled.

FINDINGS

THE COMMISSION FINDS:

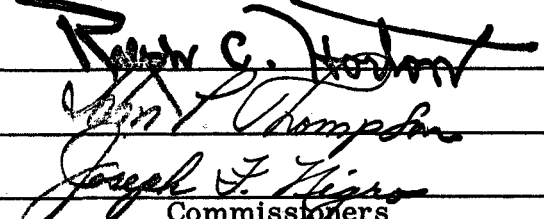
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7041, heretofore issued to \_\_\_\_\_  
Donald B. and Lucille F. Murray dba Murray Radio Co. \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 6, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 6th day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
EARL BRYAN, GENERAL DELIVERY, ULYSSES )  
KANSAS. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-8489

-----  
January 6, 1958  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Earl Bryan  
requesting that Permit No. M-8489 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8489, heretofore issued to \_\_\_\_\_  
Earl Bryan \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective June 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 6th day of January, 195 8.

ma

original

(Decision No. 49318)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TONY PISCIOFFE, 2025 EAST 12TH )  
STREET, PUEBLO, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 15885

-----  
January 8, 1958  
-----

Appearances: Tony Pisciotte, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at the Court House in Pueblo, Colorado, on November 27, 1957, with notice to all interested parties, and was there heard and taken under advisement.

By application filed October 31, 1957, applicant seeks to establish his "Grandfather Rights" as an ash and trash hauler in the City of Pueblo, Colorado, and has made application to obtain such authority from this Commission, the City of Pueblo having filed its Consent to the application.

Applicant appeared in support of his application. He stated that he has been active in this kind of hauling for approximately ten years, and that he was conducting the operation referred to prior to, up to, and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting this Commission jurisdiction over the operations of common carriers by motor vehicle for hire in home-rule cities, such as Pueblo, Colorado. He also stated that he had obtained the proper city licenses each year, and has ample equipment with which to carry on his operations.

No one appeared in opposition to the granting of the instant application.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That public convenience and necessity require the proposed service of applicant and that certificate of public convenience and necessity should issue therefor.

### O R D E R

#### THE COMMISSION ORDERS:

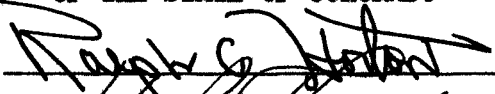
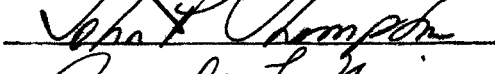
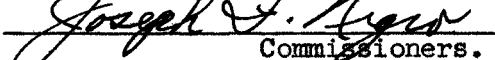
That public convenience and necessity require the proposed motor vehicle common carrier call and demand service of Tony Pisciotte, 2025 East 12th Street, Pueblo, Colorado, for the transportation of trash, ashes, rubbish, dirt, junk and any other waste matter in and around and within a fifteen-mile radius of the City of Pueblo, Colorado, to dumps and disposal places designated for this purpose, 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.

Dated at Denver, Colorado,  
this 8th day of January, 1958.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEO. W. MC INTIRE, GRANBY, COLORADO. )

PERMIT NO. M-9767

January 6, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Geo. W. McIntire

requesting that Permit No. M-9767 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9767, heretofore issued to \_\_\_\_\_  
Geo. W. McIntire \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 16, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ray C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 6th day of January, 1958.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PAUL R. MAEZ, 726 ELM STREET, )  
LEADVILLE, COLORADO. )

PERMIT NO. M-10375

January 6, 1958

## STATEMENT

By the Commission:

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

Paul R. Maez

requesting that Permit No. M-10375 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-10375, heretofore issued to \_\_\_\_\_  
Paul R. Maez be,  
 and the same is hereby, declared cancelled effective November 28, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

9

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

Dated at Denver, Colorado,

this 6th day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROY B. CASE, DOING BUSINESS AS "FORT )  
COLLINS EQUIPMENT COMPANY," 416 )  
JEFFERSON, FORT COLLINS, COLORADO. ) PERMIT NO. M-10600  
\_\_\_\_\_)  
\_\_\_\_\_)

\_\_\_\_\_  
January 6, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Roy B. Case dba Fort Collins Equipment Company  
requesting that Permit No. M-10600 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10600, heretofore issued to \_\_\_\_\_  
Roy B. Case dba Fort Collins Equipment Company \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 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 6th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HARRY WRAGE, 4560 TELLER STREET, )  
WHEATRIDGE, COLORADO. )

PERMIT NO. M-11159

January 6, 1958

## STATEMENT

By the Commission:

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

Harry Wrage

requesting that Permit No. M-11159 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-11159 , heretofore issued to \_\_\_\_\_

Harry Wrage be,

and the same is hereby, declared cancelled effective December 8, 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 6th day of January , 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EARL L. COOK, ELIZABETH, COLORADO. )

PERMIT NO. M-11935

January 6, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Earl L. Cook  
requesting that Permit No. M-11935 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11935, heretofore issued to \_\_\_\_\_  
Earl L. Cook \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective November 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 6th day of January, 195 8.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LOUISE BEK, ADMINISTRATRIX OF THE )  
ESTATE OF WILLIAM BEK, DOING BUSINESS )  
AS "BEK GRAIN COMPANY," BOX 259, )  
FALLS CITY, NEBRASKA. )  
----- )

PERMIT NO. M-12483

-----  
January 6, 1958  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Louise Bek, administratrix of the estate of William Bek dba Bek Grain Company  
requesting that Permit No. M-12483 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12483, heretofore issued to Louise Bek,  
administratrix of the estate of William Bek dba Bek Grain Company be,  
and the same is hereby, declared cancelled effective December 3, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Horton  
John Thompson  
Joseph F. Higo  
Commissioners

Dated at Denver, Colorado,

this 6th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROSS E. BOWEN, 2204 NORTH NEVADA, )  
COLORADO SPRINGS, COLORADO. )

PERMIT NO. M-13449

January 6, 1958

## STATEMENT

By the Commission:

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

**Ross E. Bowen**

requesting that Permit No. M-13449 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-13449 , heretofore issued to \_\_\_\_\_

Ross E. Bowen

and the same is hereby, declared cancelled effective December 16, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 6th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EDWIN S. MC CRACKEN, DOING BUSINESS )  
AS "RED HAT TRADING POST," P. O. BOX )  
3525, 919 EAST JACKSON STREET, )  
PHOENIX, ARIZONA. )  
-----

PUC NO. 2249-I

-----  
January 6, 1958  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edwin S. McCracken, dba "Red Hat Trading Post," P. O. Box 3525, 919 East Jackson St., Phoenix, Arizona, requesting that Certificate of Public Convenience and Necessity No. 2249-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

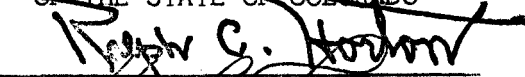
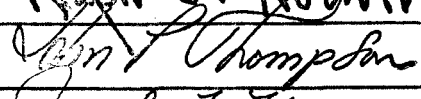
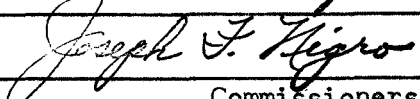
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2249-I, heretofore issued to Edwin S. McCracken, dba "Red Hat Trading Post," P. O. Box 3525, 919 East Jackson Street, Phoenix, Arizona, be, and the same is hereby, declared cancelled effective December 3, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 6th day of January 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
B M B CLAY HAULERS, INC., 929 EAST )  
ELLSWORTH, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER PERMIT NO. ) APPLICATION NO. 15947-PP-Transfer  
B-3648 TO DUANE J. BRUNO, 929 EAST )  
ELLSWORTH, DENVER, COLORADO. )  
-----)

-----  
January 6, 1958  
-----

S T A T E M E N T

By the Commission:

By the above-styled application, B M B Clay Haulers, Inc., Denver, Colorado, owner and operator of Permit No. B-3648, seeks authority to transfer said operating rights to Duane J. Bruno, Denver, Colorado, said Permit No. B-3648 being the right to operate as a private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver; natural fertilizer between points within a radius of fifty miles of Denver, Colorado; cinders from Lafayette, Colorado, to Denver, Colorado; clay, from mines in Jefferson, Arapahoe, and Adams Counties, to Denver and Golden, Colorado, and to points within a radius of ten miles of Denver and Golden, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 30, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

Notwithstanding said notice, applicants failed to appear, either in person or by counsel, at the time and place designated for hearing.



Thereupon, the files were made a part of the record, and the matter was heard and taken under advisement.

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That B M B Clay Haulers, Inc., Denver, Colorado, should be, and hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-3648 -- with authority as set forth in the preceding Statement, which is made a part of this Order, by reference -- to Duane J. Bruno, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

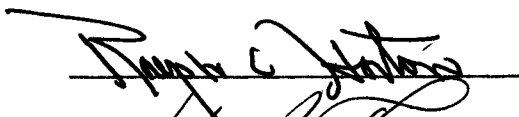


That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and

regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROLLIE WESTERKAMP, 5003 GRANT )	
STREET, DENVER, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 15950</u>
AND NECESSITY, AUTHORIZING OPERA- )	
TIONS AS A COMMON CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	
----- )	

-----  
January 6, 1958  
-----

Appearances: Charles Ozias, Jr., Esq.,  
Denver, Colorado, and  
Clarence Werthan, Esq.,  
Denver, Colorado, for  
Applicant.

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 conduct of a general express, cartage, and transfer business between points within the City and County of Denver, State of Colorado, by virtue of "Grandfather Rights."

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, December 30, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has been operating a general express, cartage, and transfer business between points within the City and County of Denver, Colorado, for thirty years, and was so engaged on January 1, 1955; that he is desirous of establishing his Grandfather Rights by the instant application.

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 appears that inasmuch as applicant herein was operating his general express, cartage and transfer business within the City and County of Denver, Colorado, 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, he has established Grandfather Rights.

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

##### THE COMMISSION FINDS:

That public convenience and necessity require applicant's operation as a common carrier by motor vehicle for hire, 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 public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Rollie Westerkamp, Denver, Colorado, for the conduct of a general express, cartage, and transfer business between points within the City and County of Denver, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

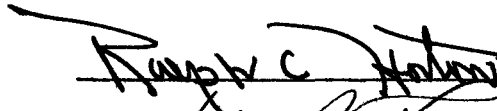


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD E. MC COMB, 3460 SOUTH )  
CANOSA COURT, ENGLEWOOD, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS ) APPLICATION NO. 15949-PP-Extension  
UNDER PERMIT NO. B-5371. )  
----- )

-----  
January 6, 1958  
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Appearances: Mrs. Donald E. McComb,  
Englewood, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Donald E. McComb,  
Englewood, Colorado, owner and operator of Permit No. B-5371,  
authorizing him to operate as a private carrier by motor vehicle  
for hire, for the transportation of:

sand, gravel, and other road-surfacing materials  
used in the construction of roads and highways,  
from pits and supply points in the State of Colo-  
rado, 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 rail-  
road loading points, and to homes and small con-  
struction jobs within a radius of fifty miles of  
said pits and supply points; sand, gravel, dirt,  
stone, and refuse, from and to building construc-  
tion 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, operations to be  
limited to the use of dump trucks, only,

seeks authority to extend operations under said permit, to include  
the right to transport coal, from mines in the northern Colorado  
coal fields to Denver, Colorado, and to Valmont, Colorado; clay and  
feldspar, from pits and supply points within a radius of seventy-five  
miles of Denver, Colorado, to Denver, Colorado; natural fertilizer,

from supply points within a radius of seventy-five miles of Denver, Colorado, to Denver, and to points within a radius of fifteen miles thereof.

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, December 30, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, 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 extended 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 authority sought should be granted, operations to be limited to the use of dump trucks, only.



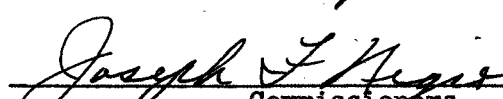
#### O R D E R

##### THE COMMISSION ORDERS:

That Donald E. McComb, Englewood, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-5371, to include the right to transport coal, from mines in the northern Colorado coal fields, to Denver, Colorado, and to Valmont, Colorado; clay and feldspar, from pits and supply points within a radius of seventy-five miles of Denver, Colorado, to Denver, Colorado; natural fertilizer, from supply points within a radius of seventy-five miles of Denver, Colorado, to Denver, and to points within a radius of fifteen miles thereof, operations hereunder to be limited to the use of dump trucks, only.

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 6th day of January, 1958.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN S. GRIFFITH AND RAY M. GRIF- )  
FITH, CO-PARTNERS, DOING BUSINESS )  
AS "ACE CAB CO.," 176 NORTH COLLEGE ) APPLICATION NO. 15940-Extension  
AVENUE, FORT COLLINS, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 376. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
JOHN S. GRIFFITH AND RAY M. GRIF- )  
FITH, CO-PARTNERS, DOING BUSINESS )  
AS "ACE CAB CO.," 176 NORTH COLLEGE ) APPLICATION NO. 15941-Transfer  
AVENUE, FORT COLLINS, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 376 )  
TO JOHN S. GRIFFITH, DOING BUSINESS )  
AS "ACE CAB COMPANY," 176 NORTH )  
COLLEGE AVENUE, FORT COLLINS, COLO- )  
RADO. )  
----- )

-----  
January 6, 1958  
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Appearances: John S. Griffith, Fort Collins,  
Colorado, pro se;  
Ray M. Griffith, Fort Collins,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, John S. Griffith and Ray M. Griffith, co-  
partners, doing business as "Ace Cab Company," Fort Collins, Colo-  
rado, were granted a certificate of public convenience and necessity,  
authorizing them to operate as a common carrier by motor vehicle for  
hire, for the transportation of:

passengers, on call and demand, in and out of  
Fort Collins, subject to the following conditions:

- (a) the radius of taxi operations shall not exceed  
75 miles;
- (b) no sightseeing operations shall be conducted  
except to those points named in the tariff to be  
kept on file with the Commission;

(c) rates shall on all trips made to points having regular service -- whether by rail or motor vehicle -- be thirty-three and one-third per cent greater per passenger than effective rates of scheduled carriers;

(d) none of the operations shall be on schedule, said operating rights being known as "PUC No. 376."

By Application No. 15940, said certificate-holders seek authority to extend operations under PUC No. 376 to include the right to operate a taxicab service within the City of Fort Collins, Colorado, and by Application No. 15941, said certificate-holders seek authority to transfer said PUC No. 376 to John S. Griffith, doing business as "Ace Cab Company," Fort Collins, Colorado, said Ray M. Griffith being desirous of withdrawing from said partnership.

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, December 30, 1957, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration for transfer of an undivided one-half interest in and to PUC No. 376 is the sum of Six Thousand Dollars.

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

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

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

##### THE COMMISSION FINDS:

That public convenience and necessity require the extended motor vehicle common carrier operations requested by Applicants in Application No. 15940, and that certificate of public convenience and necessity should issue therefor, as set forth in the following Order.

That the proposed transfer, requested by Application No. 15941, is in the public interest, and should be authorized, subject

to payment of outstanding indebtedness against said certificate, if any there be.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of John S. Griffith and Ray M. Griffith, co-partners, doing business as "Ace Cab Company," Fort Collins, Colorado, under PUC No. 376, to include the right to operate a taxicab service within the City of Fort Collins, 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 John S. Griffith and Ray M. Griffith, co-partners, doing business as "Ace Cab Company," Fort Collins, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 376 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference, and as extended by authority herein granted under Application No. 15940 -- to John S. Griffith, doing business as "Ace Cab Company," Fort Collins, Colorado, said Ray M. Griffith being hereby authorized to withdraw from said partnership, said transfer to be subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have


advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Ralph C. Hurlant  
John P. Thompson  
Joseph I. Higin  
Commissioners,

Dated at Denver, Colorado,  
this 6th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN A. FRESQUEZ, 3245 WILLIAMS )  
STREET, DENVER, COLORADO, FOR AU- ) APPLICATION NO. 15948-PP-Extension  
THORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-4846. )  
----- )

-----  
January 6, 1958  
-----

Appearances: John A. Fresquez, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein is presently the owner and operator of  
Permit No. B-4846, authorizing him to operate as a private carrier  
by motor vehicle for hire, for the transportation of:

sand, gravel, and other road-surfacing materials  
used in the construction of roads and highways,  
from pits and supply points in the State of Colo-  
rado, to road 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, excluding  
service in Boulder, Clear Creek, and Gilpin  
Counties.

By the above-styled application, said permit-holder seeks  
authority to extend operations under said Permit No. B-4846, to  
include the right to transport peat moss, clay, and natural fertil-  
izer, from pits and supply points in the State of Colorado, to  
processing plants within a radius of seventy-five miles of said  
pits and supply points, and to Denver, Colorado, and to points  
within a radius of fifteen miles of Denver, Colorado; sand, gravel,  
and other road-surfacing materials used in the construction of  
roads and highways, from pits and supply points in the State of  
Colorado, to road jobs, mixer and processing plants within a  
radius of fifty miles of said pits and supply points; sand and

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

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 30, 1957, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

No one appeared in opposition to the granting of the authority herein 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 extended motor vehicle service 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 authority herein sought should be granted, operations thereunder to be limited to the use of dump trucks, only.

#### O R D E R

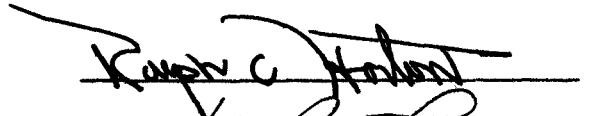
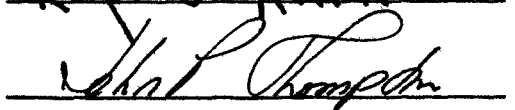
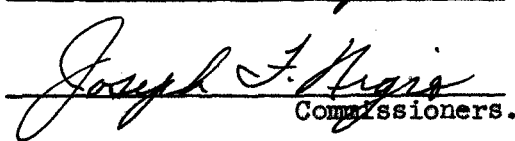
##### THE COMMISSION ORDERS:

That John A. Fresquez, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4846, to include the right to transport peat moss, clay, and natural fertilizer, from pits and supply points in the State of Colorado, to processing plants within a radius of seventy-five miles of said pits and supply points, and to Denver, Colorado, and to points within a radius of fifteen miles of Denver, Colorado; 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, operations hereunder to be limited to the use of dump trucks, only.

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 6th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ADAM SCHLAGEL, DOING BUSINESS AS )  
"A & F TRASH DISPOSAL," 1661 GENEVA, ) APPLICATION NO. 15946-PP  
AURORA, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
January 6, 1958  
-----

Appearances: Adam Schlagel, Aurora,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Adam Schlagel, doing business as "A & F Trash Disposal," Aurora, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of refuse, from and to building construction jobs, and between points within a radius of fifteen miles of Denver, Colorado, for Francis Construction Company, only.

Said matter was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., December 30, 1957, due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, applicant appeared, requesting the Commission to continue said matter for hearing at a later date.

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:

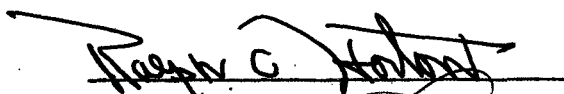


That Application No. 15946-PP should be, and the same hereby



is, continued, at the request of Applicant herein, said matter 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 as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

BILL WOOD, DOING BUSINESS AS )  
"CORTEZ TAXI AND TRANSFER SERVICE," )  
(PUC NO. 1689), CORTEZ, COLORADO, )  
Complainant, )  
vs. )  
CANNON BALL, INC., (PUC NO. 1911), )  
DURANGO, COLORADO, )  
Defendant. )  
-----

CASE NO. 5141

-----  
January 6, 1958  
-----

Appearances: Marvin Ping, Esq., Cortez,  
Colorado, for Complainant;  
McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
Defendant.

S T A T E M E N T

By the Commission:

On December 2, 1957, Complaint was filed with this Commission by Bill Wood, doing business as "Cortez Taxi and Transfer Service," Cortez, Colorado, against Cannon Ball, Inc.

On December 3, 1957, the Commission issued its Order to Satisfy or Answer within twenty days, directed to said Cannon Ball, Inc.

On December 23, 1957, "Withdrawal of Complaint" was filed with the Commission in the above-styled matter by Bill Wood.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled case should be dismissed, inasmuch as Complaint has been withdrawn.

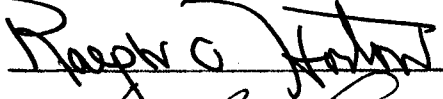

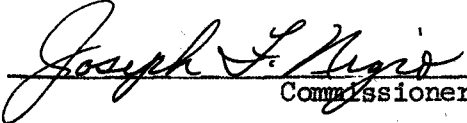
O R D E R

THE COMMISSION ORDERS:

That Case No. 5141 should be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HOWARD L. ARBOGAST, ROUTE 4, )  
GRAND JUNCTION, COLORADO. )  
-----

PERMIT NO. B-4605

-----  
January 6, 1958  
-----

S T A T E M E N T

By the Commission:

On June 19, 1957, the Commission entered its Decision No. 48157, authorizing Howard L. Arbogast, Grand Junction, Colorado, owner of Permit No. B-4605, to suspend operations under said permit December 7, 1957.

The Commission is now in receipt of a communication from said permit-holder, requesting reinstatement of said operating rights.

Inasmuch as permittee has proper insurance on file with the Commission, and has met other requirements of operators of Private Carrier Permits,

F I N D I N G S

THE COMMISSION FINDS:

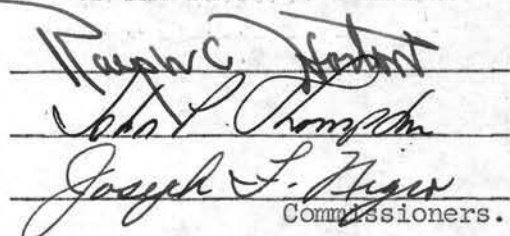
That said request should be granted, and said permit re-stored to active status, nunc pro tunc, as of December 7, 1957.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4605 should be, and the same hereby is, reinstated, nunc pro tunc, as of December 7, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MILTON HAWKS AND RAYMOND HAWKS, )  
CO-PARTNERS, DOING BUSINESS AS )  
"MILTON HAWKS & SON," P. O. BOX )  
224, MONTROSE, COLORADO. )  
-----

PERMIT NO. M-1728  
CASE NO. 83652-INS.

-----  
January 6, 1958  
-----

S T A T E M E N T

By the Commission:

On December 16, 1957, the Commission entered its Order, re-  
voking Permit No. M-1728 for failure of Respondent 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:

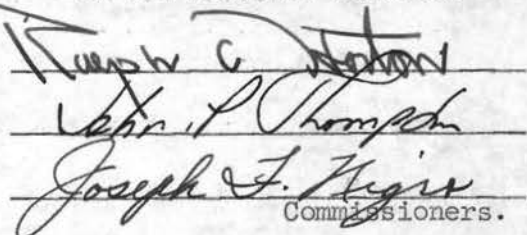
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1728 should be, and the same hereby is,  
reinstated, as of December 16, 1957, revocation order entered by the  
Commission on said date in Case No. 83652-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 January, 1958.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )	
L. A. CLARK AND D. V. CLARK, CO- )	PERMIT NO. B-4573
PARTNERS, DOING BUSINESS AS "L.A. )	CASE NO. 83327-INS.
CLARK & SON," MONTE VISTA, COLORADO.)	
----- )	

-----  
January 6, 1958  
-----

S T A T E M E N T

By the Commission:

On December 16, 1957, the Commission entered its Order in Case No. 83327-Ins., revoking Permit No. B-4573 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:

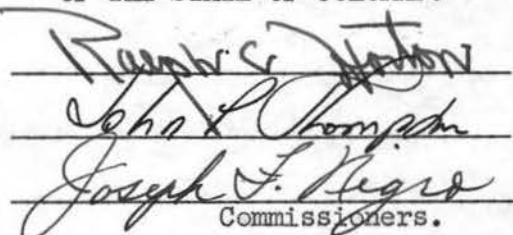
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4573 should be, and the same hereby is, reinstated, as of December 16, 1957, revocation order entered by the Commission on said date in Case No. 83327-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 January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
ESTANISLAO K. MONTEZ, 1237 )	PERMIT NO. M-12350
BRAGDON, PUEBLO, COLORADO. )	CASE NO. 83333-INS.
----- )	

-----  
January 6, 1958  
-----

S T A T E M E N T

By the Commission:

On December 16, 1957, in Case No. 83333-Ins., the Commission entered its Order, revoking Permit No. M-12350 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. M-12350 should be, and the same hereby is, reinstated, as of December 16, 1957, revocation order entered by the Commission on said date in Case No. 83333-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Hutton*  
*John P. Thompson*  
*Joseph F. Nigro*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1958.

ea



against

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALEX G. PENA, 2717 CRAWFORD, PUEBLO, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO ) APPLICATION NO. 15884  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
January 7, 1958  
-----

Appearances: Alex G. Pena, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at the Court House in Pueblo, Colorado, on November 27, 1957, with notice to all interested parties, and at the conclusion thereof, was taken under advisement.

By application filed October 31, 1957, applicant seeks to establish his "Grandfather Rights" as an ash and trash hauler in the City of Pueblo, Colorado, and has made application to obtain such authority from this Commission, said city having filed its Consent to the application with this Commission.

Applicant appeared in support of his application. He stated that he has been active in this kind of hauling for a number of years and that he was conducting the operation referred to prior to, up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting this Commission jurisdiction over the operations of common carriers by motor vehicle for hire in home-rule cities, such as Pueblo, Colorado. He also stated that he had obtained the proper city licenses each year, and that he has ample equipment with which to carry on his operations.

No one appeared in opposition to the granting of the instant application.



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

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That public convenience and necessity require the proposed service of applicant, and that certificate of public convenience and necessity should issue therefor.

### O R D E R

#### THE COMMISSION ORDERS:


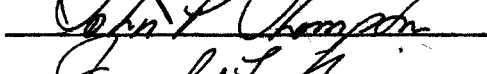
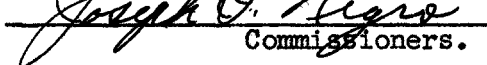
That public convenience and necessity require the proposed motor vehicle common carrier call and demand service of Alex G. Pena, 2717 Crawford, Pueblo, Colorado, for the transportation of trash, ashes, rubbish, dirt, junk, and any other waste matter from in and around and within a fifteen-mile radius of the City of Pueblo, Colorado, to dumps and disposal places designated for this purpose, applicant having established his "Grandfather Rights," 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.

Dated at Denver, Colorado,  
this 7th day of January, 1958.

ea

revised

(Decision No. 49339)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OTIS MOORE, DOING BUSINESS AS )  
"PUEBLO DELIVERY SYSTEM," 1810 )  
HOLLYWOOD DRIVE, PUEBLO, COLORADO, ) APPLICATION NO. 15887  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
----- )

-----  
January 7, 1958  
-----

Appearances: John R. Wall, Esq., Pueblo,  
Colorado, and  
J. Arthur Phelps, Esq.,  
Pueblo, Colorado, for  
Applicant;  
Harold C. Rudolph, Esq.,  
Pueblo, Colorado, for  
LaVerne Thacker;  
E. J. Gottula, Pueblo, Colo-  
rado, for Gottula Trucking  
& Transportation, Inc.;  
Walter Lynch, Pueblo, Colo-  
rado, for Goldstein Trans-  
portation & Storage Co.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the Court House,  
Pueblo, Colorado, on November 27, 1957, with notice to all inter-  
ested parties, and at the conclusion of the evidence, was taken  
under advisement.

This is an application on behalf of Otis Moore, doing  
business as "Pueblo Delivery System," Pueblo, Colorado, for the  
right to engage in package delivery service for hire in the City  
of Pueblo, and to make pickups within a radius of 20 miles of the  
Post Office in said city, and make deliveries anywhere in Pueblo  
County.

The applicant proposes to transport packages from whole-  
salers to retailers, and from retailers to consumers. The applicant

has had no professional experience in the trucking business but being recently retired from the Army now seeks to enter the business sought in this application. During his Army service, however, the applicant did have some experience with trucks. His financial responsibility was established to the satisfaction of the Commission.

The applicant testified that according to his survey some fifty businessmen claim that the present service is irregular; that he was willing to restrict his authority to packages not exceeding 100 pounds in weight, and to exempt his authority on Highways 85-87, and #50 east of Pueblo.

It was established by the applicant, through Charles L. Thompson of the Pueblo Chamber of Commerce, that the population of Pueblo has increased substantially during the past seven years, and that there was contemplated a constant growth.

John Ballas, Manager of Zale-Lee Jewelers, appeared in support of the application. The substance of his testimony was to the effect that it was necessary for his business to use outside delivery service and that the present existing service left considerable to be desired. He complained of lack of efficiency, lack of care of parcels, and lack of proper delivery in that the present service is late in making pickups; that the equipment is not attractive, and made a bad impression. He further testified that he would use both services if this application were granted.

John E. Hill, Credit Manager of Ladd's, a lumber firm in Pueblo, testified that his firm has some packages that could be delivered by package delivery service, and that his firm has never been solicited by LaVerne Thacker, owner of the present existing service, and indicated that Ladd's relied primarily on its own delivery service.

H. D. Kelly, who operates a dry cleaning establishment, complained of the bad service of City Delivery Service. His principal complaint, however, was that in one instance poor service was rendered by City Delivery in the delivery of a prescription. He, himself, uses his own service in his own business.

LaVerne Thacker, the owner of City Delivery Service, presently certificated by this Commission to operate the type of service sought in Pueblo and Pueblo County, appeared in protest. It was established that he has 8 pickups, 2 vans, 1 stake truck, and 2 cars, all of which he estimates are used about 50% of the time. During the past year, City Delivery Service earned approximately \$3,600, having but 58 regular customers out of a possible 500 deliveries on a call and demand basis, made from time to time from the numerous stated customers.

It was established that the Zale-Lee account would average between \$20 to \$50 a month. James P. Grosso of Pueblo, who is the owner of PUC No. 3427, A-1 Transfer & Storage, which is leased to City Delivery Service, rendered his opinion that another package delivery service is not feasible in Pueblo. He based his opinion, however, primarily on household freight movements, but he asserted that he did not render package delivery service because it was not profitable.

Zachary N. Hopper, a pharmacist of Pueblo, likewise testified on behalf of City Delivery Service, stating that its service was good.

There was also testimony on behalf of other interested certificate holders who opposed the possible encroachment of the application upon any authority granted in their certificates.

The primary complaint seemed to be aired against the present existing delivery service, that they are sometimes late on their deliveries and that they often leave packages at the door, not making personal deliveries. One customer likewise complained that City Delivery drivers often took the wrong packages.

In order to grant an additional certificate, it must be well established that there is a real public need. Although the City of Pueblo has grown in population, it does not necessarily follow that there is a need for another package delivery service. There are many other factors that must be taken into consideration, which include the increased use of private automobiles by individual

customers, and the use of their own delivery service by individual retailers. When analyzed, the applicant's evidence is reduced to one customer witness insofar as public need is concerned, the customer whose account does not exceed \$50 per month, and who would use the new service only part of the time. All other public witnesses use their own service. The proof presented can hardly be construed as meeting the burden of proof required to establish the clear convincing public need for another service.

There was some evidence of inadequacy of service, which was disputed. Since the first requirements of establishing public need has not been met by this applicant, it is not necessary for us to determine the issue of inadequacy of existing service. Suffice it to say that this Commission must caution motor carriers -- especially those in a monopolistic situation -- that a high standard of public service must be maintained, and that it behooves all carriers constantly to remain alert to render the best possible service and to satisfy all reasonable demands of the customer. In the event of any deficiency in service, it is the duty of the carriers -- especially those who enjoy a monopoly -- to improve their public service. If there be any such deficiency in the present existing service, we trust that our statement of policy in that regard is sufficient admonition.

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

##### THE COMMISSION FINDS:

That there has been no public convenience and necessity established by the applicant.

That there is no public need for the service sought to be rendered.

That existing common carrier service is adequate, and that the granting of this authority would impair the ability of existing common carriers to render adequate service.

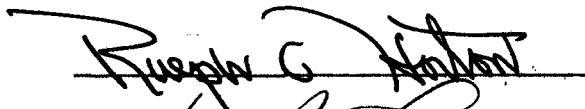


O R D E R

THE COMMISSION ORDERS:

That the instant application (No. 15887), 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 7th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. E. WALKER, WALSH, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 757 ) APPLICATION NO. 15882-Transfer  
AND PUC NO. 757-I TO T. L. TUCKER, )  
SPRINGFIELD, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
L. E. WALKER, WALSH, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 780 ) APPLICATION NO. 15883-Transfer  
TO T. L. TUCKER, SPRINGFIELD, COLO- )  
RADO. )  
----- )

-----  
January 20, 1958  
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Appearances: L. E. Walker, Walsh, Colo-  
rado, Transferor, pro se;  
T. L. Tucker, Springfield,  
Colorado, Transferee,  
pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court Room, Court House, La Junta, Colorado, on November 26, 1957, after due notice to all interested parties, and at the conclusion of the evidence, was taken under advisement.

This is an application to transfer authorities PUC No. 757 and PUC No. 757-I, and PUC No. 780, from L. E. Walker, Walsh, Colorado, to T. L. Tucker, Springfield, Colorado. These authorities provide for:

PUC NO. 757 & PUC No. 757-I:

Transportation of freight from point to point within an area of 30 miles of Walsh, Colorado, and from points within said area to and from other points in the State of Colorado, in irregular service; including household goods.

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

PUC No. 780:

Transportation, not on schedule, of general freight and livestock from point to point within the area bounded by the Colorado-Kansas state line on the east, a line on the west drawn north and south through Las Animas, and the Prowers County boundary lines, as extended, on the north and south, respectively; livestock from all points in said area to markets in La Junta, Pueblo and Denver; farm machinery, farm products and supplies, and coal, from and to points within said area to and from points within the state.

At the hearing, it appeared that the transferee made a contract for the purchase of equipment and the authorities from the transferor which included 21 units, consisting of 10 tractors, 10 trailers, and one bob-tailed truck, for a total consideration of \$40,000, providing for the assumption of the \$15,000 note and mortgage on the equipment, \$6,000 cash, and providing for annual installments thereafter until the balance is fully paid.

No one appeared in protest.

The financial responsibility, training and experience of transferee were established to the satisfaction of the Commission.

The transferee is also the present holder of PUC No. 1407, and Permits Nos. B-1148 and B-1148-I, providing as follows:

PUC No. 1407:

Call and demand transportation of livestock, specifically including cattle, sheep, hogs, horses and mules, between points within that part of the State of Colorado which lies east of a line drawn north and south through Rocky Ford, without the right to pick up livestock in that part of Crowley County included in said area which lies west of a line drawn north and south through Sugar City, or within the area lying within a radius of 35 miles of Branson, Colorado, and from and to points in said area to and from points in the State of Colorado.

Permit No. B-1148 & I:

Not restricted.

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



It has long been the established policy of this Commission that overlapping private carrier permits authorizing the transportation of the same commodities in the same general area as a common carrier certificate would not be permitted to be owned by one operator. Likewise, it has been our policy that overlapping common carrier authorities in certain instances would be cancelled.

From an examination of these several certificates and authorities, it is to be noted that there is some duplication in PUC No. 780 and PUC No. 1407, and that there is considerable overlapping between Permit No. B-1148 and the several common carrier certificates. In accordance with the policies enumerated above, there will be appropriate pro tanto revocations and cancellations of a part of PUC No. 780 and a part of Permit No. B-1148 & I.

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

##### THE COMMISSION FINDS:

That the transfers sought in the application, and on the terms and conditions hereinafter specified, are compatible with the public interest and should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That the transfer of Certificates Nos. 757 and 757-I, and Certificate No. 780, from L. E. Walker, Walsh, Colorado, to T. L. Tucker, Springfield, Colorado, be, and is hereby approved, subject to the modification of Permit No. B-1148, as hereinafter set forth.

That said transfer of Certificates Nos. 757 and 757-I, and PUC No. 780, shall only be effective when the transferee herein agrees in writing that the modification of Permit No. B-1148 meets with his approval.

That authority under Permit No. B-1148 shall be as follows, to-wit:

Unrestricted; except that there be no transportation of anything from point to point within an area of thirty (30) miles of Walsh, Colorado, or from said area to and from other points in Colorado; also, that there be no transportation of anything from point to point within the area bounded by the Colorado-Kansas State line on the east, a line on the west drawn north and south through Las Animas and the Prowers County boundary lines, as extended on the north and south, respectively, nor any farm machinery, farm products and supplies, and coal, from and to points in said area to and from points in Colorado;

Also, that there be no transportation of livestock, specifically including cattle, sheep, hogs, horses and mules, between points within that part of the State of Colorado which lies east of a line drawn north and south through Rocky Ford, nor any of the above-described livestock from and to points in said area to and from points in the State of Colorado.

That said restrictions, modifications, and pro tanto revocations are a condition to the granting of the transfer herein sought.

That the transfer of PUC Nos. 757 and I, and PUC No. 780, from L. E. Walker, Walsh, Colorado, to T. L. Tucker, Springfield, Colorado, be, and the same are hereby approved and authorized, subject to the conditions hereinbefore set forth, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That said transfer of PUC Nos. 757 & I, and PUC No. 780, shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

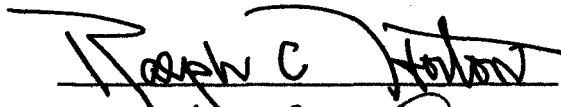

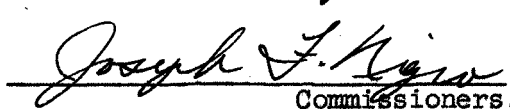
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of

transferee until changed according to law and the rules and regulations of this Commission.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. R. LEE AND R. F. LEE, CO-PARTNERS, )  
PRITCHETT, COLORADO, FOR AUTHORITY ) APPLICATION NO. 15870-Transfer  
TO TRANSFER PUC NO. 1434 TO E. S. ) SUPPLEMENTAL ORDER  
COLE, PRITCHETT, COLORADO. )  
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January 7, 1958  
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Appearances: A. R. Lee, Pritchett,  
Colorado, pro se;  
E. S. Cole, Pritchett,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 49286, of date December 26, 1957, A. R. Lee and R. F. Lee, Pritchett, Colorado, were authorized to transfer their PUC No. 1434, with authority as set forth in said Decision, to E. F. Cole, Pritchett, Colorado.

Through a series of misunderstandings, the name of the transferee was inadvertently indicated as "E. F. Cole" instead of "E. S. Cole." This error has been called to the attention of the Commission, and the Commission desires to correct the error in our Order of transfer, as well as the records in the office of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 49286, dated December 26, 1957, should be amended, as provided in the Order following.

O R D E R

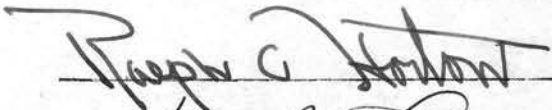
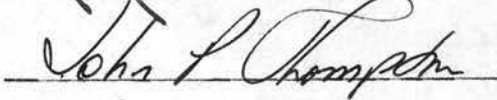

THE COMMISSION ORDERS:

That Decision No. 49286, of date December 26, 1957, be, and the same is hereby amended, nunc pro tunc, as of said 26th day of De-

cember, 1957, by changing the initials of transferee Cole's name from "E. F. Cole" to "E. S. Cole" wherever the same occurs, viz.: in the heading, in the appearances, and in the second paragraph on page 1 of said Decision, and as the transferee in the first paragraph of the Order on page 2, so that said transferee's name throughout said Decision shall read "E. S. Cole," and the Secretary of the Commission is hereby directed to change the records of this Commission accordingly.

That, except as herein amended, said Decision No. 49286 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VAUGHN RUFUS BYRD, DOING BUSINESS )  
AS "PUEBLO SANITARY WORKS," 503 )  
EAST 11TH STREET, PUEBLO, 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. 15888

-----  
January 7, 1958  
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Appearances: Vaughn Rufus Byrd, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at the Court House in Pueblo, Colorado, on November 27, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

This is an application for a certificate of public convenience and necessity authorizing the transportation of waste material from septic tanks and sumps within a 100-mile radius of the City of Pueblo.

The applicant, a resident of Pueblo, has been cleaning cess pools, septic tanks, grease traps and sumps for twelve years. He has considerable equipment of a specialized type for the performance of this work and he has sufficient financial resources to perform this service. This is a highly specialized type of service which is rendered by very few operators throughout the State. There are none in the area and there is a great need and demand therefor. This applicant is being called from various towns in the area to perform this

service. The City of Pueblo, through its City Attorney, filed a consent to the granting of the authority sought herein.

### FINDINGS

#### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the certificate herein sought.

### ORDER

#### THE COMMISSION ORDERS:

That Vaughn Rufus Byrd, doing business as "Pueblo Sanitary Works," 503 East 11th Street, Pueblo, Colorado, be, and hereby is, granted a certificate of public convenience and necessity to transport waste material from cess pools, septic tanks, grease traps and sumps, from point to point within a 100-mile radius of Pueblo, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holton*  
*John P. Thompson*  
*Joseph F. Riggs*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of January, 1958.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRED R. ESPINOZA, 1904 EAST 12TH, )	
PUEBLO, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 15890-PP
PERMIT TO OPERATE AS A PRIVATE CAR- )	
RIER BY MOTOR VEHICLE FOR HIRE. )	
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January 7, 1958  
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Appearances: Fred R. Espinosa, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at the Court House in Pueblo, Colorado, on November 27, 1957, with notice to all interested parties, and was there heard and taken under advisement.

By application filed September 23, 1957, applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.



Applicant appeared in support of his application. He stated that he has had some experience in sand and gravel transportation and has ample equipment with which to operate. He established his financial responsibility, equipment and experience to the satisfaction of the Commission.

No one appeared in opposition to the granting of the instant application, and it did not appear that the granting of the application or applicant's operations thereunder would impair the efficiency of common carriers operating in the territory.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the instant application should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Fred R. Espinoza, 1904 East 12th, 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.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amend-

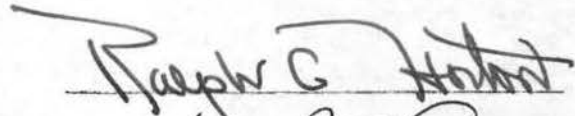


ments to this permit deemed advisable.

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 authority sheets.

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 7th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY, 1531 STOUT STREET, )  
DENVER, COLORADO, TO ABANDON PUBLIC )  
COUNTY ROAD CROSSING AT GRADE AT M. )  
P. 463, NEAR GILSONITE, MESA COUNTY, )  
COLORADO. )  
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APPLICATION NO. 15660

-----  
January 8, 1958  
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S T A T E M E N T

By the Commission:

On August 12, 1957, The Denver & Rio Grande Western Railroad Company, by its Attorneys, T. A. White and Marion Smyser, filed the instant application with this Commission seeking authority for abandonment of the public grade crossing at Mile Post 463.20 in Mesa County, Colorado, where County Road No. 15 intersects the main-line of Applicant railroad.

Attached to said application are the following exhibits to denote the situation and to show the local approvals already secured:

Exhibit A: Map of a portion of Mesa County known as Gilsonite, to show crossing of County Road No. 15 at R.R. Mile Post No. 463.20 and location of said County Road along the boundary line between Sections 11 and 12, Township 1 North, Range 3 West, Ute Meridian. Shown also are the other features of: Main track to Salt Lake City, Utah, with paralleling Colorado State Highway No. 4, location of private crossing at Mile Post 463.30 to serve private property of American Gilsonite Company in Sections 11 and 12.

Exhibit B: Resolution of Board of County Commissioners of Mesa County, Colorado, made in regular meeting on April 8, 1957, stating in part as follows:

"Resolved, That that portion of Road 15 lying between the intersection of said road with the right-of-way of the Denver and Rio Grande Western Railroad Company and the Colorado River (said Road 15 being situated along the boundary line between Sections 11 and 12, Township 1 North, Range 3 West, Ute Meridian, Mesa County, Colorado) be and the same is hereby vacated."

With reference to the application, it appears that County Road No. 15 has in the past served the area lying south of the rail line and extending approximately one mile to the Colorado River. More recently, the American Gilsonite Company has acquired and now owns extensive property both to the east and to the west of said County Road No. 15 and all of the lands southward along said roadway between the rail line and the Colorado River. Hence, there are now no other persons being served by the County Road, and request was made to the Mesa County Commissioners by American Gilsonite, as owner of contiguous lands, that the County roadway be vacated.

As noted in Exhibit B, being the resolution of the Board of County Commissioners, there was an agreed understanding between American Gilsonite Company and said County Commissioners as follows:

"It is our understanding that you have adopted or will adopt a resolution vacating said portion of roadway 15 in accordance with our petition. In consideration of this action we agree that if, at any time in the future, we shall discontinue the use of said property for the operation of our gilsonite processing plant and shall subdivide the property for sale to others for industrial use and development, we shall at that time tender to the County for public use a 60 foot right-of-way either over the present location/<sup>or</sup> Road 15 across our property or a substitute and practical easement or right-of-way elsewhere on our property for a roadway 60 feet in width to extend from the present intersection of Road 15 with the railroad right-of-way southerly over our property to the south boundary thereof."

It appears that American Gilsonite Company, is the owner of extensive lands in Sections 2, 3, 10, 11, 12 and 13 in Township 1 North, Range 3 West, Ute Meridian; that certain new plant installations

have been made on land in Section 11 and south of the Rio Grande main line for processing and reduction of gilsonite ores into coke and gasoline; that with said plant construction, it has become more advantageous to provide a new private roadway entrance and private rail crossing at Mile Post 463.30. The Railroad Company and the Gilsonite Company have accordingly entered into a license agreement whereby the Gilsonite Company maintains a private crossing at the new location for plant access.

Upon investigation in behalf of the Commission, it was determined that the new and private crossing as noted above offers added safeguards because of its right-angular location as compared to a diagonal installation at the County Road crossing; other safeguards consist of flagging or watchman service at the crossing by a Gilsonite employee to direct movement of loaded gasoline trucks leaving the area; that 'STOP' signs are to be also added at each side of the crossing for the guidance of other vehicular movements over the crossing.

It appears then that here we have the request for abandonment of a public grade crossing as resulting from the discontinuance of any public use thereof; also, that while a new crossing has been constructed some 600 feet to the west of the former location, it is now only serving private needs and offers advantages of better location, watchman protection and 'STOP' signing. Further, since no public utilities or adjacent property owners will be adversely affected by the proposed closing; that since the public needs and safety have been duly considered and as all other matters required by the Commission's rules have been complied with, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 convenience and necessity no longer require the continued maintenance of a public highway-railroad grade crossing at Rio Grande Mile Post 463.20, near Gilsonite, Mesa County, Colorado.

That the authority as sought in the instant application to abandon and abolish said grade crossing on County Road No. 15 should be granted.

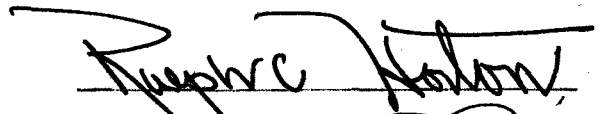

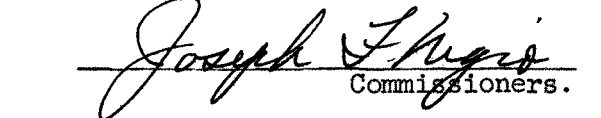
O R D E R

THE COMMISSION ORDERS:

That Applicant, The Denver & Rio Grande Western Railroad Company, Denver, Colorado, be, and it hereby is, authorized to abolish the public grade crossing of County Road No. 15 over its track and right-of-way at Mile Post 463.20 and to therewith remove the crossing installation and crossbuck signing thereat; said Road No. 15 being situated along the north-south boundary line between Sections 11 and 12, Township 1 North, Range 3 West, Ute Meridian, Mesa County, Colorado.

That this Order shall become effective twenty-one days from date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROBERT G. RAE, DOING BUSINESS AS )	
"STAR MILK LINES," 9125 WEST 35TH )	
AVENUE, WHEATRIDGE, COLORADO, FOR A )	<u>APPLICATION NO. 15924-Extension</u>
CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY, AUTHORIZING EXTENSION )	
OF OPERATIONS UNDER PUC NO. 2948. )	
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RE MOTOR VEHICLE OPERATIONS OF )	
ROBERT G. RAE, DOING BUSINESS AS )	
"STAR MILK LINES," 9125 WEST 35TH )	<u>PERMIT NO. A-2131</u>
AVENUE, WHEATRIDGE, COLORADO. )	
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January 8, 1958  
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Appearances: Max Snyder, Esq., Fort  
Morgan, Colorado, and  
E. Ord Wells, Esq., Fort  
Morgan, Colorado, for  
Applicant;  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for Consolidated Milk  
Lines, W. H. Short.

S T A T E M E N T

By the Commission:

Robert G. Rae, doing business as "Star Milk Lines," Wheat-  
ridge, Colorado, is the owner and operator of PUC No. 2948, which  
authorizes:

transportation of milk, cream, and dairy  
products, together with return of empty  
cans, from farms within the area extend-  
ing 30 miles north, 25 miles west, 10  
miles east, and 25 miles south of Fort  
Morgan, Colorado, to creameries in Fort  
Morgan, Colorado, and Brush, Colorado.

Said Robert G. Rae, doing business as "Star Milk Lines," is  
also the owner of Private Carrier Permit No. A-2131, which authorizes:

transportation of milk and dairy products to Fort Morgan from farms within the area described as: Beginning at Fort Morgan; thence north 5 miles; thence east 7 miles; thence south 8 miles; thence west 7 miles; thence north 3 miles to place of beginning, for the Northern Colorado Dairy Company; sugar beets from farms within a radius of 6 miles of Fort Morgan to the factory therein; delivery of milk and dairy products to McLagan Brothers Creamery at Fort Morgan, Colorado;

transportation of whole milk to Denver from farms within the area described as: Beginning at Fort Morgan; thence north a distance of 5 miles; thence east 7 miles; thence south 8 miles; thence west 7 miles; thence north 3 miles to the place of beginning; and whole milk to Denver from the Northern Colorado Dairy Company and McLagan Brothers Creamery in Fort Morgan, Colorado;

transportation of milk, cream and dairy products from farms within the area described as: 30 miles north, 10 miles east, 25 miles south, and 25 miles west of Fort Morgan, Colorado, to creameries in Denver, Colorado, with return of empty cans.

On October 22, 1957, applicant herein filed his application with the Commission for authority to extend authority under PUC No. 2948 to include the right to transport milk, cream and dairy products from farms within the above-described area to creameries in the State of Colorado, and from creameries in Fort Morgan to creameries in the State of Colorado.

Said application was regularly set for hearing at the Court House, Fort Morgan, Colorado, December 17, 1957, after appropriate notice to all parties in interest, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has been, and now is, engaged in the business of hauling and transporting milk to creameries in Brush, Fort Morgan, and Denver, from farms in said area asked for in the instant application, under either PUC No. 2948, or Permit No. A-2131, and applicant requests that if said appli-



cation is granted, Permit No. A-2131 be cancelled.

It further appears that the milk originating in the territory, in nearly all instances, is destined to Denver, where it is under the control of the Denver Milk Producers; that if said milk is destined to a particular creamery in Denver, this milk is occasionally diverted by said Denver Milk Producers to condensed milk plants, or to other manufacturing plants, such as cheese or dry milk factories, when the supply of milk in Denver is in excess of Denver's needs. Applicant is asking to perform this service.

Witnesses testified that they can, on occasion, give forty-eight hours' notice of diversion, while, on other occasions, they may be able to give only two hours' notice. This testimony was corroborated by the witnesses appearing for the creameries and farmers served by applicant.

In considering the instant application, we must keep in mind that applicant holds a certificate of public convenience and necessity from this Commission. In other words, the Commission, by granting of said certificate, stated applicant's service was needed for the transportation of milk, cream, and dairy products in the farming area he serves. We must also keep in mind that applicant presently holds a private carrier permit, and transports milk to Denver under that authority. Applicant is now asking that his authority be consolidated, and that he have authority to haul surplus milk hauled to Denver, when it is diverted by the Denver Milk Producers, to its final destination.

Protestants have authority that conflicts with the proposed extended authority, and are here vigorously protesting the granting of any extension of applicant's common carrier authority.

The question, as it appears to the Commission, is "Does the public need and require this extended service?"

Transportation of milk is important to the base territory served by applicant, as well as to the residents of the City and County of Denver. Certificates of public convenience and necessity are granted for the purpose of giving to the public the best possible service at a reasonable price. After an examination of the record, and after carefully considering the evidence submitted at the hearing, the Commission is of the opinion that applicant is best equipped to give the service asked for in the instant application, and we doubt very seriously if protestants are in a position to give a complete and adequate service to the milk producers in the area served by applicant, and it is our best judgment that the public interest would be best served by the granting of the instant application here considered.

We must bear in mind that applicant is a duly certificated carrier, and is only asking to improve his service presently offered. The only new service proposed is an occasional load of milk that is diverted by the Denver Milk Producers. We cannot see where, upon short notice of possibly only a few hours, that the public can get the service it is entitled to from the existing common carrier service, so it therefore appears that we have no other alternative than to grant the instant application.

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

##### THE COMMISSION FINDS:

That applicant is fit, willing, and able to perform the aforementioned transportation service properly, and to conform to the provisions of the carrier acts, rules and regulations thereunder.

That public convenience and necessity require the extension of PUC No. 2948, for the transportation of milk, cream, and dairy products, together with return of empty cans, from the area hereinafter set forth, to Denver and to creameries in Brush and Fort Morgan, and applicant shall be permitted to transport milk and cream to creameries

and processing plants in the State of Colorado, when said milk and cream is diverted for shipment by the Denver Milk Producers, which, in the opinion of the Commission, the public interest requires, and that certificate of public convenience and necessity should issue therefor.

That Private Carrier Permit No. A-2131 should be cancelled, and that authority under PUC No. 2948 be as the same is hereinafter set forth in the Order following, and that the Statement in this Decision be incorporated herein as a part of these Findings, by reference.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extension under PUC No. 2948 now operated by applicant herein, Robert G. Rae, doing business as "Star Milk Lines," Wheatridge, Colorado, for the transportation for hire of milk, cream, and dairy products, with return of empty cans, from farms and creameries within the area extending 30 miles north, 25 miles west, 10 miles east, and 25 miles south of Fort Morgan, Colorado, to Denver and a five mile radius thereof, to creameries in Fort Morgan and Brush, Colorado, and applicant shall be further permitted to transport milk and cream originating in said territory above described, to creameries and condenseries and milk-processing plants in the State of Colorado, when said milk and cream have been diverted in shipment by the Denver Milk Producers, 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,

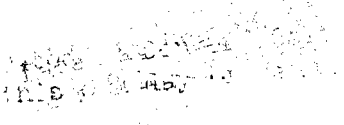
the public enemy or extreme conditions.

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

That Private Carrier Permit No. A-2131 shall be, and the same hereby is, cancelled and revoked.

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. Nease  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIE L. WILLIAMS, 3413 GILPIN )  
STREET, DENVER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING HIM TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 15945

-----  
January 8, 1958  
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Appearances: Willie L. Williams, Denver,  
Colorado, pro se;  
Robert E. McLean, Esq., Den-  
ver, Colorado, for William  
Allspach, et al.

S T A T E M E N T

By the Commission:

On November 26, 1957, Willie L. Williams, Denver, Colorado, applicant herein, filed his application with the Commission, seeking 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, trash, and miscellaneous rubbish, within the City and County of Denver, State of Colorado.

Said matter was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on December 30, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has been hauling ashes, trash, and miscellaneous rubbish for several years, by means of another person's motor vehicle, which person has a Common Carrier Permit from the City and County of Denver, and that the use of said vehicle was as an independent contractor; that applicant is a

colored gentleman, married, and the provider for himself, his wife, and five children; that applicant's physical condition, as a result of a Myocardial Infarction, is such that his only proper means of support is to carry on the business he has built up in hauling ashes, trash, and rubbish, as he will be able to work at a rate which will not over-exert himself.

Protestants, through their attorney's cross-examination, suggested that they were not particularly adverse to the granting of a certificate of public convenience and necessity to applicant herein, if said certificate is limited to the operation of one one and one-half-ton truck, and if said certificate cannot be assigned.

The Commission, after hearing the evidence, is of the opinion that applicant, by virtue of his past service to a small section within the City and County of Denver is entitled to favorable consideration by this Commission.

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

##### THE COMMISSION FINDS:

That public convenience and necessity require applicant's proposed motor vehicle common carrier call and demand transportation service, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Willie L. Williams, Denver, Colorado, for the transportation of ashes, trash, and miscellaneous rubbish, from point to point within the City and County of Denver, State of Colorado, subject to the following restrictions:

1. Said operating rights shall not be transferable;
2. Operations under said certificate shall be limited to the use of one one and one-half-ton truck,

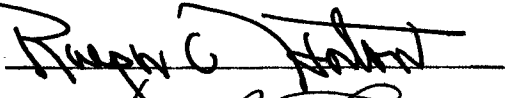
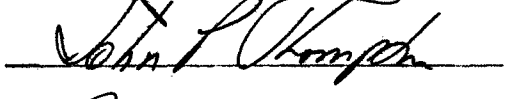

and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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 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 8th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
H. W. BILLINGS AND RAYMOND CHERRY, )	
CO-PARTNERS, DOING BUSINESS AS )	
"BILLINGS & CHERRY," BOX 241, SPRING- )	<u>APPLICATION NO. 15881-PP-Transfer</u>
FIELD, COLORADO, FOR AUTHORITY TO )	
TRANSFER PERMIT NO. B-2033 TO H.W. )	
BILLINGS, 601 WEST SIXTH, SPRING- )	
FIELD, COLORADO. )	
----- )	

IN THE MATTER OF THE APPLICATION OF )	
H. W. BILLINGS AND RAYMOND CHERRY, )	
CO-PARTNERS, DOING BUSINESS AS )	
"BILLINGS & CHERRY," BOX 241, SPRING- )	<u>PUC NO. 2114-I-Transfer</u>
FIELD, COLORADO, FOR AUTHORITY TO )	
TRANSFER INTERSTATE OPERATING )	
RIGHTS TO H. W. BILLINGS, 601 WEST )	
SIXTH, SPRINGFIELD, COLORADO. )	
----- )	

-----  
February 6 , 1958  
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Appearances: H. W. Billings, Springfield,  
Colorado, pro se;  
H. D. Hicks, Denver, Colo-  
rado, for Centennial Truck  
Lines, as his interest may  
appear.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the District Court  
Room, Court House, La Junta, Colorado, on November 26, 1957, and  
at the conclusion of the evidence, the matter was taken under  
advisement.

H. W. Billings and Raymond Cherry are the holders of  
PUC authority under Permit No. B-2033 and PUC No. 2114-I, pro-  
viding for the following:  
Permit No. B-2033:

Transportation of (a) farm products, including  
livestock, from farms within an area extending  
25 miles north and 25 miles south of Vilas, the  
state line on the east, and a point twenty miles  
west of Vilas on the west, to Pritchett, Spring-  
field, Walsh, Two Buttes, Campo and Lamar;



(b) used furniture and household goods, farm machinery and equipment from Walsh to farms in said area, and repossessed farm machinery from said farms to Walsh; (c) firewood to points in said area from the "cedars," located about 50 miles west of Springfield, with the proviso that he shall not engage in the transportation of livestock in competition with the common carrier service of L. E. Walker, from or to points in the area served by Walker, and shall not transport machinery from or to Walsh without first offering the business to L. E. Walker.

Transportation of merchandise and mill feeds for Tony Havens, only, (without the right to add to the number of his customers) from Lamar to Vilas, Colorado.

PUC No. 2114-I:

Transportation of authorized commodities between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

In 1953, Raymond Cherry moved to Montana, selling all of his interest to H. W. Billings, who has continued to operate the authorities.

The ability, training and experience of transferee were established to the satisfaction of the Commission.

No one appeared in opposition to said transfer.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application for transfer is compatible with the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

That H. W. Billings and Raymond Cherry, co-partners, doing business as "Billings & Cherry," Box 241, Springfield, Colorado, be, and are hereby, authorized to transfer all their right, title, and interest in and to Permit No. B-2033 -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to H. W. Billings, Springfield, Colorado, subject to outstanding indebtedness, if any there be, whether secured or unsecured.

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

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

This Order is made a part of the permit authorized to be transferred.

That H. W. Billings and Raymond Cherry, co-partners, doing business as "Billings & Cherry," Springfield, Colorado, be, and are hereby, authorized to transfer all their right, title and interest in and to PUC No. 2114-I -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to H. W. Billings, Springfield, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, interstate operating rights transferred hereunder being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, this authority to be consolidated with transferee's authority under PUC No. 1229.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph G. Hutton*  
*John P. Thompson*  
*Joseph F. Nigro*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of February, 1958.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN M. VAN HULL, 2407 THIRD AVENUE, )  
PUEBLO, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 15889

-----  
January 8, 1958  
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Appearances: John M. Van Hull, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at the Court House, Pueblo, Colorado, on November 27, 1957, with notice to all interested parties, and was there heard and taken under advisement.

By application filed October 31, 1957, applicant seeks to establish his "Grandfather Rights" as an ash and trash hauler in the City of Pueblo, Colorado, and has made application to obtain such authority from this Commission, the City of Pueblo having filed its Consent to the application with this Commission.

Applicant appeared in support of his application. He stated that he has been active in this kind of hauling for approximately five years, and that he was conducting the operation referred to prior to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting this Commission jurisdiction over the operations of common carriers by motor vehicle for hire in home-rule cities, such as Pueblo, Colorado. He also stated that he had obtained the proper city licenses each year, and has ample equipment with which to carry on his operations.

No one appeared in opposition to the granting of the instant application.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That public convenience and necessity require the proposed service of applicant, and that certificate of public convenience and necessity should issue therefor.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed motor vehicle common carrier call and demand service of John M. Van Hull, 2407 Third Avenue, Pueblo, Colorado, for the transportation of trash, ashes, rubbish, dirt, junk, and any other waste matter from in and around and within a fifteen-mile radius of the City of Pueblo, Colorado, to dumps and disposal places designated for this purpose, 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

*Joseph C. Hinton*

*John P. Thompson*

*Joseph L. Higin*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1958.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EARL E. YOUNG, DOING BUSINESS AS )  
"YOUNG BROTHERS TRANSFER AND STOR- )  
AGE," 1695 - 19TH STREET, DENVER, )  
COLORADO, FOR A CERTIFICATE OF ) APPLICATION NO. 15969-Extension  
PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 624. )  
----- )

-----  
January 8, 1958  
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Appearances: R. B. Danks, Esq., Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission,  
at the Hearing Room of the Commission, 330 State Office Building,  
Denver, Colorado, on January 6, 1958, after due notice to all  
interested parties, and was there heard and taken under advisement.

This is an application to establish "Grandfather Rights"  
within the City and County of Denver. Applicant, Earl E. Young,  
presently holds PUC No. 624, providing, among other things, for  
the transportation of general commodities, including household goods,  
in the State of Colorado.

It was established by documentary evidence, and otherwise,  
that applicant has been transporting general commodities, including  
household goods, between points within the City and County of Denver,  
continuously, for a period of time commencing before January 1, 1955.

Applicant's training, experience, and financial stability  
were established to the satisfaction of the Commission.

No one appeared in protest.

F I N D I N G S

THE COMMISSION FINDS:

That the application for extension of authority under PUC-624  
of Earl E. Young, doing business as "Young Brothers Transfer and Storage,"

to include transportation of general commodities, including household goods, between points within the City and County of Denver, is compatible with the public interest, and it has been established under "Grandfather Rights" as having been conducted prior to January 1, 1955, and is required by public convenience and necessity.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 624, of Earl E. Young, doing business as "Young Brothers Transfer and Storage," 1695 - 19th Street, Denver, Colorado, be, and is hereby, extended to include the transportation of general commodities, including household goods, between points within the City and County of Denver, as a common carrier by motor vehicle, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

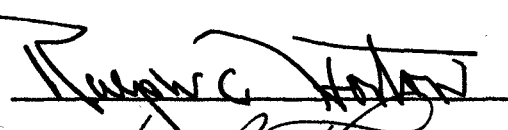


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1958.

ea

signed

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DICK PROTZE, 1995 FENTON STREET, )  
EDGEWATER, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- ) APPLICATION NO. 15966  
CESSITY TO OPERATE AS A COMMON CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
-----)

-----  
January 8, 1958  
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Appearances: Dick Protze, Edgewater,  
Colorado, pro se;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on January 6, 1958, after due notice to all interested parties, and at the conclusion of the evidence, was taken under advisement.

This is an application to establish "Grandfather Rights" for the transportation of processed food stuffs within the City and County of Denver.

The evidence discloses that the applicant has been engaged in the transportation of various food stuffs in the Denver area for over thirty-three years. He established, by documentary evidence, that he had been licensed by the City of Denver from 1944 through 1957. The applicant's principal commodities transported have consisted of peanuts, glucose and other processed food stuffs, including, at times, crated fruits and fresh vegetables.

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 applicant has been engaged as a common carrier in the transportation of processed food stuffs within the City and County of Denver prior to January 1, 1955, and continuously since, thereby establishing his "Grandfather Rights," and that public convenience and necessity require the granting of the application.

## O R D E R

### THE COMMISSION ORDERS:

That applicant, Dick Protze, 1995 Fenton Street, Edgewater, Colorado, be, and he hereby is, authorized to engage in the business of the transportation of processed food stuffs, including fresh fruits and vegetables, from point to point within the City and County of Denver, as a common carrier by motor vehicle for hire, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1958.  
ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN WESLEY LYNCH, SR., 307 WEST )  
11TH STREET, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 3631 ) APPLICATION NO. 15944-Transfer  
TO ALECK A. HURLEY, 1285 NEWTON )  
STREET, DENVER, COLORADO. )  
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January 8, 1958  
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Appearances: Kenneth N. Kripke, Esq.,  
Denver, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

This matter came on for hearing at 330 State Office Building, Denver, Colorado, on January 6, 1958, after due notice to all interested parties, and was there heard and taken under advisement.

This is an application for the transfer of PUC No. 3631, which provides as follows:

Transportation of ashes, trash, and other waste materials, between points within the City and County of Denver, and from points within the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

John Wesley Lynch, Sr., is the holder of this certificate. The testimony revealed that he entered into a contract with transferee, Aleck A. Hurley, to transfer his 1949 3/4-ton truck and the certificate for the total consideration of \$400.

No one appeared in protest.

The transferee is an experienced trucker and his financial responsibility was established to the satisfaction of the Commission.

## F I N D I N G S

### THE COMMISSION FINDS:

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

## O R D E R

### THE COMMISSION ORDERS:

That John Wesley Lynch, Sr., 307 West 11th Avenue, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3631 -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Aleck A. Hurley, 1285 Newton Street, Denver, Colorado, subject to the payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

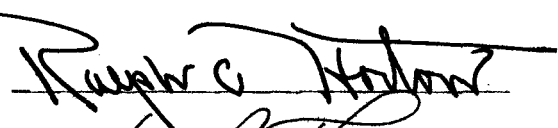


The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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 8th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAKE SCHLAGEL, JR., DOING BUSINESS )  
AS "AURORA & EAST DENVER TRASH DIS- )  
POSAL," 2082 JAMAICA STREET, AURORA, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 3305 TO ADAM SCHLAGEL, DOING )  
BUSINESS AS "A & F TRASH DISPOSAL," )  
1661 GENEVA, AURORA, COLORADO. )  
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APPLICATION NO. 15963-Transfer

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January 8, 1958  
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Appearances: Jake Schlagel, Jr., Aurora,  
Colorado, Transferor, pro  
se;  
Adam Schlagel, Aurora, Colo-  
rado, Transferee, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing at 330 State Office Building, Denver, Colorado, on January 6, 1958, after due notice to all interested parties, and at the conclusion of the evidence, was taken under advisement.

This is an application for the transfer of PUC No. 3305 from Jake Schlagel, Jr., to Adam Schlagel.

The authority provides:

Transportation of ashes, trash and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado.

There is a contract between the transferor and the transferee, who are brothers, for the sale of said certificate for the total sum of \$2,000, on the basis of \$100 down and \$100 per month until the balance is fully paid, with interest.

Transferee is an experienced trash hauler and has adequate equipment to conduct this operation.

No one appeared in protest.

The financial responsibility of transferee was established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the transfer sought by the application is compatible with the public interest and should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Jake Schlagel, Jr., doing business as "Aurora & East Denver Trash Disposal," Aurora, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3305 -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Adam Schlagel, doing business as "A & F Trash Disposal," Aurora, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.




That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of 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 8th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROSS B. SMERNOFF, DOING BUSINESS AS )  
"ROSS' FLORAL SERVICE," 685 SOUTH )  
DECATUR STREET, DENVER, 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. 15967

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January 8, 1958  
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Appearances: Robert G. McIlhenny, Esq.,  
Denver, Colorado, for  
Applicant;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association.

S T A T E M E N T

By the Commission:

Pursuant to amendment of the application allowed at the time of the hearing, this is an application for a certificate of public convenience and necessity to operate as a common carrier in the floral delivery service, from point to point within an area within a radius of 25 miles of the City and County of Denver.

This matter came on for hearing at 330 State Office Building, Denver, Colorado, on January 6, 1958, after due notice to all interested parties, and at the conclusion of the evidence, was taken under advisement.

Applicant is an experienced floral delivery man having been employed by a private carrier. He has received requests from several florists for the delivery of flowers and plants usually sold by floral shops, in the Denver area.

Both by stipulation and testimony it appears that there are no floral delivery services as such operating in the City and County of Denver. The floral business is of a nature that requires immediate delivery, and is also seasonal according to various holidays.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the certificate herein sought and it should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Ross B. Smernoff, doing business as "Ross' Floral Service," 685 South Decatur Street, Denver, Colorado, be, and he hereby is, authorized to operate as a common carrier by motor vehicle in floral delivery service, from point to point in an area within a radius of 25 miles of the City and County of Denver, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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



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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Herbert C. Holm  
John P. Thompson  
Joseph L. Kiger  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BILL POPAS, ROUTE 3, BOX 324, PUEBLO, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO OP- )  
ERATE AS A COMMON CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15886

-----  
January 8, 1958  
-----

Appearances: Bill Popas, Pueblo, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at the Court House in Pueblo, Colorado, on November 27, 1957, with notice to all interested parties, and was there heard and taken under advisement.

By application filed October 22, 1957, applicant seeks to establish his "Grandfather Rights" as an ash and trash hauler in the City of Pueblo, Colorado, and has made application to obtain such authority from this Commission, the City of Pueblo having filed its Consent to the application with this Commission.

Applicant appeared in support of his application. He stated that he has been active in this type of hauling for approximately ten years and that he was conducting the operation referred to prior to, up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting this Commission jurisdiction over the operations of common carriers by motor vehicle for hire in home-rule cities, such as Pueblo, Colorado. He also stated that he had obtained the proper city licenses each year and has ample equipment with which to carry on his operations.

No one appeared in opposition to the granting of the instant application.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That public convenience and necessity require the proposed service of applicant and that certificate of public convenience and necessity should issue therefor.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed motor vehicle common carrier call and demand service of Bill Popas, Route 3, Box 324, Pueblo, Colorado, for the transportation of trash, ashes, rubbish, dirt, junk and any other waste matter from and around the City of Pueblo, Colorado, and a fifteen mile radius thereof, to dumps and disposal places designated for this purpose, 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.

Dated at Denver, Colorado,  
this 8th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY T. POWELL, 7020 EAST 52ND )  
PLACE, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 15965-PP

-----  
January 8, 1958  
-----

Appearances: Henry T. Powell, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission at 330 State Office Building, Denver, Colorado, on January 6, 1958, after due notice to all interested parties, and at the conclusion of the evidence, was taken under advisement.

This is an application for authority to operate as a private carrier by motor vehicle for hire, in both intrastate and interstate commerce, for the transportation of freight, between all points in the City and County of Denver and a 2-mile radius thereof, for North Eastern Motor Freight, Inc., only.

Henry T. Powell, the applicant, is an employee of North Eastern Motor Freight, Inc. He has entered into a contract with his employer that he will operate as a private carrier for hire to make pickups and delivery for his employer within the City and County of Denver and a radius of two miles thereof. His employer is a common carrier who likewise runs many trucks in the same area and performs the same service but it required the additional service sought to be rendered by Mr. Powell. It appears that such a service would be useful and bene-

ficial to North Eastern Motor Freight, Inc. in facilitating its common carrier shipments and in assisting it to render better service to its customers.

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

No one appeared in protest.

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

##### THE COMMISSION FINDS:

That the application sought is compatible with the public interest, will not impair the ability of a common carrier to render service, and should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Henry T. Powell, Denver, Colorado, be, and he is hereby, authorized and empowered to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of freight between all points in Denver, Colorado, and a two mile radius of the City limits of the City and County of Denver, for North Eastern Motor Freight, Inc., only, in both interstate and intrastate commerce, interstate operating rights being subject to the Federal Motor Carrier Act of 1935, as amended.

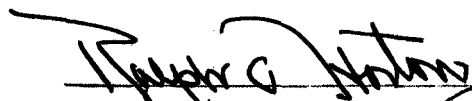
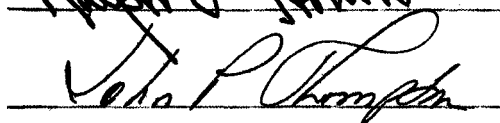

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 authority sheets.

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 8th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
NATIONAL CONSTRUCTION COMPANY, INC., )  
3100 PEARL STREET, BOULDER, COLORADO, ) APPLICATION NO. 15091-PP-Extension  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-5038. )  
-----)

-----  
January 7, 1958  
-----

Appearances: W. E. McCarthy, Esq., Boulder,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, National Construction Company, Inc., Boulder, Colorado, owner and operator of Permit No. B-5038, sought authority to extend operations under said operating rights to include the right to transport liquids, both inflammable and noninflammable, from National Bureau of Standards, in Boulder County, Colorado, to Beech Aircraft Corporation, in Boulder County, State of Colorado.

Said application was regularly set for hearing before the Commission, at the County Court Room, Court House, Boulder, Colorado, January 15, 1958, due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from W. E. McCarthy, Attorney for Applicant herein, stating applicant no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

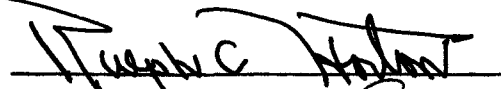

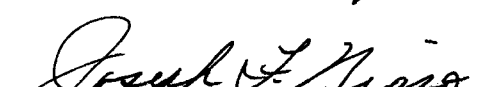
That hearing of Application No. 15091-PP, presently set for

January 15, 1958, at Boulder, Colorado, should be, and the same hereby is, vacated.

That Application No. 15091-PP should be, and the same hereby is, dismissed, at request of Attorney for Applicant herein.

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 January, 1958.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE GARRAMONE, DOING BUSINESS AS )  
"UNION FRUIT & PRODUCE," 209 DENARGO )  
MARKET, DENVER, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER INTERSTATE OPERAT- )  
ING RIGHTS TO LUCILLE GARRAMONE, )  
JOHN GARRAMONE, AND BEN DEITSCH, CO- )  
PARTNERS, DOING BUSINESS AS "UNION )  
FRUIT & PRODUCE CO.," G-2 DENARGO )  
MARKET, DENVER, COLORADO. )  
-----

PUC NO. 2338-I-Transfer

-----  
January 9, 1958  
-----

S T A T E M E N T

By the Commission:

Heretofore, George Garramone, doing business as "Union Fruit & Produce," Denver, Colorado, was authorized to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 2338-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Lucille Garramone, John Garramone, and Ben Deitsch, co-partners, doing business as "Union Fruit & Produce Co.," Denver, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness against said operation, if any there be, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

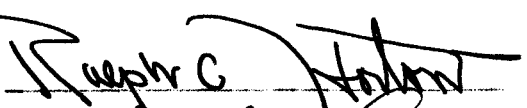


O R D E R

THE COMMISSION ORDERS:

That George Garramone, doing business as "Union Fruit & Produce," Denver, Colorado, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 2338-I to Lucille Garramone, John Garramone, and Ben Deitsch, co-partners, doing business as "Union Fruit & Produce Co.," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BONDEA I. MAY, ADMINISTRATRIX OF )	
THE ESTATE OF WILLIAM MAY, DECEASED, )	
AND BONDEA I. MAY, DOING BUSINESS )	
AS "MAY TRUCKING CO.," VALENTINE, )	
NEBRASKA, FOR AUTHORITY TO TRANSFER )	<u>PERMIT NO. B-3154-I-Transfer</u>
INTERSTATE OPERATING RIGHTS TO )	
FRANKLYN MAY, DOING BUSINESS AS )	
"MAY TRUCKING CO.," VALENTINE, )	
NEBRASKA. )	

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-----  
January 9, 1958  
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S T A T E M E N T

By the Commission:

Heretofore, Bondea I. May and William May, co-partners, doing business as "May Trucking Company," Valentine, Nebraska, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a private carrier by motor vehicle for hire, in interstate commerce, and Permit No. B-3154-I issued to them.

Thereafter, William May departed this life, and by the instant application, Bondea I. May, as Administratrix of the Estate of William May, Deceased, and Bondea I. May, individually, doing business as "May Trucking Company," seeks authority to transfer said operating rights to Franklyn May, doing business as "May Trucking Company," Valentine, Nebraska.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

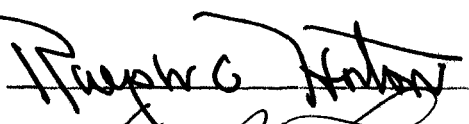

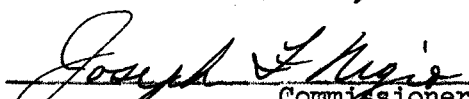
O R D E R

THE COMMISSION ORDERS:

That Bondea I. May, Administratrix of the Estate of William May, Deceased, and Bondea I. May, doing business as "May Trucking Company," Valentine, Nebraska, should be, and hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-3154-I to Franklyn May, doing business as "May Trucking Company," Valentine, Nebraska, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AURORA TRANSPORTATION COMPANY, 2358 )  
WASHINGTON STREET, DENVER, COLORADO, )  
AND PUBLIX CAB COMPANY, 2358 WASH- )  
INGTON STREET, DENVER, COLORADO, FOR ) APPLICATION NO. 15956-Transfer  
AUTHORITY TO TRANSFER PUC NO. 1529 )  
TO THE AURORA CORPORATION, 3455 )  
ARKINS COURT, DENVER, COLORADO. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
THE ENGLEWOOD CORPORATION, 704 )  
EQUITABLE BUILDING, DENVER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. ) APPLICATION NO. 15957-Transfer  
2450 TO THE ENGLEWOOD TRANSPORTATION )  
COMPANY, 3455 ARKINS COURT, DENVER, )  
COLORADO. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
PUBLIX CAB COMPANY, 2358 WASHINGTON )  
STREET, DENVER, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PUC NO. 1223 TO ) APPLICATION NO. 15958-Transfer  
THE PUBLIX CORPORATION, 3455 ARKINS )  
COURT, DENVER, COLORADO, AND THE )  
AURORA CORPORATION, 3455 ARKINS )  
COURT, DENVER, COLORADO. )  
-----

SUPPLEMENTAL ORDER

-----  
January 9, 1958  
-----

Appearances: Kobey and Mitchell, Esqs., Den-  
ver, Colorado, for Publix Cab  
Company, The Englewood Cor-  
poration, Aurora Transporta-  
tion Company;  
Charles D. Bromley, Esq., Den-  
ver, Colorado, for The Publix  
Corporation, The Englewood  
Transportation Company, The  
Aurora Corporation.

S T A T E M E N T

By the Commission:

On December 31, 1957, the Commission entered its Decision  
No. 49310 in the above-styled applications.

It now appears that two typographical errors appear in the Order contained in said Decision No. 49310, appearing on Page 10 thereof.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Decision No. 49310 should be amended to conform to the facts, nunc pro tunc, as of December 31, 1957, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

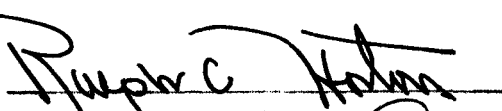

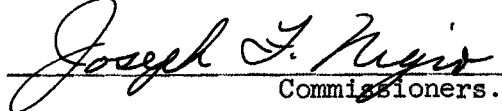
That Decision No. 49310, of date December 31, 1957, should be, and the same hereby is, amended, nunc pro tunc, as of said 31st day of December, 1957, in the following particulars:

1. By striking the letters and figure "PUC No. 2358," appearing in the third line of the first paragraph of the Order contained in said Decision No. 49310, on Page 10 thereof, and inserting in lieu thereof the following: "PUC No. 1529."

2. By striking the word, letters and figure: "and PUC No. 681," appearing in the third line of the fourth paragraph of the Order contained in said Decision No. 49310, on Page 10 thereof.

That, except as herein amended, Decision No. 49310 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1958.

mls

original

(Decision No. 49360)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE STATE HIGHWAY COMMISSION OF COLO- )  
RADO, A BODY CORPORATE, FOR THE USE )  
AND BENEFIT OF THE PEOPLE OF THE )  
STATE OF COLORADO, FOR AUTHORITY TO )  
INSTALL AUTOMATIC FLASHING LIGHT )  
SIGNALS AT THE POPLAR STREET CROSSING, )  
STATE HIGHWAY NO. 4, IN LEADVILLE, ON )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY PROPERTIES AT MILE- )  
POST 275.73, IN LAKE COUNTY, STATE )  
OF COLORADO. )  
----- )

APPLICATION NO. 13211

-----  
January 9, 1958  
-----

Appearances: George L. Zoellner, Esq.,  
Denver, Colorado, for  
Applicant, Department  
of Highways;  
J. L. McNeill, Denver,  
Colorado, for the staff  
of the Commission.

S T A T E M E N T

By the Commission:

Hearing in the above-entitled application was held at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on November 21, 1957. Prior notice of the hearing was sent to all interested parties; to the Mayor, City of Leadville, and to the Board of County Commissioners, of Lake County. At completion of the hearing, the matter was taken under advisement by the Commission.

The files of the Commission indicate the matter of protection at the instant highway-grade crossing has been a subject of investigation since 1951 by the staff of the Commission, by the Rio Grande Railroad officials, engineers of the Highway Department, by officials of the City of Leadville, the Lake County Commissioners, and by members of the local district attorney's staff, and the State Patrol.

At the hearing in this matter, the following exhibits were offered by Mr. E. L. King, who is Assistant to the Plans & Surveys Engineer of the Department of Highways at Denver, Colorado.

Exhibit No. 1: Set of plans consisting of four sheets to show details for installation of automatic flashing light signals:  
Sheet 1 - Location Map;  
Sheet 2 - Crossing layout and wiring diagram.  
Sheet 3 - Drawing of proposed signal units.  
Sheet 4 - Drawing and General Notes for Advance Warning Signs.

Exhibit No. 2: Prepared Statement of Mr. King to describe details of: Location, agreements, approvals, protection needs and proposal, construction and costs.

Exhibit No. 3: Agreement dated November 16, 1954 between Department of Highways and Rio Grande for installation and maintenance of flashing light signals.

Mr. King explained that protection at the crossing involved consideration of a variety of factors: Rail traffic is light -- consisting only of some six to eight switching movements daily at speeds approaching eight miles per hour; vehicular traffic volume as of January 1, 1957, amounted to 3,850 vehicles per day, with heavy peaktime loads in the mornings, afternoons and late at night, due to shift changes of workers in the local industries; adverse mountain weather conditions at the high altitude of Leadville offer hazards of snow-packed or icy roads and limited vision due to fog or low-hanging clouds.

In the past, proposals for added protection have included: Adding an extra cross-buck sign, provide increased street illumination, install sodium-vapor warning lights, enactment of a City ordinance requiring flagging protection by a trainman and finally flashing light signals. Of the above proposals, only the added cross-buck sign and the flagging protection were actually tried before the installation of flashers on a trial basis in early 1955.



Mr. King noted that the instant signal devices, crossing bell, instrument case, track relay, flasher relay and other miscellaneous material were relocated to Leadville from a crossing being abandoned near Otto, Colorado, Mile Post 223.33, thereby securing certain savings due to participation of the Bureau of Public Roads in the original installation. Since completion of the installation on December 24, 1954, no accidents have been reported. Meanwhile, all costs of the improvement amounting to \$3,180 have been borne by the Department and the signals have been inspected and maintained in working order by the Railroad Company.

In the course of the above-described safety considerations and pursuant to the Commission notifications in this matter, the Board of County Commissioners of Lake County, by Charles R. Casey, Lake County Attorney, filed its consent to the proposed application and made its offer to contribute the sum of \$589.17 toward the cost of the project.

Staff Exhibit No. 1 was received without objection at the hearing by the Commission, and consisted of:

- (a) Statement of Consent and Offer of contribution in the amount of \$589.17 by the Board of County Commissioners of Lake County, Colorado.
- (b) Transmittal letter of Lake County Attorney, Charles R. Casey, making tender for filing of the County Commissioners' proposal of cost participation.

With reference to the plans and specifications for the proposed work, it appears that the signal devices and installation will be in conformity with the code of the American Railroad Association; that the project has been approved by the Chief Engineer, Department of Highways, by the Chief Engineer of The Denver & Rio Grande Western Railroad Company, and the Board of Lake County Commissioners. The trial interval of accident-free operation since 1955 offers a positive indication of effective protection. It appears also that no public utilities or adjacent property owners have been adversely affected, and the files of the Commission reveal no protests to the proposal.

## F I N D I N G S

### THE COMMISSION FINDS:

That the public safety, convenience and necessity require the improved crossing protection consisting of the installation, operation, and maintenance of automatic flashing light signals at Rio Grande Mile Post 275.73, being at the public highway-railroad grade crossing on North Poplar Street (S.H.No.4) north of the North City Limits of Leadville, Lake County, Colorado.

## 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, authorizing the improvement of grade crossing protection by the installation, operation and maintenance of automatic flashing light signals at the grade crossing of North Poplar Street (S. H. No. 4), over the tracks of The Denver & Rio Grande Western Railroad Company at its Mile Post 275.73, being north of the North City Limits of Leadville, Lake County, Colorado.

That the work to be done, costs, installations, and maintenance of the automatic signal devices shall be as indicated in the preceding Statement.


That the participation of the Lake County Board of County Commissioners with the Department of Highways in the cost of the signal installation is hereby approved.

That the preceding Statement, Applicant's Exhibits Nos. 1, 2, 3, and Staff Exhibit No. 1, are, by reference, made a part hereof.

That the signal devices, installation and operation shall all be in conformance with the Bulletin of the Association of American Railroad's Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Ralph C. Holton  
John P. Thompson  
Joseph F. Nease  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FAY R. HOOKER 830 SANTA CLARA )  
AVENUE, GRAND JUNCTION, COLORADO. )  
----- )

PUC NO. 3638  
PERMIT NO. M-13548

IN THE MATTER OF THE APPLICATION )  
OF FAY R. HOOKER, 830 SANTA CLARA )  
AVENUE, GRAND JUNCTION, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY, AUTHOR- )  
IZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 3638. )  
----- )

APPLICATION NO. 15921-Extension

-----  
January 9, 1958  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Fay R. Hooker, owner of PUC No. 3638 and Permit No. M-13548, and  
applicant in Application No. 15921, requesting that said operating  
rights be cancelled, and said application dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R


THE COMMISSION ORDERS:

That PUC No. 3638 and Permit No. M-13548 should be, and  
same hereby are, cancelled and revoked, at the request of Fay R.  
Hooker, Grand Junction, Colorado, owner thereof.

That Application No. 15921 should be, and the same hereby  
is, dismissed, at the request of Fay R. Hooker, Grand Junction,  
Colorado, Applicant therein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 9th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BENNIE GOLDSTEIN, DOING BUSINESS )  
AS "GOLDSTEIN REFRIGERATOR LINE," ) PERMIT NO. B-1590  
3434 WALNUT STREET, DENVER, COLO- )  
RADO. )  
----- )

-----  
January 3, 1958  
-----

S T A T E M E N T

By the Commission:

On May 29, 1957, the Commission entered its Decision No. 48017, authorizing the above-named permittee to suspend operations under Permit No. B-1590 until January 3, 1958.

The Commission is now in receipt of a communication from said permit-holder, requesting authority to further suspend operations under said permit for a period of six months from January 3, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

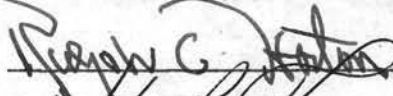
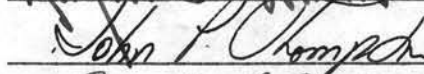
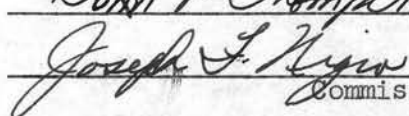
O R D E R

THE COMMISSION ORDERS:

That Bennie Goldstein, doing business as "Goldstein Refrigerator Line," Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-1590 until July 3, 1958.

That unless said permit-holder shall, prior to 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.

Dated at Denver, Colorado,  
this 3rd day of January, 1958.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ANGELO DI SALLE, 4447 PENNSYLVANIA )  
STREET, DENVER, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND ) APPLICATION NO 15943-Extension  
NECESSITY, AUTHORIZING EXTENSION OF )  
OPERATIONS UNDER PUC NO. 2843. )  
-----

-----  
January 9, 1958  
-----

Appearances: Angelo DiSalle, Denver, Colo-  
rado, pro se;  
Robert E. McLean, Esq., Den-  
ver, Colorado, for Weber's  
Hauling Service, et al.

S T A T E M E N T

By the Commission:

On October 16, 1957, Angelo DiSalle, Denver, Colorado, Appli-  
cant herein, filed his application with the Commission, seeking a certi-  
ficate of public convenience and necessity, authorizing extension of  
operations under PUC No. 2843 to include the right to transport ashes,  
trash, and other waste materials, from point to point within the City  
and County of Denver, State of Colorado.

Said application was regularly set for hearing before the Com-  
mission, and heard, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, December 30, 1957, and at the conclu-  
sion of the evidence, the matter was taken under advisement.

At the hearing, applicant contended that he was operating in  
Denver prior to the time The Public Utilities Commission of the State  
of Colorado took jurisdiction over this type of service within the City  
and County of Denver, and as a result, is entitled to "Grandfather  
Rights." Applicant exhibited his City License Plates for the Year 1955.

An examination of our Investigation Department discloses that

applicant has had a City License for the transportation of ashes, trash, and so forth, from February 18, 1955, to December 30, 1957. It further appears that in November, 1954, the people, by vote, gave this Commission authority to regulate utilities in home-rule cities.

Immediately after said election and the passing of the Constitutional Amendment, the Commission determined that there were several hundred small common carriers operating within the City and County of Denver.

The Commission carefully considered the situation, and determined, as a matter of policy, that those carriers then operating in Denver should be given authority, and contacted the City and County of Denver on June 1, 1955, as to carriers then performing service within the City and County of Denver.

During the last one-half of the Year 1955, and the Years 1956 and 1957, these carriers filed applications for certificate of public convenience and necessity from this Commission, establishing their right to serve, and later, on August 13, 1957, the Commission, in Decision No. 48526, stated:

"That December 31, 1957, be, and it hereby is, established as the final date for filing motor carrier license applications based upon Grandfather Rights in the home-ruled cities of the State of Colorado."

The evidence discloses clearly that applicant, on June 1, 1955, was a duly licensed carrier in Denver, and was so certified by the City to this Commission. It therefore appears that applicant has served as a common carrier in Denver during the Years 1955, 1956, and 1957. Technically, there may be some merit in the contention that applicant is not entitled to a certificate of public convenience and necessity. Nevertheless, due to the history above reviewed, it appears that applicant should be given the benefit of the doubt, and it is our best judgment that the application, under this particular



set of facts, should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of applicant herein, under PUC No. 2843, 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:

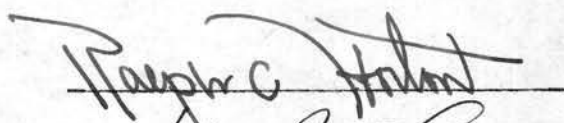
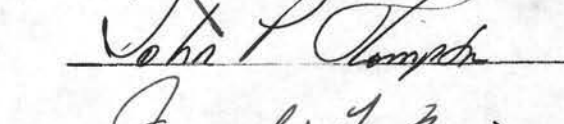
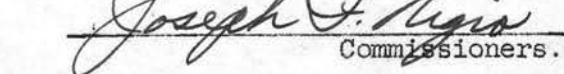
That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Angelo DiSalle, Denver, Colorado, under PUC No. 2843, for the transportation of ashes, trash, and other waste materials, from point to point within the City and County of Denver, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
HOWARD L. ADAMS AND NEAL E. )	
FERGUSON, 3424 WEST EXPOSITION )	<u>PERMIT NO. B-3438</u>
AVENUE, DENVER, COLORADO. )	
- - - - - )	

- - - - -  
January 14, 1958  
- - - - -

S T A T E M E N T

By the Commission:

On August 8, 1957, the Commission entered its Decision No. 48476, authorizing the above-named permittees to suspend operations under Permit No. B-3438 until January 15, 1958.

The Commission is now in receipt of a communication from said permit-holders, requesting authority to further suspend operations under said permit for a period of six months from January 15, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

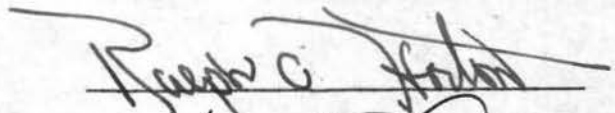
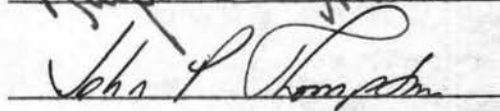
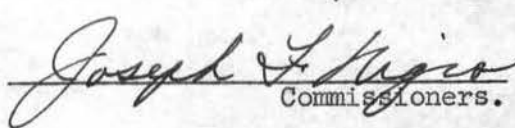
THE COMMISSION ORDERS:

That Howard L. Adams and Neal E. Ferguson, Denver, Colorado, should be, and hereby are, authorized to further suspend operations under Permit No. B-3438 until July 15, 1958.

That unless said permit-holders shall, prior to 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.

Dated at Denver, Colorado,  
this 14th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALEX MEISINGER, 7430 ONEIDA )  
STREET, DERBY, COLORADO. )  
----- )

PERMIT NO. B-4952  
CASE NO. 83266-INS.

-----  
January 9, 1958  
-----

S T A T E M E N T

By the Commission:

On November 20, 1957, the Commission entered its Order in Case No. 83266-Ins., revoking Permit No. B-4952 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:

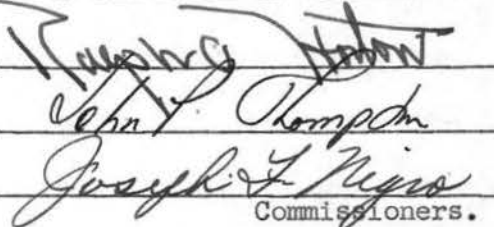
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4952 should be, and the same hereby is, reinstated, as of November 20, 1957, revocation order entered by the Commission on said date in Case No. 83266-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 9th day of January, 1958.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES WOLOS, DOING BUSINESS AS )  
"CHARLES WOLOS COMPANY," 1910 )  
MENSAUL BOULEVARD, ALBUQUERQUE, )  
NEW MEXICO. )  
----- )

PERMIT NO. M-2324  
CASE NO. 83307-INS.

-----  
January 9, 1958  
-----

S T A T E M E N T

By the Commission:

On December 16, 1957, in Case No. 83307-Ins., the Commission entered its Order, revoking Permit No. M-2324 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-2324 should be, and the same hereby is, reinstated, as of December 16, 1957, revocation order entered by the Commission on said date in Case No. 83307-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Murphy C. Holland*  
*John P. Thompson*  
*Joseph E. Nigro*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
NOVICE R. HARRINGTON, 4240 )  
EAST CHERRY LYNN ROAD, PHOENIX, )  
ARIZONA. )  
----- )

PUC NO. 3248-I  
PERMIT NO. M-8363  
CASE NO. 83567-INS.

-----  
January 9, 1958  
-----

S T A T E M E N T

By the Commission:

On December 16, 1957, the Commission entered its Order in Case No. 83567-Ins., revoking PUC No. 3248-I and Permit No. M-8363 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:

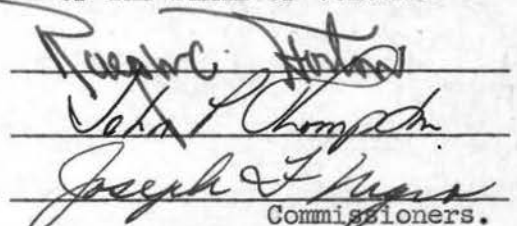
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 3248-I and Permit No. M-8363 should be, and the same hereby are, reinstated, as of December 16, 1957, revocation Order entered by the Commission on said date in Case No. 83567-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 9th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FERMIN VALDEZ, AVONDALE, COLORADO. )  
)  
)  
)  
)  
-----)

PERMIT NO. M-579

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

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

requesting that Permit No. M-579 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-579, heretofore issued to \_\_\_\_\_  
Fermin Valdez \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective January 6, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Hobart*  
\_\_\_\_\_  
*John Thompson*  
\_\_\_\_\_  
*Joseph F. Higo*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. L. ATKINSON, DOING BUSINESS AS )  
"AT'S SERVICE," BOX 221, NUCLA, )  
COLORADO. )  
----- )

PERMIT NO. M-904

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. L. Atkinson dba At's Service  
requesting that Permit No. M-904 be cancelled.

FINDINGS

THE COMMISSION FINDS:

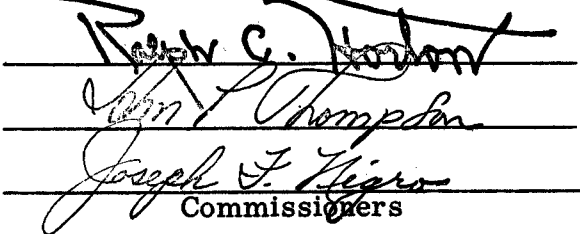
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-904, heretofore issued to \_\_\_\_\_  
H. L. Atkinson dba At's Service \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective October 15, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January, 1958.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM IRA CLARK, ROUTE 1, PALISADE, )  
COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-2042

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
William Ira Clark  
requesting that Permit No. M-2042 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2042, heretofore issued to \_\_\_\_\_  
William Ira Clark be,  
and the same is hereby, declared cancelled effective December 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ANTHONY DE BELL, 3875 EATON STREET, )  
DENVER 14, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-3831

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

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

requesting that Permit No. M-3831 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3831, heretofore issued to \_\_\_\_\_  
Anthony DeBell be,  
and the same is hereby, declared cancelled effective December 30, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Ray C. Norton*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SUPERFLAME GAS & APPLIANCE CO., )  
2331 DELWOOD AVENUE, DURANGO, COLO- )  
RADO. )  
\_\_\_\_\_ )

PERMIT NO. M-5034

\_\_\_\_\_  
January 15, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Superflame Gas & Appliance Co.  
\_\_\_\_\_

requesting that Permit No. M-5034 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5034, heretofore issued to \_\_\_\_\_  
Superflame Gas & Appliance Co. \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Horton  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
IRA G. CARPENTER, DOING BUSINESS AS )  
"DESERT GATEWAY STORE," MACK, )  
COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-5354

\_\_\_\_\_  
January 15, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ira G. Carpenter dba Desert Gateway Store  
requesting that Permit No. M-5354 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5354, heretofore issued to \_\_\_\_\_  
Ira G. Carpenter dba Desert Gateway Store \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 29, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hobart  
John P. Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,

this 15th day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
OREY BENNETT, CORTEZ, COLORADO. )

PERMIT NO. M-7274

January 15, 1958

STATEMENT

By the Commission:

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

requesting that Permit No. M-7274 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7274, heretofore issued to \_\_\_\_\_  
Orey Bennett \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 29, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holden*  
*John P. Thompson*  
*Joseph F. Higo*  
Commissioners

Dated at Denver, Colorado,

this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES A. MOON, RT. 1, BOX 571, )  
DENVER 16, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-7864

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

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

James A. Moon

requesting that Permit No. M-7864 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7864, heretofore issued to \_\_\_\_\_

James A. Moon

be,

and the same is hereby, declared cancelled effective January 3, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. C. WILSON, DOING BUSINESS AS )  
"WILSON SEED STORE," OLATHE, COLORADO.)  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-9985

\_\_\_\_\_  
January 15, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
C. C. Wilson dba Wilson Seed Store

requesting that Permit No. M-9985 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9985, heretofore issued to \_\_\_\_\_  
C. C. Wilson dba Wilson Seed Store be,  
and the same is hereby, declared cancelled effective January 1, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Johnson  
John P. Thompson  
Joseph F. Higo  
Commissioners

Dated at Denver, Colorado,

this 15th day of January, 195 8.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOSE MARTINEZ, C/O MAX HAND, ULYSSES, )  
KANSAS. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10181

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Jose Martinez  
requesting that Permit No. M-10181 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10181, heretofore issued to \_\_\_\_\_  
Jose Martinez \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective January 4, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 15th day of January, 1958.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH W. BISHOP, 679 GARRISON, )  
LAKEWOOD, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10313

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ralph W. Bishop  
\_\_\_\_\_  
requesting that Permit No. M-10313 be cancelled.

FINDINGS

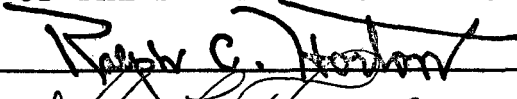
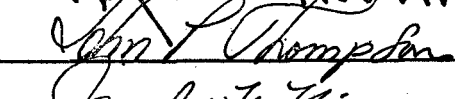

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10313, heretofore issued to \_\_\_\_\_  
Ralph W. Bishop \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective August 12, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January, 195 8.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BOYD JOHNSON, ROLLA, KANSAS. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-11254

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Boyd Johnson  
requesting that Permit No. M-11254 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11254, heretofore issued to \_\_\_\_\_  
Boyd Johnson \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective February 29, 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 15th day of January, 1958.  
ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BENITO CANTU, BOX 31, MANASSA, )  
COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-11686

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Benito Cantu  
\_\_\_\_\_  
requesting that Permit No. M-11686 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11686, heretofore issued to \_\_\_\_\_  
Benito Cantu \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 16, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
IVAN SPATH AND DELBERT GOODEN, DOING )  
BUSINESS AS "G & S PRODUCE," 6801 )  
NIAGARA, DERBY, COLORADO. )  
\_\_\_\_\_) )

PERMIT NO. M-13580

\_\_\_\_\_  
January 15, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ivan Spath and Delbert Gooden dba G & S Produce  
requesting that Permit No. M-13580 be cancelled.

FINDINGS

THE COMMISSION FINDS:

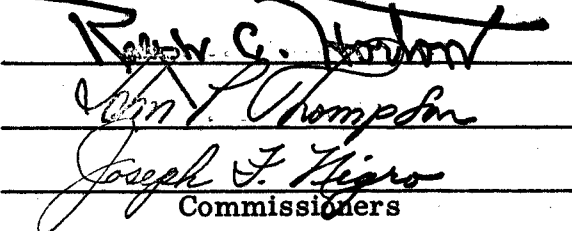
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13580, heretofore issued to \_\_\_\_\_  
Ivan Spath and Delbert Gooden dba G & S Produce \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective January 7, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 15th day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
KEITH R. AND LAWRENCE E. LIGGETT, )  
DOING BUSINESS AS "LIGGETT BROTHERS," )  
2850 MAIN, DURANGO, COLORADO. )  
----- )

PERMIT NO. M-13787

-----  
January 15, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Keith R and Lawrence E. Liggett dba Liggett Brothers  
\_\_\_\_\_  
requesting that Permit No. M-13787 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13787, heretofore issued to \_\_\_\_\_  
Keith R. and Lawrence E. Liggett dba Liggett Brothers \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 15, 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 15th day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
KEITH R. AND LAWRENCE E. LIGGETT, )  
DOING BUSINESS AS "LIGGETT BROTHERS;" )  
2850 MAIN, DURANGO, COLORADO. )  
-----

PERMIT NO. B-2934

-----  
January 15, 1958  
-----

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-2934 be suspended for six months from December 15, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

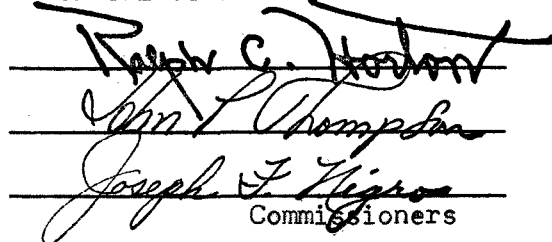
O R D E R

THE COMMISSION ORDERS:

That Keith R. and Lawrence E. Liggett dba Liggett Brothers, be and they are hereby, authorized to suspend their operations under Permit No. B-2934 until June 15, 1958.

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 15th day of January 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD HOFFERBER, 259 COLORADO )  
AVENUE, GRAND JUNCTION, COLORADO. )  
-----

PERMIT NO. B-5015

-----  
January 15, 1958  
-----

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-5015 be suspended for a period of six months from January 1, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.


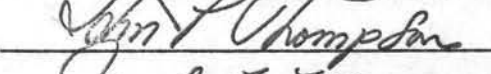

O R D E R

THE COMMISSION ORDERS:

That Harold Hofferber be, and he is hereby, authorized to suspend his operations under Permit No. B-5015 until July 1, 1958.

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 15th day of January 1958.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
OTIS SMITH, DOLORES, COLORADO.

)

PERMIT NO. B-5237

January 15, 1958

S T A T E M E N T

By the Commission:

On December 4, 1957, the Commission authorized Otis Smith to suspend operations under his Permit No. B-5237 until April 25, 1958.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-5237 should be, and the same hereby is, reinstated as of January 2, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John F. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1958.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MONTE VISTA COOPERATIVE, MONTE )  
VISTA, COLORADO. )  
-----)

PERMIT NO. M-4752  
CASE NO. 49233-INS.

-----  
January 14, 1958  
-----

S T A T E M E N T

By the Commission:

On July 7, 1957, the Commission entered its Order in Case No. 49233-Ins., revoking Permit No. M-4752 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:

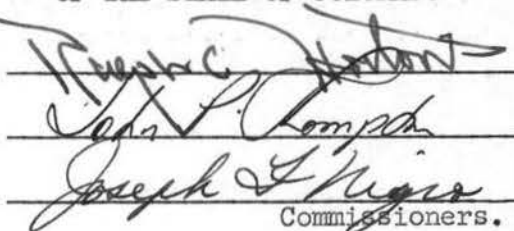
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-4752 should be, and the same hereby is, reinstated, as of July 7, 1957, revocation order entered by the Commission on said date in Case No. 49233-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 14th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT J. GAWTHROP, 1220 DEL MAR )  
PARKWAY, AURORA, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 15847-Extension  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 3672. )  
----- )

-----  
January 14, 1958  
-----

Appearances: Robert E. McLean, Esq.,  
Denver, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

Heretofore, Robert J. Gawthrop, Aurora, Colorado, was  
granted a certificate of public convenience and necessity, author-  
izing him to operate as a common carrier by motor vehicle for hire,  
for the transportation of:

ashes, trash, and other waste materials, between  
points within the following-described area: an  
area bounded on the south by East Alameda Avenue;  
on the north by East 52nd Avenue; on the west by  
York Street, and on the east by Yosemite Street,  
and from points within said area, to regularly-  
designated and approved dumps and disposal places  
within the Counties of Adams, Arapahoe, and  
Jefferson, State of Colorado,

said operating rights being designated "PUC No. 3672."

By the instant application, said certificate-holder seeks  
authority to extend operations under said PUC No. 3672 to include  
the right to transport trash, rubbish, ashes, dirt, sod, fertilizer,  
junk, waste coal, wood waste, cans, debris, limbs, waste building  
materials, and other forms of waste, from and to all points within  
the City and County of Denver, and from points within said City and  
County of Denver, to officially-designated and approved dumps and  
disposal places in the Counties of Adams, Arapahoe, and Jefferson,  
State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 8, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 7, 1957, as provided by law, the Commission 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 in the ash and trash-hauling business within the City and County of Denver since 1953; that he is now operating under PUC No. 3672; that he is the owner of a truck, and has a net worth of \$16,000; that he has in the past, and did, on January 1, 1955, engage in transportation of ashes, trash, and other waste materials within the City and County of Denver.

From the evidence, it appears that applicant herein is a fit and proper person, has sufficient equipment, and is financially able to render the service herein requested; that he was engaged in transportation of ashes and trash 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."

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 recommends that authority sought should be granted 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 the extended 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 following Order.

## 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.

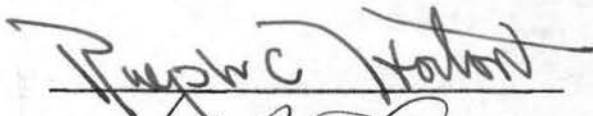
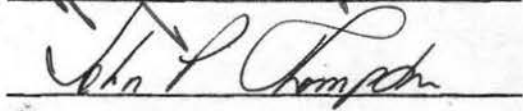
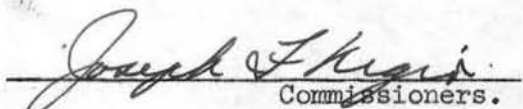
That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Robert J. Gawthrop, Aurora, Colorado, under PUC No. 3672, to include the right to transport ashes, trash, and other waste materials between points within the City and County of Denver, and from points within the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of January, 1958.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BESSIE K. WOLGAMOTT, WIDOW OF A. B. )  
WOLGAMOTT, DECEASED, STRATTON, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PERMIT ) APPLICATION NO. 14939-PP-Transfer  
NO. B-1267 TO WILLIAM SCHEOPNER, ) Amended  
STRATTON, COLORADO. )  
----- )

-----  
January 14, 1958  
-----

Appearances: Richard D. Dittmore, Esq.,  
Denver, Colorado, for  
Applicants;  
E. B. Evans, Esq., Denver,  
Colorado, for M. K.  
McElfresh, Paul G.  
Zimmerman.

S T A T E M E N T

By the Commission:

Heretofore, A. B. Wolgamott, Stratton, Colorado, was  
granted a Class "B" permit, authorizing him to operate as a  
private carrier by motor vehicle for hire, for the transportation  
of:

farm products, from point to point within an  
area around Stratton, Colorado, as follows:  
five miles north, fifteen miles east, thirty-  
five miles south, and ten miles west of  
Stratton, to Stratton, Vona, and Bethune;  
farm machinery and household goods, from  
point to point within the above-described  
area, without the right to move these  
commodities along the route served by  
Denver-Limon-Burlington Transportation  
Company; livestock, from point to point  
within the above-described area, and from  
and to points in said area, to and from  
sales barns at Stratton and Burlington,  
Colorado,

said operating rights being known as "Permit No. B-1267."

Said A. B. Wolgamott having departed this life, Bessie K.  
Wolgamott, widow of said A. B. Wolgamott, by the instant application,  
seeks authority to transfer said Permit No. B-1267 to William Scheopner,  
Stratton, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 8, 1957, due notice thereof being forwarded to all parties in interest.

On November 7, 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, Mrs. Bessie K. Wolgamott testified she is widow of A. B. Wolgamott; that said A. B. Wolgamott departed this life on May 8, 1957; that there is no outstanding unpaid operating indebtedness against said operation; that said permit had been inactive lately, but that her husband had operated under said permit, using a one and one-half-ton truck.

The records and files of the Commission disclose that on November 14, 1956, A. B. Wolgamott filed his application with this Commission, seeking authority to transfer Permit No. B-1267 to William Scheopner; that on May 8, 1957, said A. B. Wolgamott departed this life, and his estate was opened for Probate in the County Court of Kit Carson County, Colorado; that thereafter, and on September 6, 1957, said County Court entered its Order, in Estate No. 2025, transferring all interest in and to Permit No. B-1267 to Bessie K. Wolgamott; that thereafter, and on September 10, 1957, amendment to the instant application was filed, substituting Bessie K. Wolgamott as Transferor herein.

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

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



Report of the Examiner recommends that transfer of operating rights 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 the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness against said operation, if any there be.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Bessie K. Wolgamott, Widow of A. B. Wolgamott, Deceased, Stratton, Colorado, should be, and she hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-1267 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to William Scheopner, Stratton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Hobart  
John P. Thompson  
Joseph F. Higin  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of January, 1958.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RICHARD O. BARNES, ROUTE 1, )  
NUNN, COLORADO. )  
----- )

PERMIT NO. B-5138

-----  
January 14, 1958  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5138 be suspended for six months from November 28, 1957.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Richard O. Barnes

be, and is hereby, authorized to suspend his operations under Permit No. B-5138 until May 28, 1958.

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

Robert C. Johnson  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 14th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GARLAND FREEMAN AND LLOYD FREEMAN, )  
CO-PARTNERS, DOING BUSINESS AS )  
"FREEMAN TRANSFER," NICKERSON, )  
NEBRASKA, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO )  
RICHARD D. JENKINS, DOING BUSINESS )  
AS " R D TRANSFER," WARREN, ILLINOIS.)  
-----

PUC NO. 2449-I-Transfer

-----  
January 15, 1958  
-----

S T A T E M E N T

By the Commission:

Heretofore, Garland Freeman and Lloyd Freeman, co-partners, doing business as "Freeman Transfer," Nickerson, Nebraska, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 2449-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Richard D. Jenkins, doing business as "R D Transfer," Warren, Illinois.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Garland Freeman and Lloyd Freeman, co-partners, doing business as "Freeman Transfer," Nickerson, Nebraska, should be, and

they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2449-I to Richard D. Jenkins, doing business as "R D Transfer," Warren, Illinois, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph C. Horton  
John P. Thompson  
Joseph I. Higin  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. J. LOVITT AND FLOYD LOVITT, CO- )  
PARTNERS, WAUNETA, NEBRASKA, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO FLOYD LOVITT, )  
WAUNETA, NEBRASKA. )  
-----

PUC NO. 3890-I-Transfer

-----  
January 15, 1958  
-----

S T A T E M E N T

By the Commission:

Heretofore, L. J. Lovitt and Floyd Lovitt, co-partners, Wauneta, Nebraska, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 3890-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Floyd Lovitt, Wauneta, Nebraska, said L. J. Lovitt being desirous of withdrawing from said partnership.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to the conditions hereinafter set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

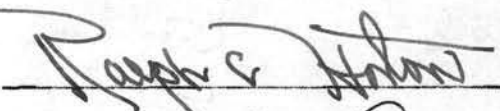

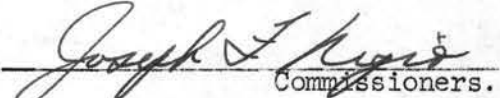
That L. J. Lovitt and Floyd Lovitt, Wauneta, Nebraska, should be, and they hereby are, authorized to transfer all their

right, title, and interest in and to PUC No. 3890-I to Floyd Lovitt, Wauneta, Nebraska, said L J. Lovitt being hereby authorized to withdraw from said partnership.

That transfer herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DEPARTMENT OF HIGHWAYS OF THE )  
STATE OF COLORADO FOR AUTHORITY TO )  
CONSTRUCT HIGHWAY-RAILWAY GRADE )  
SEPARATION STRUCTURE AND REMOVE AN )  
EXISTING GRADE SEPARATION STRUCTURE )  
ON STATE HIGHWAY NO. 1, IN THE )  
NORTHWEST QUARTER SECTION 24, TOWN- )  
SHIP 19-SOUTH, RANGE 65-WEST, ON )  
PROPERTIES OF THE ATCHISON, TOPEKA )  
AND SANTA FE RAILWAY COMPANY AT )  
MILE POST 629 PLUS 1148.6 FEET IN )  
PUEBLO COUNTY, STATE OF COLORADO. )  
-----)

APPLICATION NO. 15752

-----  
January 16, 1958  
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Appearances: George L. Zoellner, Esq.,  
Denver, Colorado, for  
Applicant, Department  
of Highways;  
John L. McNeill, Denver,  
Colorado, for the staff  
of the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to all interested parties, to the owners of adjacent property, and to the Board of County Commissioners of Pueblo County, was set for hearing at the Court House in Pueblo, Colorado, November 27, 1957, where the matter was heard by the Commission and taken under advisement.

The purpose of the application is to secure Commission approval for the construction of a proposed railroad overpass structure for the single track crossing of The Atchison, Topeka and Santa Fe Railway Company over and above a relocated portion of State Highway No. 1, as noted above. The proposed new work will replace an existing highway underpass structure which is now inadequate



to safely handle present traffic volumes. At the hearing, the following exhibits were offered and explained by Mr. E. L. King, who is Assistant to the Plans & Surveys Engineer of the Department of Highways at Denver, Colorado:

Exhibit A: Sheet No. 1 and Title Page of department plans to show crossing location and general project area.

Exhibit B: Plan Sheet No. 9 to show layout of crossing, elevation and plan views of proposed separation structure, structure details to show clearance dimensions at the rail line and at the vehicle opening.

Exhibit C: Prepared Statement of Mr. King to describe details of: Location, agreements, approvals, necessity and proposed safety improvements, construction, maintenance and costs.

Exhibit D: Agreement dated March 25, 1957, between Santa Fe and Department of Highways for construction of the proposed grade separation structure near Bragdon, Pueblo County, Colorado.

In his explanatory statement, Mr. King related that the instant highway construction is located approximately six miles north of the City of Pueblo, near Santa Fe Mile Post 629. The project is the final phase in four-laning the Freeway between Colorado Springs and Pueblo. This is the north-south route through Colorado, of the National System of Interstate and Defense Highways, authorized by the National Congress under the 1956 Highway Act. The project is 1.017 miles in length and will provide for two lanes of traffic in each direction, separated by a median varying from 38-foot minimum to 60-foot maximum, the riding surface to consist of a 4-inch thickness of Asphaltic Concrete with fully-paved shoulders. Present traffic is now being handled through a two-lane underpass structure built in 1929 that is only 33 feet wide, with limited sight distances due to curved approach alinement.

Under current design criteria as required to meet the standards for the Interstate Road System, the four-lane separated

roadway pattern will be extended under the rail line on a more direct route. Deck girders of the present structure will be removed, the underpass section be filled in and much of the existing roadway will be obliterated as a part of the new divided roadway. The railroad will be carried on 21-inch wide-flange cross beams supported by means of two through-girders 9 feet deep and 21 feet apart, extending in two spans of 87 feet each over the respective roadways. Each roadway will consist of a 10-foot wide shoulder and two 12-foot traffic lanes to be completed at once, with provisions being made for the future construction of a third 12-foot lane with a  $4\frac{1}{2}$ -foot wide shoulder. On the bridge at each side of the rail line, there will be a two-foot wide walkway for rail employees, the through-girders extending some 5'2" above the walkway will offer handrail protection.

Following is a summary of the controlling dimensions at the structure:

#### CLEARANCES

<u>Item</u>	<u>Minimum Vertical</u>	<u>Commission Specification</u>	<u>Minimum Horizontal</u>	<u>Commission Specification</u>
Roadway	16'	16'	50.5'	30.0'
Rail-line	-	-	9.0'	8.5'
Walk-way	-	-	7.0'	5.0'

Also involved in the construction of the new railroad bridge is the necessity to detour both the rail-line traffic and vehicular traffic during the construction interval. Space and alinement limitation within the respective railroad and highway rights-of-way will require a temporary grade crossing of the rail and highway detour routes to be used. In this regard, Mr. King explained that the temporary grade crossing would be protected with standard automatic flashing signal lights, fully wired, and so installed to give full warning of the approach of trains; that customary slow speed signing for vehicular travel would be installed and that train speeds would



necessarily be reduced over the 1500 feet of temporary track detour; and that standard reflectorized advance warning signs would also be installed. Upon completion of the new structure and placement of the permanent track, the highway traffic would then be routed through the new underpass and the temporary detour installations be removed.

Approvals of the proposed project and structure have been given by the Chief Engineer, Department of Highways, by the Pueblo County Board of County Commissioners and appropriate officials of The Atchison, Topeka and Santa Fe Railway Company.

It appears that the proposed structure is necessary to meet increased traffic volumes and will offer an effective continuation of the previous grade separation advantages with the added improvements of greater size and more direct alinement. Upon completion of the railway bridge across the highway, the Department assumes the maintenance of all the structure. The Railway has no maintenance costs or responsibilities other than its roadbed, track and other appurtenances.

Under the terms of the Agreement with the Railway Company, the Department pays all costs. The Railway shall be fully reimbursed for all actual expenses incidental to work performed by Railway's forces for the Department's convenience in building the project. The Department's estimated cost of the Railway structure is \$192,996.00, excluding Railway Force Account work, right-of-way costs and engineering. Estimated cost of work by Railway Company Forces is \$32,200.00.

No protests were offered at the hearing and none 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 construction and operation of the enlarged grade separation structure

as proposed herein for vehicular travel under the main line  
trackage of The Atchison, Topeka and Santa Fe Railway Company,  
and that the present structure may be abandoned and removed.

That horizontal and vertical clearances for the proposed  
structure either equal or exceed the clearance requirements es-  
tablished 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 following:

(a) Establishment, construction and maintenance of a  
railroad overpass structure for the crossing of relocated State  
Highway No. 1 by trackage of The Atchison, Topeka and Santa Fe  
Railway at its Mile Post 629 plus 1148.6 feet in the NW $\frac{1}{4}$  Section 24,  
Township 19-South, Range 65-West, 6th Principal Meridian, Pueblo  
County, Colorado.

(b) Establishment, operation and final removal of  
temporary grade crossing and flashing light protective devices at  
the construction detour required for installation of the above-  
mentioned railroad overpass structure.

(c) Abandonment and removal of the present underpass,  
being Bridge No. 629.24.

That the work to be done, costs, installation and other  
maintenance shall be as indicated in the preceding Statement and  
Exhibits "A," "B," "C," and "D;" all of which, by reference, are  
made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph G. Holton*

*John A. Thompson*

*Joseph F. Norris*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of January, 1958.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY L. SHANER, 4575 ELM COURT, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15911-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-3141. )  
----- )

-----  
January 16, 1958  
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Appearances: Harry L. Shaner, Denver,  
Colorado, pro se;  
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:

Heretofore, Harry L. Shaner, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

coal, from mines in the northern Colorado coal fields, to Denver, and to points within a radius of ten miles of Denver; firewood, from mountains within a radius of fifteen miles of Tinytown, to Denver, and to points within a radius of ten miles of Denver; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties,

said operating rights being designated "Permit No. B-3141."

By the instant application, said permit-holder seeks authority to extend operations under said Permit No. B-3141, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points

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

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 11, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 4, 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 testified he is the owner and operator of Permit No. B-3141; that he has had many requests for his proposed extended services; that he is the owner of a 1953 International Dump Truck, of a five-ton rating; that he has a net worth of \$5,000; that if authority herein sought is granted, he is agreeable that operations thereunder be limited to the use of dump trucks, in the transportation of sand, gravel, and road-surfacing materials.

As restricted by applicant's testimony, 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 the service of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought, as limited by applicant's testimony, 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 applicant herein should be authorized to extend operations under Permit No. B-3141, 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 Harry L. Shaner, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3141, and that in the future said Permit No. B-3141, as extended, shall authorize the following:

Transportation of coal, from mines in the northern Colorado coal fields, to Denver, and to points within a radius of ten miles of Denver; firewood, from mountains within a radius of fifteen miles of Tintown, to Denver, and to points within a radius of ten miles of Denver; 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; insulation, 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; provided that transportation of road-surfacing materials shall be limited to the use of dump trucks, only.

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

  
*Samuel H. Hinton*  
*John P. Thompson*  
*Joseph F. Nigro*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESLEY SNYDER, 491 NORTH GREENWOOD, )  
LITTLETON, COLORADO, FOR AUTHORITY ) APPLICATION NO. 15912-PP-Extension  
TO EXTEND OPERATIONS UNDER PERMIT )  
NO. B-4330 AND PERMIT NO. B-4330-I. )  
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-----  
January 16, 1958  
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Appearances: Wesley Snyder, Littleton,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Wesley Snyder, Littleton, Colorado, was author-  
ized to operate as a Class "B" private carrier by motor vehicle for  
hire, for the transportation of:

plaster, from plaster mill located at Loveland,  
Colorado, to Englewood, Colorado; cement, from  
Jewel Switch, located near Broadway and Jewel  
Street, to Englewood; lumber, from railroad cars  
located at railroad yards one mile west of Engle-  
wood proper; all hauls to be made to the Arapahoe  
Lumber & Supply Company, Englewood, Colorado;  
lumber, for Arapahoe Lumber Company, only, from  
their yard in Englewood, to points within a  
radius of twenty miles of Englewood, Colorado,  
all hauling under said authority to be for one  
customer, viz., The Arapahoe Lumber Company;  
rough lumber and sawmill products, from sawmills  
in Breckenridge, Colorado, to Denver, Colorado;  
hay and straw, from all points in Colorado to  
Denver, Colorado, in intrastate commerce, and  
over all highways in Colorado to the Colorado  
State Lines, in interstate commerce, interstate  
operations being subject to the provisions of  
the Federal Motor Carrier Act of 1935; sand,  
gravel, and other road-surfacing materials used  
in the construction of roads and highways, from  
pits and supply points in the State of Colorado,  
to road jobs, mixer and processing plants within  
a radius of fifty miles of said pits and supply  
points; sand and gravel, from pits and supply  
points in the State of Colorado, to railroad load-  
ing points, and to homes and small construction  
jobs within a radius of fifty miles of said pits

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

said operating rights being known as "Permit No. B-4330 and Permit No. B-4330-I."

By the above-styled application, as amended at the hearing, applicant herein seeks authority to extend operations under said Permits Nos. B-4330 and B-4330-I, to include the right to transport peat moss, from points within a radius of fifty miles of Denver, to Denver, and to points within a radius of ten miles thereof; natural fertilizer, from available places in said territory, to Denver, and to points within a ten-mile radius thereof; clay, from pits and supply points in the State of Colorado, to processing plants within the State of Colorado within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 11, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 4, 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 testified he has had many requests for his extended services; that he is the owner of Permits Nos. B-4330 and B-4330-I; that he has a 1955 Ford five-ton truck, owns his home, and has a net worth of \$27,000.

No one appeared in opposition to the granting of the author-



ity 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 extended motor vehicle operations will impair the efficiency of any common carrier operating in the territory sought to be served 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 applicant herein should be authorized to extend operations under Permits Nos. B-4330 and B-4330-I, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

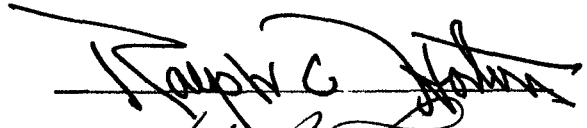
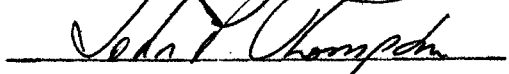

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Wesley Snyder, Littleton, Colorado, should be, and he hereby is, authorized to extend operations under Permits Nos. B-4330 and B-4330-I, to include the right to transport peat moss, from points within a radius of fifty miles of Denver, to Denver, and to points within a radius of ten miles thereof; natural fertilizer, from available places in said territory, to Denver, and to points within a ten-mile radius thereof; clay, from pits and supply points in the State of Colorado, to processing plants in the State of Colorado within a radius of fifty miles of said pits and supply points.

This order is made a part of the permit granted to appli-

cant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES ON VARIOUS COMMODITIES )  
NAMED IN ITEM NO. 1150 OF THE )  
MOTOR TRUCK COMMON CARRIERS' )  
ASSOCIATION, AGENT, FREIGHT TARIFF )  
NO. 12-A, COLORADO P.U.C. NO. 11, )  
FROM DENVER, COLORADO, TO DELTA, )  
GLENWOOD SPRINGS, GRAND JUNCTION, )  
GUNNISON, LEADVILLE, MONTROSE, )  
RIFLE AND SALIDA, COLORADO. )  
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INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 406

-----  
January 15, 1958  
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S T A T E M E N T

By the Commission:

By schedules filed to become effective September 21, 1957, The Motor Truck Common Carriers' Association, Agent, proposed new rates on a list of commodities from Denver, Colorado, to Delta, Glenwood Springs, Grand Junction, Grand Valley, Gunnison, Leadville, Montrose, Rifle and Salida, Colorado, subject to minimum weights of 10,000, 15,000 and 20,000 pounds, with a provision that said rates would also apply at directly intermediate points. There was no routing named in the tariff in connection with the said proposed rates which left the question of the correct applicable rate at an unnamed intermediate point in doubt.

On September 19, 1957, Decision No. 48761, the Commission suspended the proposed schedules until January 18, 1958, unless otherwise ordered.

On December 13, 1957, The Motor Truck Common Carriers' Association, Agent, by Mr. J. R. Smith, its Chief of Tariff Bureau, filed an Application (No. 329) with the Commission requesting authority to revise the suspended item, viz: No. 1215, by establishing routes in connection with the rates and to add Pueblo, Colorado, as a point of origin, and to vacate the order of suspension and discontinue the proceeding.

The revised item as proposed in Application No. 329 is as follows:

"Articles, as described in Item No. 1150. Minimum weight 20,000 pounds, from Denver to Delta, 94, Glenwood Springs, 64, Grand Junction, 89, Grand Valley, 75, Rifle, 72, route via Highways 6 and 40 to junction west of Idaho Springs, thence via Highway 6 to Dowds, thence via Highways 6 and 24 to Grand Junction, thence via Highway 50; to Leadville, 52, route via Highways 6 and 40 to junction west of Idaho Springs, thence via Highway 6 to Wheeler, thence via Highway 91; to Gunnison, 75, Montrose, 92, Salida, 61, route via Highways 85-87 to Colorado Springs, thence via 115 to junction with 120, thence via 120 to Canon City, thence via Highway 50 to destination. From Pueblo, Colorado, to Delta, 85, Grand Junction, 94, Gunnison, 64, Montrose, 81, Salida, 46, route via Highway 50 to destination; to Leadville, 62, route via Highway 50 to Salida, thence via Highway 291 to junction with 285, thence via Highway 285 to junction with Highway 24 to destination; to Glenwood Springs, 85, Grand Valley, 94, Rifle, 92, route via Highway 50 to Salida, thence via 291 to junction with 285, thence via Highway 285 to junction with Highway 24, thence via Highway 24 to Dowds, thence via Highways 6 and 24 to destination. Rates are in cents per 100 pounds and are applicable at directly intermediate points, via routes specified."

Inasmuch as the proposed rates represent reductions and the intermediate application has been clarified, there does not appear any good reason for the continuance of the suspension.

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

##### THE COMMISSION FINDS:

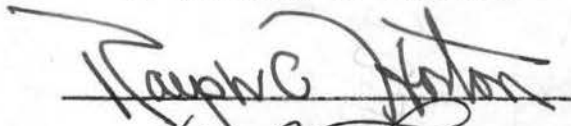
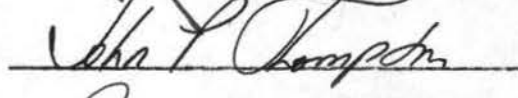

That, the proposed schedules have not been justified as being just and reasonable. An order should be entered requiring the cancellation of said schedules and discontinuing the proceeding, without prejudice to the establishment, on one day's filing and posting of the rates and routes in conformity with the views expressed herein.

O R D E R

THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.
2. The statement and findings be and they are hereby made a part hereof.
3. That respondent, The Motor Truck Common Carriers' Association, Agent, be and it is hereby notified and directed to cancel the proposed schedules, viz: 1st Revised Page No. 191, Item No. 1215, to the extent that said item was suspended, on or before January 18, 1958, 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 the Commission, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January, 1958.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SATURNINO R. FLORES, 250 NORTH )  
TENTH STREET, BRIGHTON, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
HIM TO OPERATE AS A COMMON CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 15913

-----  
January 17, 1958  
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Appearances: Saturnino R. Flores, Brighton,  
Colorado, pro se.

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 hire, for the transportation of trash, rubbish, debris, and refuse, from within the City of Brighton, Colorado, to the City Dump, or dumps, of said city.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 11, 1957, due notice thereof being forwarded to all parties in interest.

On December 4, 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 said 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 is a resident of Brighton, Colorado; that he



engaged in transportation of ashes, trash, and other waste materials within said City of Brighton; that Brighton is a city of seven thousand people, and that there is a need for his proposed operations; that there is only one other trash hauler in Brighton, viz., Wagner Hauling Service; that said service is inadequate; that he is the owner of a 1950 Chevrolet pick-up; that his net worth is \$7,000.

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

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

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

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Saturnino R. Flores, Brighton, Colorado, for the transportation of ashes, trash, and other waste materials, between points within the City of Brighton, Colorado, and from points within said City of Brighton, Colorado, to regularly-designated and approved dumps and disposal places within the County of Adams, State of Colorado, and


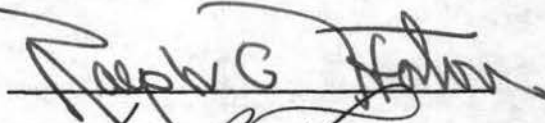

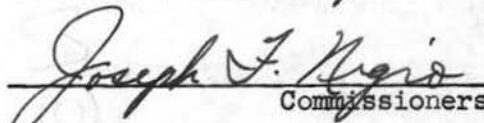
this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of January, 1958.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARLOS GONZALES, 1745 WEST DIXIE, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15908-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-3713. )  
-----)

-----  
January 17, 1958  
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S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks authority to extend operations under Permit No. B-3713, to include the right to transport peat moss, natural fertilizer, and clay, from pits and supply points, and from points within a 75-mile radius of said pits and supply points, to Denver, Colorado, and to points within a 15-mile radius thereof; 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 Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 11, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 4, 1957, the Commission, as provided by law,

designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report has been received by the Commission from said Examiner, stating that at the time and place designated for hearing said application, applicant failed to appear, either in person or by counsel, and recommending that said matter be continued, to be later set for hearing.

### 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 matter should be continued, to be re-set for hearing at a later date to be determined by the Commission, with notice to all parties in interest.

### O R D E R

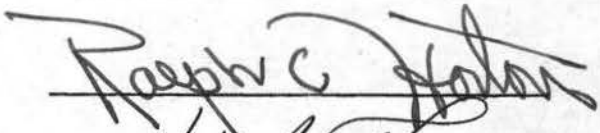

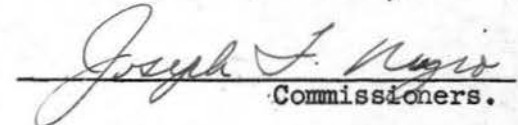
#### THE COMMISSION ORDERS:

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

That Application No. 15908-PP should be, and the same hereby is, continued, said matter to be later re-set for hearing before the Commission on a date to be determined by the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DALE CHRISTENSON, 1659 BOULDER )  
STREET, DENVER, COLORADO, FOR AU- )  
THORITY TO EXTEND OPERATIONS UNDER ) APPLICATION NO. 15907-PP-Extension  
PERMIT NO. B-2799. )  
----- )

-----  
January 17, 1958  
-----

Appearances: Dale Christenson, Denver,  
Colorado, pro se;  
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:

Heretofore, Dale Christenson, Denver, Colorado, was  
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,  
from pits and supply points in the State of Colo-  
rado, to points within a radius of fifty miles of  
said pits and supply points, excluding service in  
Boulder, Clear Creek, and Gilpin Counties; coal,  
from mines in the northern Colorado coal fields,  
to Denver, Colorado; grain, during harvest season,  
only, between points within a radius of twenty-  
five miles of Strasburg, Colorado, and from and  
to points in said area, to and from Denver; coal,  
from mines in the northern Colorado coal fields,  
to points within a radius of fifty miles of said  
mines,

said operating rights being designated "Permit No. B-2799."

By the above-styled application, said permittee seeks  
authority to extend operations under Permit No. B-2799.

Said application was regularly set for hearing before the  
Commission, at the Hearing Room of the Commission, 330 State Office  
Building, Denver, Colorado, December 11, 1957, at ten o'clock A. M.,  
due notice thereof being forwarded to all parties in interest.

On December 4, 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 amended his application so as to seek authority to extend operations under Permit No. B-2799, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; peat moss and natural fertilizer, from points within a radius of thirty miles of Nederland, Colorado, to Denver, Colorado, and to points within a radius of ten miles of the City Limits of Denver, Colorado; clay, from pits and supply points in the State of Colorado, to processing plants within the State of Colorado within a fifty-mile radius of said pits and supply points, limited to the use of dump trucks, only.

Report of said Examiner further states that at the hearing, applicant testified he is the owner and operator of Permit No. B-2799; that he has had demands for his proposed extended service; that he is the owner of a 1957 G.M.C.Truck, of a three-ton rating; that he owns his own home, and has a net worth of \$25,000.



No one appeared in opposition to the granting of authority sought, as amended 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 extended motor vehicle private carrier service will impair the efficiency of any common carrier operating in the territory sought to be served 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 applicant herein should be authorized to extend operations under Permit No. B-2799, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

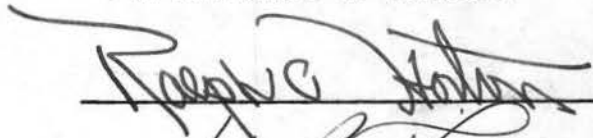

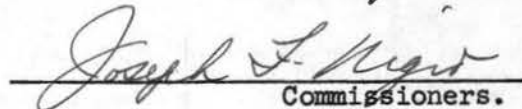
That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Dale Christenson, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-2799, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points

in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; peat moss, and natural fertilizer, from points within a thirty-mile radius of Nederland, Colorado, to Denver, Colorado, and to points within a ten-mile radius of the City Limits of Denver, Colorado; clay, from pits and supply points in the State of Colorado, to processing plants within the State of Colorado within a fifty-mile radius of said pits and supply points; provided that transportation of road-surfacing materials shall be limited to the use of dump trucks, only.

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 17th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

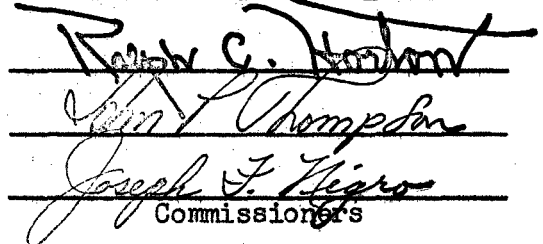
RICHARD O. BARNES, ROUTE 1, )  
NUNN, COLORADO. )  
----- )

PERMIT NO. B-5138

-----  
January 17, 1958  
-----S T A T E M E N TBy the Commission:On January 14, 1958, the Commission authorized \_\_\_\_\_Richard O. Barnes, Nunn, Colorado,to suspend operations under his Permit No. B-5138

until May 28, 1958.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G STHE COMMISSION FINDS:That the request should be granted.O R D E RTHE COMMISSION ORDERS:That Permit No. B-5138 should be, and the same herebyis, reinstated as of January 15, 1958.THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Commissioners

Dated at Denver, Colorado,

this 17th day of January 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EDWARD R. SAUL AND JESS TOWER, )  
PARTNERS, 2376 CLERMONT STREET, )  
DENVER 7, COLORADO. )

PERMIT NO. B-4379

January 24, 1958

S T A T E M E N T

By the Commission:

On December 4, 1957, the Commission authorized \_\_\_\_\_  
Edward R. Saul and Jess Tower, Denver, Colorado,  
to suspend operations under their Permit No. B-4379  
until March 8, 1958.

The Commission is now in receipt of a communication from the above-named permittee requesting that their permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4379 should be, and the same hereby  
is, reinstated as of December 17, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hord  
John P. Thompson  
Joseph F. Tigar  
Commissioners

Dated at Denver, Colorado,  
this 24th day of January 1958



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JEROME CLAY, DOING BUSINESS AS )  
"JERRY CLAY PRODUCE," 7095 )  
GRAPE STREET, DERBY, COLORADO. )  
 )  
 )  
 )

PUC NO. 2718-I

-----  
January 24, 1958  
-----

S T A T E M E N T

By the Commission:

On August 8, 1957 the Commission authorized \_\_\_\_\_  
Jerome Clay, d/b/a "Jerry Clay Produce," Derby, Colorado,  
to suspend operations under his Certificate of Public Convenience and  
Necessity No. 2718-I until December 17, 1957.

The Commission is now in receipt of a communication from the  
above-named certificate-holder requesting that his certificate be re-  
instated.

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 of Public Convenience and Necessity No. 2718-I  
should be, and the same hereby is, reinstated as of December 17, 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 24th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES R. AND PERCY A. PRATT, )  
DOING BUSINESS AS "PRATT BROTHERS", WALDEN, COLORADO. )

PERMIT NO. B-4693

-----  
January 24, 1958  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that their Permit No. B-4693 be suspended for six months from January 2, 1958.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That James R. and Percy A. Pratt, d/b/a "Pratt Brothers",

be, and are hereby, authorized to suspend their operations under Permit No. B-4693 until July 2, 1958.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Gordon*  
*John V. Thompson*  
*Joseph F. Higgins*  
Commissioners

Dated at Denver, Colorado,  
this 24th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MIKE C. HERNANDEZ, 296 NORTH )  
11TH STREET, BRIGHTON, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. B-5273

-----  
January 24, 1958  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5273 be suspended for six months from November 27, 1957.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Mike C. Hernandez

be, and is hereby, authorized to suspend his operations under Permit No. B-5273 until May 27, 1958.

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. Anderson  
John Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,  
this 24th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PAUL N. ALFORD, R R 1, ST. )  
GEORGE, KANSAS. )  
----- )

PERMIT NO. B-5299

-----  
January 24, 1958  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5299 be suspended for six months from December 16, 1957.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Paul N. Alford

be, and is hereby, authorized to suspend his operations under Permit No. B-5299 until June 16, 1958.

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. Gordon  
John P. Thompson  
Joseph F. Higo  
Commissioners

Dated at Denver, Colorado,  
this 24th day of January, 1958

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. W. JONES, P. D. MILLER & )  
M. W. SMITH, DOING BUSINESS AS )  
"MILLER, SMITH & JONES", P. O. )  
BOX 85, LITTLETON, COLORADO. )

PERMIT NO. B-5308

January 24, 1958

S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that their Permit No. B-5308 be suspended for six months from December 19, 1957.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That J. W. Jones, P. D. Miller & M. W. Smith, d/b/a "Miller,  
Smith and Jones"

be, and are hereby, authorized to suspend their operations under Permit No. B-5308 until June 19, 1958.

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. Hudson*  
*John J. Thompson*  
*Joseph F. Higgins*  
Commissioners

Dated at Denver, Colorado,  
this 24th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HOWARD P. LINDFORS, DOING )  
BUSINESS AS "KIOWA VALLEY TRUCK )  
LINE," STRASBURG, COLORADO. )  
----- )

PUC NO. 894

-----  
January 24, 1958  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 894 be suspended for six months from January 10, 1958.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Howard P. Lindfors, d/b/a "Kiowa Valley Truck Line"

be, and he is hereby, authorized to suspend operations under PUC No. 894 until July 10, 1958.

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 24th day of January 1958

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MOUNTAIN STATES BEAN COMPANY, DOING )  
BUSINESS AS "MIDWEST WAREHOUSE COM- )  
PANY," 4401 EAST FORTY-SIXTH AVENUE, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 15974-PP

-----  
January 20, 1958  
-----

Appearances: Frank P. Lynch, Jr., Esq.,  
Denver, Colorado, for  
Applicant;  
A. J. Fregeau, Denver, Colo-  
rado, for Weicker Transfer  
and Storage Company.

S T A T E M E N T

By the Commission:

On December 12, 1957, Mountain States Bean Company, doing business as "Midwest Warehouse Company," Denver, Colorado, filed application with the Commission for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sugar, in bulk and in sacks, for Holly Sugar Corporation, only, from Applicant's warehouse, located at 4401 East 46th Avenue, Denver, Colorado, to points within the City and County of Denver, and to points within a radius of five miles of said City and County of Denver, State of Colorado, excluding the right to handle C.O.D. shipments.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard by the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 9, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, George L. Chaney, Office Manager for Applicant company, testified that they operated a warehouse, in which Holly Sugar



Company stored large amounts of sugar; that they have been asked by said Holly Sugar Corporation to make deliveries to points within the City and County of Denver and to points within a radius of five miles thereof; that because the larger portion of the sugar will be handled in bulk, specialized equipment is required -- both for loading and transporting. The witness stated that they do not intend to perform any service excepting delivery service for Holly Sugar Corporation.

Mr. J. R. Copeland, Traffic Manager for Holly Sugar Corporation, testified that they had requested applicant herein to perform this service; that he had investigated the common carrier service in the Denver area, and could not ascertain where any common carriers were now operating the type of equipment needed in this delivery of sugar, so they have contacted applicant company and requested them to make deliveries.

At this point in the proceedings, A. J. Fregeau, representing Weicker Transfer and Storage Company, withdrew protest to the granting of the authority herein sought.

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

After careful consideration of the record, it appears that the granting of the instant application would not 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 following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That Mountain States Bean Company, doing business as "Midwest Warehouse Company," Denver, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor



vehicle for hire, for the transportation of sugar, in bulk and in sacks, for Holly Sugar Corporation, only, from Applicant's warehouse, located at 4401 East 46th Avenue, Denver, Colorado, to points within the City and County of Denver, and to points within a radius of five miles of said City and County of Denver, State of Colorado, excluding the right to handle C. O. D. shipments.

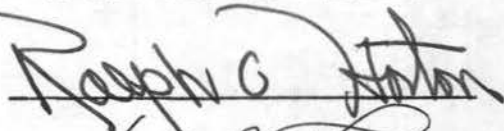
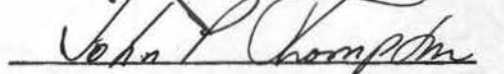

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

That the right of applicant to operate hereunder shall depend upon its 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 20th day of January, 1958.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) W. H. HEDLEY, 1045 HOOKER STREET, ) DENVER, COLORADO, FOR AUTHORITY TO ) EXTEND OPERATIONS UNDER PERMIT NO. ) B-5385. ) ----- )	APPLICATION NO. 15909-PP-Extension
--	------------------------------------

-----  
January 20, 1958  
-----

Appearances: W. H. Hedley, Denver,  
Colorado, pro se;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer and  
Warehousemen's Association;  
Donald Brotzman, Esq., Boulder,  
Colorado, for Pherson Trucking  
Company, Bailey Storage and  
Transfer Company;  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for  
Sorenson Truck Service.

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 Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 11, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 4, 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 by the instant application, as amended at the hearing, applicant herein seeks authority

to extend operations under Permit No. B-5385, to include the right to transport peat moss, from points within a radius of twenty-five miles of Nederland, Colorado, to points within a radius of ten miles of Denver, Colorado; barn yard fertilizer, between points within a radius of twenty-five miles of Denver, Colorado; coal, from mines in the northern Colorado coal fields to Denver, Colorado; clay, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points; farm produce, from points within a radius of fifty miles of Denver, to markets and storage places within said fifty-mile radius.

At the hearing, applicant testified that he is engaged in the transportation business, operating under Permit No. B-5385, authorizing him to operate as a private carrier by motor vehicle for hire, for the transportation of:

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

that he has had many requests for his proposed extended service; that he is the owner of a 1954 Chevrolet Truck, of fourteen yards capacity, and a 1952 Ford Truck, of ten-ton capacity; that he owns his home.

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

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

It did not appear that applicant's proposed extended service will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought by applicant herein 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 applicant herein should be authorized to extend his operations under Permit No. B-5385, 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 W. H. Hedley, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-5385 to include the right to transport peat moss, from points within a radius of twenty-five miles of Nederland, Colorado, to points within a radius of ten miles of Denver, Colorado; barn yard fertilizer, between points within a radius of twenty-five miles of Denver, Colorado; coal, from mines in the northern Colorado coal fields, to Denver, Colorado; clay, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points; farm produce, from points within a radius of fifty miles of Denver, Colorado, to markets and storage places within said fifty-mile radius.

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

*Robert G. Hohn*  
*John P. Thompson*  
*Joseph F. Hays*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.  
ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM OCHSNER, 431 EUDORA STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15910-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-5345. )  
----- )

-----  
January 20, 1958  
-----

Appearances: William Ochsner, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, William Ochsner, Denver, Colorado, was 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, operations to be limited to the use of dump trucks, only,

said operating rights being designated "Permit No. B-5345."

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-5345, to include the right to transport peat moss, from points within a radius of thirty miles of Nederland, Colorado, to Denver, Colorado, and to points within a radius of five miles of the Denver City Limits; clay, from pits and supply points in the State of

Colorado, to processing plants within the State of Colorado, within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 11, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 4, 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 testified he has had requests for his proposed extended service; that he is the owner of a 1953 Ford Dump Truck, and has a net worth of \$10,000.

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 extended service will impair the efficiency of the service of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority 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 applicant herein should be authorized to extend operations under Permit No. B-5345, 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 William Ochsner, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-5345, to include the right to transport peat moss, from points within a radius of fifty miles of Nederland, Colorado, to Denver, and to points within a radius of five miles of Denver; natural fertilizer, from available places within, from, and to places in Denver and a radius of five miles of Nederland to Denver and a five-mile radius thereof; clay, from pits and supply points in the State of Colorado, to processing plants within a fifty-mile radius of said pits and supply points.

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 20th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HELEN HARKER ALBI, ADMINISTRATRIX  
OF THE ESTATE OF CHARLES P. ALBI,  
DECEASED, DOING BUSINESS AS "ALBI  
BROS. COAL COMPANY," 1621 YORK  
STREET, DENVER, COLORADO, FOR AU-  
THORITY TO TRANSFER PERMIT NO.  
B-3867 TO JERRY CARPINELLA, DOING  
BUSINESS AS "ALBI BROS. COAL COM-  
PANY," 550 YATES ATREET, DENVER,  
COLORADO.  
-----

APPLICATION NO. 15970-PP-Transfer

-----  
January 20, 1958  
-----

Appearances: Roger F. Johnson, Esq.,  
Denver, Colorado, for  
Transferee Jerry Carpinella.

S T A T E M E N T

By the Commission:

This matter came on for hearing before the Commission  
at 330 State Office Building, Denver, Colorado, on January 6, 1958,  
after due notice to all interested parties, and at the conclusion  
of the evidence, was taken under advisement.

This is an application to transfer Permit No. B-3867,  
which generally provides for the transportation of coal, sand and  
gravel. The former owner of the permit, Charles P. Albi, who did  
business under the style and firm name of "Albi Brothers Coal  
Company," passed away. His estate has entered into a contract  
for the sale of this permit for \$13,750, \$9,750 of which was to be  
paid by note payable in equal installments of \$500 per month,  
interest thereon at 6% per annum, to be secured by chattel mortgage  
on the several items and equipment on file with the Commission.

This transaction was approved by the County Court of the  
City and County of Denver where the estate is pending.

The applicant transferee established his financial responsi-  
bility, training and experience to the satisfaction of the Commission.



No one appeared in protest.

## F I N D I N G S

### THE COMMISSION FINDS:

That the transfer as proposed under the terms and conditions set forth is compatible with the public interest and should be granted.

That the mortgage from the transferee to the transferor should be approved.

## O R D E R

### THE COMMISSION ORDERS:

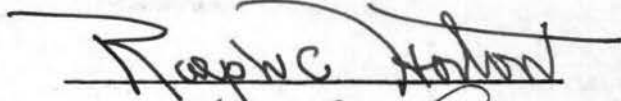


That the transfer of Permit No. B-3867 from the Estate of Charles P. Albi to Jerry Carpinella, doing business as "Albi Bros. Coal Company," 550 Yates Street, Denver, Colorado, be, and the same is hereby authorized and approved, and the mortgage made and executed by the said Jerry Carpinella to the Estate of Charles P. Albi, Deceased, securing indebtedness in the principal sum of \$9,750, and the terms and conditions thereof, be, and the same are hereby authorized and approved.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARIE KATRINA WOLFE, 4540 SAULSBURY )  
COURT, DENVER, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 3483 )  
TO ROBERT J. BURROUGHS AND HARRY ) APPLICATION NO. 15981-Transfer  
BURROUGHS, DOING BUSINESS AS "BUR- )  
ROUGHS AND SON ASH AND RUBBISH RE- )  
MOVAL," 337 SOUTH LOGAN STREET, )  
DENVER, COLORADO. )  
----- )

-----  
January 20, 1958  
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Appearances: Robert E. McLean, Esq.,  
Denver, Colorado,  
for Transferor;  
Robert J. Burroughs,  
Denver, Colorado,  
for Transferees.

S T A T E M E N T

By the Commission:

Heretofore, Marie Katrina Wolfe, Denver, Colorado, was  
granted a certificate of public convenience and necessity, author-  
izing operation as a common carrier by motor vehicle for hire, for  
the 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,

said operating rights being known as "PUC No. 3483."

By the instant application, said certificate-holder seeks  
authority to transfer said PUC No. 3483 to Robert J. Burroughs and  
Harry Burroughs, co-partners, doing business as "Burroughs and Son  
Ash and Rubbish Removal," Denver, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing

Room of the Commission, 330 State Office Building, Denver, Colorado, January 9, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration for transfer of operating rights herein sought is the sum of \$4,500.00; that transferees have paid \$500 down, and will pay \$4,000 upon approval of said transfer by this Commission; that transferees' net worth is \$20,000.

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

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

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Marie Katrina Wolfe, Denver, Colorado, should be, and she hereby is, authorized to transfer all right, title, and interest in and to PUC No. 3483 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Robert J. Burroughs and Harry Burroughs, co-partners, doing business as "Burroughs and Son Ash and Rubbish Removal," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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



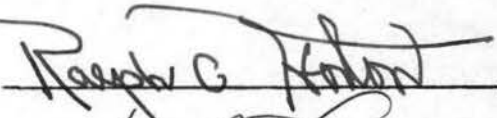
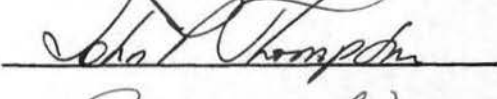

the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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

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

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 20th day of January, 1958.

ea

revised

(Decision No. 49412)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CASEY JONES, DOING BUSINESS AS "THE )  
DENVER TRANSPORT," 1545 NINTH STREET, )  
BOULDER, COLORADO, FOR AUTHORITY TO )  
LEASE PERMIT NO. B-2376, WITH OPTION )  
TO PURCHASE, TO EVA E. MELTON, IN- )  
DIVIDUALLY, AND AS EXECUTRIX OF THE )  
ESTATE OF HARLEY M. MELTON, AND DOING )  
BUSINESS AS "B & M OIL COMPANY," 3106 $\frac{1}{2}$  )  
BRIGHTON BOULEVARD, DENVER, COLORADO. )  
----- )

APPLICATION NO. 15939-PP-Lease

-----  
January 20, 1958  
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Appearances: Marion F. Jones, Esq.,  
Denver, Colorado,  
for Lessor;  
Bruce Ownbey, Esq.,  
Denver, Colorado,  
for Lessee.

S T A T E M E N T

By the Commission:

Heretofore, Casey Jones, doing business as "Denver Transport," Boulder, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

petroleum products, in bulk, only, between  
all points in the State of Colorado,

said operating rights being designated "Permit No. B-2376."

On November 25, 1957, said permit-holder filed an application with the Commission, seeking authority to lease said operating rights, with option to purchase, to Eva E. Melton, individually, and as Executrix of the Estate of Harley M. Melton, Deceased, and doing business as "B & M Oil Company," Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado,

December 27, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that lessor herein seeks authority to lease Permit No. B-2376, in accordance with "Lease and Agreement to Sell and Purchase," filed with the instant application, and by reference, made a part hereof.

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed lease is compatible with the public interest, and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Casey Jones, doing business as "The Denver Transport," Boulder, Colorado, should be, and he hereby is, authorized to lease Permit No. B-2376 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Eva E. Melton, doing business as "B & M Oil Company," 3106 $\frac{1}{2}$  Brighton Boulevard, Denver, Colorado, upon a monthly rental basis of \$500 per month, or ten per cent of the gross revenue, whichever is the greater; provided that upon the furnishing of evidence to the Commission of payment of the sum of \$35,000, together with accrued interest, as provided in Lease and Agreement to Sell and Purchase, made a part of these proceedings as "Exhibit A," said permit shall be assigned and transferred, with all said lessor's right, title and interest in and to said permit, to Eva E. Melton, doing business as "The B & M Oil Company," Denver, Colorado, without further hearing by this Commission; that payment of said purchase price may be evidenced by a statement, in writing, by lessor of payment of said

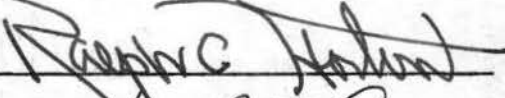
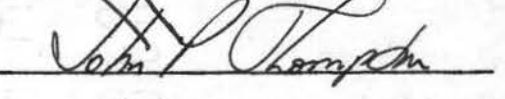
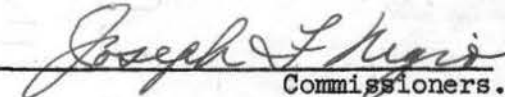
purchase price, or by statement, in writing, by lessee, supported by cancelled checks, showing payment of said purchase price.

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 permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the lease, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION DELIVERY COMPANY, GREELEY, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 354 TO CENTENNIAL TRUCK ) APPLICATION NO. 15971-Transfer  
LINES, INC., 1700 - 15TH STREET, )  
DENVER, COLORADO. )  
----- )

-----  
January 20, 1958  
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Appearances: R. B. Danks, Esq., Denver,  
Colorado, for Transferee;  
John W. O'Hagen, Esq.,  
Greeley, Colorado,  
for Transferor.

S T A T E M E N T

By the Commission:

The applicant transferor, Union Delivery Company, is  
presently the owner of PUC No. 354, which authorizes it to operate  
as a motor vehicle common carrier for the:

Conduct of the transfer, moving, and general  
cartage business in the Counties of Weld,  
Larimer, Boulder, and Morgan in the State of  
Colorado, and for occasional service through-  
out the State of Colorado, and in each of the  
Counties thereof, subject to the terms and  
conditions hereinafter stated:

For the transportation of commodities other  
than household goods between points served  
singly or in combination by scheduled carriers  
the applicant shall charge rates which shall  
be as much as twenty (20) per cent higher in  
all cases than those charged by scheduled car-  
riers. The applicant shall not operate on  
schedule between any points. The applicant  
shall not be permitted without further auth-  
ority from the Commission to establish a  
branch office or to have an agent employed  
in any other town or city than Greeley for  
the purpose of developing business.

The applicant transferee, Centennial Truck Lines, Inc.,  
is a motor vehicle common carrier of freight, engaged in regular  
route scheduled operations, in general between Ault, Colorado,

on the north, Trinidad on the south, and easterly down the Arkansas Valley from Pueblo, Colorado.

By the present application, filed November 26, 1957, the transferor seeks authority to sell and transfer its authority to the transferee, and also seeks the approval of a purchase money mortgage in connection with the transaction.

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, January 3, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

It appears from the evidence that the transferor has been engaged in business in Greeley for many years, at all times and now conducting a substantial operation in the performance of the transportation authorized under PUC No. 354. A sum sufficient to protect all creditors of the operation has been deposited in escrow.

The transferee is a large and responsible motor vehicle common carrier qualified financially and by experience and with equipment suitable to the work. By their agreement, the buyer agrees to pay a total of \$20,000 for the certificate, good will, equipment and interstate authority of the transferor, paying \$5,000 down and the balance in monthly installments of \$200 per month, plus interest at 6% per annum, payment to be secured by a chattel mortgage upon the authority in the form evidenced by Exhibit 2, submitted in this proceeding. No reason appears why this purchase chattel mortgage should not be approved.

A purchase money chattel mortgage, a copy of which is Exhibit 2 in this proceeding, provides for payment of \$200 a month, plus interest at 6% per annum, payment secured by mortgage of the authority under consideration. The terms do not appear unreasonable, and the same will be approved so far as the transferor, a qualified carrier, is concerned. No approval can be given in advance, however, so far

as some presently unknown purchaser of this mortgage may be concerned; if repossession shall become necessary by any other than the present transferor, prior authority for such transfer by repossession shall be obtained.

The Commission is concerned about two matters connected with the proposed transfer: the relationship between the regular route authority the transferee now holds, and the irregular route authority it is acquiring, if the transfer is approved; and the enforcement of the existing restriction, in the authority being transferred, to operate out of a Greeley office only. The Commission has long since made it a rule that irregular route carriers must charge a premium above the rate of the regular route carriers when transporting commodities between points served by regular route carriers, for the protection of the regular route carrier who must serve upon a regular schedule whether it has a partial or full load and, therefore, performs a basic and essential service to the public. The transferee can presently serve between Greeley and Ault, for example, on regular route service; until now the transferor, when performing the same service, has been required to charge a premium rate. It could be argued that when it acquires the irregular route authority the transferee might be authorized to charge either the established regular route rate, or the premium rate, as its convenience dictated; obviously, this condition is not compatible with the public interest. The transferee has stated that it has no desire to raise this problem and an Order will be entered, consistent with the right of the mortgagee, to eliminate this difficulty.

The Commission in granting irregular route authorities has in the past restricted them to operation from a given office, in order that their competitive effect may be known and evaluated in connection with other operations by other carriers in other areas. The transferee does not have authority at present to transport goods from Colorado Springs, for example, to Grand Junction. It might be

argued that if it acquires the authority now under consideration its agent at Colorado Springs might solicit business to Grand Junction and serve the business it obtained by calling equipment down from Greeley to perform the work. Again, the transferee states that it has no intention so to abuse the authority and is willing to abide by any reasonable requirement of the Commission designed to continue the present Greeley office limitation in the irregular route authority. An order will be entered to accomplish this purpose.

### 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, and subject to the terms of the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That Union Delivery Company, Greeley, Colorado, should be, and it is hereby, authorized to transfer all its right, title and interest in and to PUC No. 354, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Centennial Truck Lines, Inc., Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured, and subject to the following restrictions:

That from the effective date of this Order forward, PUC No. 354 shall not be operated between any points which are served as a regular route carrier by the owner thereof.

Further, that no solicitation shall be conducted in connection with PUC No. 354, except by personnel stationed and domiciled in Greeley, Colorado.



The chattel mortgage described in the foregoing Statement is approved upon the terms mentioned in that Statement.

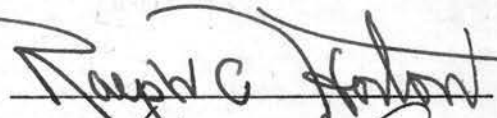
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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.

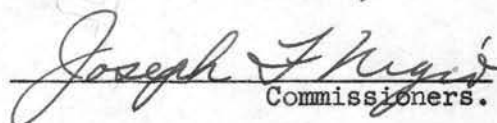
The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) ACME SAND & GRAVEL CO., INC., A ) COLORADO CORPORATION, 7505 DAHLIA ) STREET, ADAMS CITY, COLORADO, FOR A ) CLASS "B" PERMIT TO OPERATE AS A ) PRIVATE CARRIER BY MOTOR VEHICLE ) FOR HIRE. ) ----- )	APPLICATION NO. 15906-PP
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January 20, 1958  
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Appearances: John F. Mueller, Esq., Denver,  
Colorado, for Applicant;  
H. D. Hicks, Denver, Colorado,  
for Centennial Truck Lines,  
Inc.;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association;  
E. B. Evans, Esq., Denver,  
Colorado, and  
K. P. Williamson, Denver,  
Colorado, for Westway  
Motor Freight, Inc.;  
Marion R. Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., and Larson  
Transportation Company;  
Howard Yelverton, Denver,  
Colorado, for Goldstein  
Transportation & Storage,  
Inc.;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Chris Sorenson, Longmont,  
Colorado, for Sorenson  
Truck Service;  
William Brumfield, Fort Morgan,  
Colorado, for Atwood Truck  
Line.

S T A T E M E N T

By the Commission:

By application filed September 5, 1957, the applicant Colorado corporation seeks authority from this Commission to operate as a motor vehicle private carrier for the transportation of excavating, grading, and surfacing equipment; highway construction equipment; land-leveling equipment; and fuel storage tanks to

service such equipment; between points within a radius of 25 miles of Adams City, Colorado, from and to such points, to and from points in 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, December 27, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The President of the applicant corporation testified in support of the application, as did ten public witnesses. Four common carriers domiciled in the area sent representatives to testify in protest.

It appears from the evidence that the applicant corporation is privately engaged in the excavating and grading business in connection with the construction of commercial buildings, streets, roads and other heavy construction work. It now owns and uses heavy equipment, such as steam shovels, bulldozers, loaders, and trenchers, and has truck tractors and trailers suitable for moving this type of equipment from place to place. Its need to use this transportation equipment varies from time to time, and it is now seeking authority to make use of this equipment during idle times by operating it for hire for the transportation of heavy equipment of other people engaged in the same or related businesses. It appears that the applicant is qualified financially and by experience to operate the service proposed.

The public witnesses in support of the application were of three principal kinds: companies engaged in the purchase, sale and repair of heavy equipment, highway construction and excavating contractors, and individual contractors engaged in leveling of agricultural land in connection with the irrigation of such land. A representative of The Texas Company also appeared in support of authority to haul light and bulky articles. The need of any of the

companies engaged in the repair and sale of construction equipment appears from the testimony to be quite limited. Most of these companies maintain their own trucks and trailers for the delivery of these commodities and would use the proposed service, if at all, only in emergencies when their own equipment would be in use. With other such companies, it appears that the customer and not the company arranges for the transportation and the company, therefore, has no occasion, or only very limited occasion, to use any for hire service.

One major highway construction company, testifying in support of the application, was in similar condition; it has its own equipment and uses for hire service only at peak times when its own equipment is all in use. The land-leveling contractor who appeared needs a for hire service only during very limited periods in the spring and fall, and we are not able to conclude from the evidence that these contractors have suffered undue hardship, considering all the facts and circumstances of their transportation needs.

It appears from the testimony of protestants that there is a substantial number of truck tractors and trailers available in the Denver area suitable to the work and idle for lack of work a substantial part of the time. It appears that the use of this equipment is largely seasonal and that the existing carriers, in order to be able to serve, must make substantial investments in equipment which they can use only part of the year. The effect of granting this application would be simply to divide further the revenues which are available during that limited time of year and thus to make it increasingly difficult for any common carrier to maintain, on a standby basis, the equipment which the public must have available for this type of work. One of the carriers testifying has found it necessary to reduce its fleet from five vehicles to two, because it could not get enough business to support the larger number. The service available to the public has thus already



been curtailed, so far as this carrier is concerned, by existing competitive conditions. It also appears that many of the shippers are buying their own equipment, thus aggravating an already bad situation. It will be noted that the applicant seeks private carrier authority, whereby he could serve at his convenience, but would not have any duty to serve if it found it inconvenient. It seeks thus to be able to participate in the revenues of existing common carriers, without corresponding duty to serve the public upon call.

In all the facts and circumstances of this particular case, we conclude that the operation proposed will, if authorized, impair the efficient public service of authorized motor vehicle common carriers adequately serving the same territory. The application must accordingly 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.

That the instant application should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

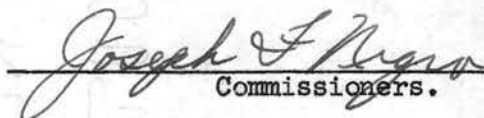
That the instant application should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Ralph C. Johnston

  
John A. Thompson

  
Joseph F. Myers  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RONALD G. LYLE AND R. HUBERT LYLE, )	
CO-PARTNERS, DOING BUSINESS AS )	
"COLORADO LIMOUSINE & HEARSE SER- )	APPLICATION NO. 15962
VICE," 1306 OGDEN STREET, DENVER, )	
COLORADO, FOR A CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY )	
TO OPERATE AS A COMMON CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
January 20, 1958  
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Appearances: Richard Mackey, Esq.,  
Denver, Colorado,  
for Applicant;  
Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, for Denver-  
Colorado Springs-Pueblo  
Motor Way, Inc., et al;  
Checker Cab Company; Burke  
Taxicab Line, Inc., Masterson  
Sightseeing Tours;  
I. B. James, Denver, Colorado,  
for Colorado Transportation  
Company.

S T A T E M E N T

By the Commission:

By application filed July 31, 1957, as amended at the hearing thereof, the applicants seek authority from this Commission to operate as a motor vehicle common carrier for the performance of auto livery passenger service in limousines or sedan cars having a rated capacity of not more than nine passengers, including driver, throughout the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 3, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant, Ronald G. Lyle, testified in support of the application, as did five public witnesses. Four established carriers testified in protest.

It appears from the evidence in support of the application that a Mr. Burke operated a limousine service for many years in Denver, as an adjunct of which he rendered service to mortuaries in connection with funerals and also a service to wedding parties. In 1947, Mr. Warren W. Reed, a witness here, bought what he characterized as "the funeral concession" from Burke, and in 1953 sold that "concession" to the applicants. Burke is still engaged in the sightseeing business in limousines and performs auto livery deluxe charter service; Reed has continued to operate an ambulance service and motorcycle escort service for funerals, and the applicant partners render their hearse, funeral, and wedding service. There was ample testimony that the funeral and wedding service performed by the applicant partners has been a very fine one, and that it is needed in the economy of the City and County of Denver. It also appears that the applicants are qualified financially and by experience and have equipment suitable to the performance of this service. No reason appears why the continuance of this service should not be authorized.

The Company also proposes, however, an unlimited statewide limousine service, restricted only as to the size of vehicles which may be used. The testifying applicant partner, at various times, indicated that the service he intends to perform would be so restricted as not to compete substantially with existing limousine, auto livery and sightseeing service. He stated, for example that he had in mind only to charge premium rates, so high as to make him non-competitive with existing carriers; that he did not intend to engage in sightseeing service; and that he did not intend to assemble loads by picking up passengers at various points. When asked if he wished so to limit his application, however, he stated that he did not; we must conclude that he seeks authority and intends to operate

the authority, if it is granted, in the exact terms of his application and without other restrictions.

No desire was shown by any witness to have any service based at any point except in Denver. It appears from the undisputed testimony of the protestants that there are a considerable number of vehicles of at least the quality and kind proposed by the applicant, now based in Denver, available on call, and idle a considerable part of the time. None of the witnesses who appeared in support of the application had tried the existing service, or were able to say that the existing services were in any respect inadequate or unsatisfactory. The rates of the existing carriers are standardized, published and available to all members of the public alike. No reason appears why we should authorize another carrier to enter this field on the evidence presented in this case, nor warrants such a carrier, if authorized, to charge the premium rate above the going rate for like service presently available. Except to the extent approved in the following Order, the application must therefore 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.

That public convenience and necessity requires the granting of the proposed motor vehicle common carrier service of applicant only to the extent 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, call and demand service of Ronald G. Lyle and R. Hubert Lyle, co-partners, doing business as "Colorado Limousine & Hearse Service," Denver, Colorado, for the transportation of passengers in auto livery service in connection with funerals and weddings only, between points within the corporate City Limits



of the City and County of Denver, 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.

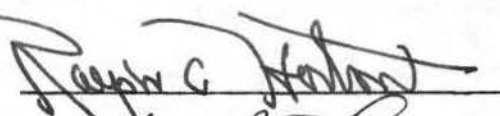
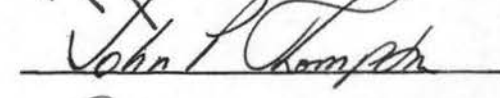

That applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That except as herein ordered, said application shall 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 20th day of January, 1958.

ea

original

(Decision No. 49416)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )  
RAILWAY EXPRESS AGENCY, INCOR- )  
PORATED, TO ABANDON EXPRESS SER- ) APPLICATION NO. 16040  
VICE AT REDCLIFF, COLORADO. )  
-----)

-----  
January 20, 1958  
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S T A T E M E N T

By the Commission:

Pursuant to Rule 6 of this Commission's "Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado," Railway Express Agency, Inc., by Oren F. Lewis, Superintendent, filed its Petition requesting authority to discontinue express service at Redcliff, Colorado.

Redcliff is on the Royal Gorge Route of The Denver and Rio Grande Western Railroad Company, serving from Denver through Salida, to Grand Junction, Colorado, and is located eight miles south from Minturn, Colorado.

Applicant states in its petition that since the closing of the Rio Grande station at Redcliff in 1947, and the subsequent use of motor carrier haulage, applicant has continued to provide express service through a merchant commission agent operating a local garage service and also maintaining the express office in the same building. In May, 1956, the merchant agent closed out his garage business, resigned from his Express Company work and moved to Grand Junction, Colorado. The community was canvassed by applicant in an effort to locate someone to act as the Express Company Agent, but with no success.

Review of the Redcliff operations indicated that about 90% of the traffic handled was for the New Jersey Zinc Company, located about two miles to the north, at Gilman, Colorado. That Company was

also contacted and applicant was advised by Mr. Jude, Superintendent for New Jersey Zinc, that his Company was not interested in acting as the Express Agent. Traffic has therefore been routed through the express office at Minturn, which is some six miles to the north from Gilman and a total of eight miles from Redcliff, as noted above.

Applicant reports that the business handled by the Redcliff agent during the twelve months previous to his departure in May, 1956, averaged 19 shipments per month and produced \$99.60 revenue, of which the Agent received \$9.99 as commission for handling the shipments and making the required reports. Total business for the twelve months (May 1955 through April 1956), amounted to 228 shipments producing revenues of \$1,195.23 and yielding commission to the agent of \$119.93.

Investigation by the Commission indicates the following: Rail service consists of two trains daily that make a stop at Minturn for change of crews, eastbound stop being made at 5:45 A. M., and westbound stop at 6:40 P. M. The station is open daily and there is 24-hour operator service. Stops at the station are also made by the over-the-road motor carrier. The New Jersey Zinc Company has conducted extensive mining and milling operations at its mountain camp of Gilman, which is on U. S. Highway No. 24, and has transacted all its freight and railroad business at Minturn, which is located on both the highway and the railroad. By July 1957, the express traffic being handled at Minturn for the Redcliff region still reflected the greater portion as being Empire Zinc business with only occasional shipments for Redcliff; also, there had been no complaints made to the Minturn agent because of the lack of a Redcliff office.

In considering the instant request it is noted that applicant proposes to hold Redcliff shipments at Minturn and mail a notification of arrival to consignees, after which the merchandise would be held until called for or other disposition given. We would conclude that Railway Express desires to maintain its public service

in the area, since Redcliff shipments will continue to be accepted and handled in the most expeditious manner available. Therefore, in view of the lack of facilities at Redcliff and the apparently satisfactory emergency handling during the past year from the Minturn station, we believe a transfer of handling should be authorized. Since no protests have been received by the Commission from anyone regarding the past method of handling, the Commission determined to hear, and has heard, said matter, forthwith, without further notice, upon the records and files herein.

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

##### THE COMMISSION FINDS:

That due to absence in Redcliff, Colorado, of any readily available facilities for the handling of Railway Express traffic, authority should be granted for the transfer of the service to Minturn, Colorado.

#### O R D E R

##### THE COMMISSION ORDERS:

That the foregoing Statement and Findings be made a part hereof.

That Railway Express Agency, Inc., be, and it hereby is, authorized to discontinue its agency designation at Redcliff, Colorado, and to transfer the facility to Minturn, Colorado.

That the transfer shall appear in the appropriate tariff supplement to Colorado PUC No. 13, Railway Express Agency Joint Directory of Express Stations, as follows:

Redcliff, Colorado - Office Closed.

Waybill to Minturn, Colorado, 1019-G,  
and reference shall be made to this decision as authority therefor.

That the change in service shall be made effective on notice to this Commission and the general public by not less than one (1) day's filing and posting of new schedules in the manner prescribed in the Colorado Public Utilities Act, Chapter 115-3-3, Colorado Revised Statutes, 1953.



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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Holm  
John P. Thompson  
Joseph F. Higin  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)
CHARLES W. REINKE AND JEAN INNES	)
REINKE, CO-PARTNERS, DOING BUSINESS	)
AS "EL PASO SANITARY COMPANY," 123	)
NORTH CORONA, COLORADO SPRINGS, COLO-	)
RADO, FOR AUTHORITY TO TRANSFER PUC	)
NO. 2452 TO ALFREDO F. MARTINEZ AND	)
BETTY M. MARTINEZ, CO-PARTNERS, DOING	)
BUSINESS AS "EL PASO SANITARY COMPANY,"	)
2505 JAY PLACE, COLORADO SPRINGS, COLO-	)
RADO.	)
-----	)

APPLICATION NO. 15975-Transfer

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January 22, 1958  
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Appearances: Weldon M. Tarter, Esq.,  
Colorado Springs, Colo-  
rado, for Transferees;  
Charles W. Reinke, Colo-  
rado Springs, Colorado,  
for Transferors.

S T A T E M E N T

By the Commission:

Charles W. Reinke and Jean Innes Reinke, co-partners,  
doing business as "El Paso Sanitary Company," Colorado Springs,  
Colorado, are the owners and operators of PUC No. 2452, which  
authorizes:

Transportation on pick-up and delivery service  
of sewage and other waste materials upon the  
public highways in the Counties of El Paso,  
Elbert, Douglas, Teller, and Fremont, State  
of Colorado.

By application filed November 5, 1957, said certificate-  
holders seek authority to transfer PUC No. 2452 to Alfredo F.  
Martinez and Betty M. Martinez, co-partners, doing business as  
"El Paso Sanitary Company," Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Court  
House, Colorado Springs, Colorado, January 10, 1958, and at the con-  
clusion of the evidence, the matter was taken under advisement.

Charles W. Reinke, one of the applicant transferors, testified in support of the application. He stated that he and his wife are partners and made the agreement to sell the certificate two years ago but failed to file application with the Commission for the transfer at that time. He identified Exhibit No. 1 as being the contract of sale executed in August, 1955, and that the payments thereon have been regularly made.

Alfredo F. Martinez, one of the applicant transferees, appeared in support of the application. He testified that he and his wife are partners, and have been operating trucks for approximately twelve years, and have been operating under this certificate since August 15, 1955; that there are no bills outstanding against the certificate; that the total purchase price for the certificate and equipment was \$43,000, on which they have paid \$10,000, leaving a balance of \$33,000; and that the certificate and equipment is not mortgaged, but they do have a mortgage on their own property.

No one appeared in opposition to the proposed transfer and no reason appears why the same should not be granted.

The operating experience and financial responsibility of transferees 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.

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

### O R D E R

#### THE COMMISSION ORDERS:

That Charles W. Reinke and Jean Innes Reinke, co-partners, doing business as "El Paso Sanitary Company," Colorado Springs, Colorado, should be, and they are hereby, authorized to transfer all

their right, title, and interest in and to PUC No. 2452 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Alfredo F. Martinez and Betty M. Martinez, co-partners, doing business as "El Paso Sanitary Company," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

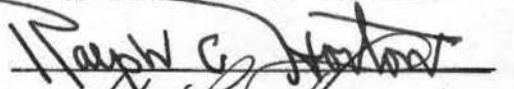
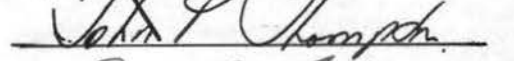
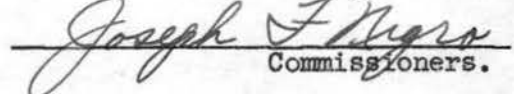
That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

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

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 January, 1958.  
ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLIE YORD, 916 PRAIRIE ROAD, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 15980-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

-----  
January 22, 1958  
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Appearances: Charlie Yord, Colorado  
Springs, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

By application filed November 25, 1957, 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 Court House, Colorado Springs, Colorado, January 10, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application and testified that he owns and operates one truck; that his net worth is approximately \$10,000; that he has work lined up to do if the authority is granted; that he is familiar with the rules and regulations of the Commission and will abide by them; and that he has no objection to the restriction of dump trucks only.

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

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

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

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

##### THE COMMISSION FINDS:

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

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, said operations to be restricted to the use of dump trucks only.

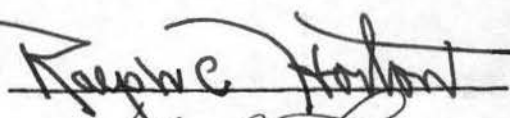
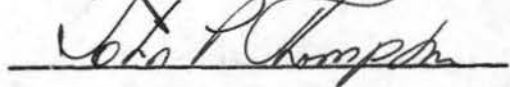

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 authority sheets.

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 22nd day of January, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARION D. KERNS, 610 LYNN, COLORADO )  
SPRINGS, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

APPLICATION NO. 15979-PP

- - - - -  
January 20, 1958  
- - - - -

Appearances: Marion D. Kerns, Colorado  
Springs, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

By application filed November 25, 1957, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal, from mines in Fremont County, to Colorado State Hospital, Pueblo; to Pueblo Ordnance Depot near Pueblo; to Fort Carson; to coal dealers and coal yards located in Canon City, Pueblo, and Colorado Springs, Colorado; and transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.



Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, January 10, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application. He stated that he is the owner of a tandem dump truck; that his net worth is approximately \$3,000; that he has work lined up to do, if the authority is granted, as to hauling of sand and gravel; that the Corley Coal Company is opening bids for the hauling of coal for said Company, and it is possible that he can get this business, if he has the authority; that he is familiar with the rules and regulations of the Commission, and will abide by them; and that he will restrict his operation to the use of dump trucks only.

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

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

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

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

##### THE COMMISSION FINDS:

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

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Marion D. Kerns, Colorado Springs, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal, from mines in Fremont County, to Colorado State Hospital, Pueblo;

to Pueblo Ordnance Depot, near Pueblo; to Fort Carson; to coal dealers and coal yards located in Canon City, Pueblo and Colorado Springs, Colorado; and 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, all of said operations to be restricted 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 authority sheets.

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. Horton*

*John P. Thompson*

*Joseph F. Ngis*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN E. CAMP AND JAMES RAY CAMP, CO- )  
PARTNERS, DOING BUSINESS AS "CAMP )  
BROTHERS," 1212 ROCKWOOD, COLORADO )  
SPRINGS, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 15978-PP

-----  
January 20, 1958  
-----

Appearances: John E. Camp, Colorado  
Springs, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

By application filed November 8, 1957, applicants herein seek authority to operate as a Class "B" motor vehicle private carrier, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, January 10, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

John E. Camp, one of the applicants herein, appeared in support of the application. He stated that the applicants own one piece of equipment at the present time; that their net worth is approximately \$300.00; that they have work lined up to do, if the authority is granted; that they will abide by the rules and regulations of the Commission; and will restrict their operation to the use of dump trucks only.

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

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

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.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That John E. Camp and James Ray Camp, co-partners, doing business as "Camp Brothers," Colorado Springs, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of 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 operations to be restricted 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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John L. Thompson  
Joseph F. Higgins  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1958.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN V. CLARKE, ROBERT D. RAND, AND )  
GORDON GUTH, CO-PARTNERS, DOING )  
BUSINESS AS "GLENWOOD DISTRIBUTING )  
COMPANY," GLENWOOD SPRINGS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO JOHN )  
V. CLARKE, ANNA MAUDE RAND AND GOR- )  
DON GUTH, CO-PARTNERS, DOING BUSI- )  
NESS AS "GLENWOOD DISTRIBUTING COM- )  
PANY," GLENWOOD SPRINGS, COLORADO. )  
-----

PUC NO. 3882-I-Transfer

-----  
January 21, 1958

S T A T E M E N T

By the Commission:

Heretofore, John V. Clarke, Robert D. Rand, and Gordon Guth, co-partners, doing business as "Glenwood Distributing Company," Glenwood Springs, Colorado, were authorized to operate as a common carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 3882-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to John V. Clarke, Anna Maude Rand, and Gordon Guth, co-partners, doing business as "Glenwood Distributing Company," Glenwood Springs, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, subject to outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

O R D E R

THE COMMISSION ORDERS:

That John V. Clarke, Robert D. Rand, and Gordon Guth, co-partners, doing business as "Glenwood Distributing Company," Glenwood Springs, Colorado, should be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 3882-I to John V. Clarke, Anna Maude Rand, and Gordon Guth, co-partners, doing business as "Glenwood Distributing Company," Glenwood Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 21st day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES IN RATES, RULES )  
AND REGULATIONS IN THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, )  
AGENT, FREIGHT TARIFF NO. 12-A, )  
COLORADO P.U.C. 11, ISSUED BY )  
J. R. SMITH, CHIEF OF TARIFF BUREAU, )  
4060 ELATI STREET, DENVER 16, COLO. )  
-----

CASE NO. 1585

-----  
January 20, 1958  
-----

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective January 23, 1958, designated as set forth in Appendix "A", attached hereto and made a part hereof.

Under the provisions of Rule 18, Paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The following reasons have been received in the office of the Commission in support of the proposed changes.

The Denver-Loveland Transportation by the proposed changes is instituting a 10% increase in class rates and also on various commodity items. The points affected on class and commodity items are as shown in the attached appendix.



Floyd A. Henrikson, owner, states in a letter to this Commission, along with a financial statement, that a major expense item in the past year has been an average  $18\frac{1}{2}$  cent hourly increase in wages; 1.8 cent raise in the price of gasoline along with increased costs of repairs to equipment and cost of tires.

The income statement reflects operating revenues of \$119,839.61 and operating expenses of \$120,801.69, and a net profit of \$4,579.45. Non-operating revenue produced \$5,541.53. The income statement covers up to the close of business November 30, 1957. In a comparison of the operating expenses to operating revenues, a 100.8% operating ratio is reflected.

The Centennial Truck Lines, Inc., by its Traffic Manager, H. D. Hicks, is amending commodity Item No. 1385, covering burial cases, caskets, coffins, vaults or accessories, to include points between Pueblo, Colorado and points served along its line as shown in the attached appendix. It is stated by Mr. Hicks that the shippers in Pueblo requested that rates on the above commodities be reduced to a first class basis. Recently the rates were reduced to a first class basis from Denver to points on their line. It was felt discrimination existed against the Pueblo shippers wherein they were required to pay a double first class rating.

The Evergreen Freight Line has been requested to transport motion picture film between Denver and Evergreen. The classification does not provide a rating in connection with this commodity and it was, therefore, necessary that the carrier establish rates to apply. The carrier is being added to Item No. 1700 which presently provides rates between Denver and Boulder of \$2.43 released to a value exceeding \$1.00, but not exceeding \$7.50 per pound, and \$1.86 released to a value not exceeding \$1.00 per pound. The rates are in cents per 100 pounds. The same rates are to be applicable to Evergreen, Colorado. The distance between Denver and Boulder and Denver and Evergreen is comparable.

The Denver-Laramie-Walden Truck Line, Inc., is being added to Item No. 2495, covering roofing, composition or prepared, N.O.I., in boxes, bundles or rolls, minimum weight 30,000 pounds, to apply between Denver and Ft. Collins, Colorado, at a rate of 30 cents per 100 pounds. The present item includes a rate of 24 cents under the same provisions to Loveland. The carrier states that from its cost studies, it feels the \$90.00 revenue will be just and reasonable.

The Castle Rock Transfer is increasing its minimum charge when pick-up and/or delivery service is performed in Denver, Colorado, from \$1.20 to \$1.50 and when pick-up and/or delivery service is not Denver the minimum charge is increased from 75¢ to \$1.00.

Mr. Anderson, owner, informs the Rate Department that the costs for handling minimum charge shipments are now exceeding the revenue derived. The truck operating on its line haul operation is used in making the pick-ups and the hourly wages paid the driver is \$1.95.

In many instances, because of traffic congestions, periods of one-half hour and longer are required in making the pick-ups. There are other costs involved; however, it does not seem necessary to propound further on the necessity for the increases as other carriers presently have a \$2.00 minimum charge.

Item No. 1630, covering explosives, as described in Item No. 270, is being amended to provide in lieu of a straight 44¢ rate per 100 pounds, provisions for L.T.L. (66), 5,000 (44), and 10,000 (26) pound shipments. Mr. Anderson states Mr. Pennington, Chief Clerk at DuPont's Explosive Works, Louviers, Colorado, is informed of this change and is agreeable to it. These proposed rates are in cents per 100 pounds.

#### 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, appear to represent just, fair and reasonable rates and charges and 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 January 23, 1958, 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 January 23, 1958, 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 January 23, 1958, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.
7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.
8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.
9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thompson  
Joseph F. Neja  
Commissioners

Dated at Denver, Colorado,  
this 20th day of January, 1958.

mem



APPENDIX "A"

For the account of Denver-Loveland Transportation:

Rates Are in Cents per 100 Pounds												
AND BETWEEN	DENVER, COLORADO											
	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
Cloverleaf												
Kennel Club	117	99	81	66	89	74	61	48	<sup>2nd</sup> <del>56</del> 46	37	29	
Loveland	124	108	88	68	94	77	63	51	63	55	45	36
Wild Spur	130	111	91	70	96	81	68	52	66	58	48	37

ITEM NO.	COMMODITY	BETWEEN	AND	RATE
1800	Flowers, fresh cut N.O.I., in cartons	Denver, Colorado	Loveland, Colorado	124
2210	Mattresses, viz.: cotton; cotton felt; excelsior; fibre; husk; moss; shoddy or straw, separate or combined; hair; wool. (1) Less-than-truckload (2) Minimum weight 1,000 lbs. (3) Minimum weight 2,000 lbs. Subject to Item No. 770	<u>FROM</u>  Denver, Colorado	<u>TO</u>  Loveland, Colorado	(1) 249 (2) 187 (3) 124
2640	Sugar, in bags (1) Minimum weight 5,000 lbs. (2) Minimum weight 10,000 lbs. Subject to Item No. 770	Great Western Sugar Company Factory 1 mi. East of Loveland, Colorado	Loveland, Colorado	(1) 13 (2) 11
3020	Milk and Cream, in 10-Gallon Shipping Cans. (Rate includes return of empty cans.)	Loveland, Colorado	Denver, Colorado	39¢ per can

For the account of Centennial Truck Lines, Inc.:

Rates Are in Cents per 100 Pounds				
ITEM NO.	COMMODITY	BETWEEN	AND	RATES
1385	Burial cases, caskets, coffins, vaults, or accessories, subject to packing specifications of current N.M.F.C., viz.: Burial cases (caskets or coffins) or casket shells, N.O.I., S.U.; Grave vaults, metal, N.O.I.	Pueblo, Colorado	Brighton,	169
			Colo. Springs,	102
			Ft. Lupton,	174
			Greeley,	184
			La Junta,	121
			Lamar,	161
			Las Animas,	133
			Rocky Ford,	113
			Trinidad,	144
			Walsenburg, Colorado.	113

For the account of Evergreen Freight Line:

Rates Are in Cents per 100 Pounds				
ITEM NO.	COMMODITY	BETWEEN	AND	RATES
1700	Film, motion picture, exposed, packed in metal containers.	Denver, Colorado	Evergreen, Colorado	(1) 243 (2) 186
<p>(1) Released to a value exceeding \$1.00 but not exceeding \$7.50 per pound.</p> <p>(2) Released to a value not exceeding \$1.00 per pound.</p> <p>If declared or released value exceeds that shown above, or if shipper refuses to declare or release value, the shipment will not be taken. The value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping order and bill of lading as follows:</p> <p>"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$ per pound for each article."</p>				

For the account of Denver-Laramie-Walden Truck Line, Inc.:

Rates Are in Cents per 100 Pounds				
ITEM NO.	COMMODITY	BETWEEN	AND	RATE
2495	Roofing, composition or prepared, N.O.I., in boxes, bundles or rolls. Minimum weight 30,000 pounds	Denver, Colorado	Ft. Collins, Colorado	30

For the account of Castle Rock Transfer:

Amend Item 930 (Minimum Charge Rule), Exception (B) to read:

The minimum charge for a single shipment from one consignor to one consignee on one bill of lading in one day via G. O. Anderson, doing business as Castle Rock Transfer will be as follows:

\$1.50 when pick-up and/or delivery service is performed in Denver, Colorado; \$1.00 when pick-up and/or delivery service is not performed in Denver, Colorado.

Rates Are in Cents per 100 Pounds				
ITEM NO.	COMMODITY	FROM	TO	RATES
1630	Explosives, as described in Item No. 270.	Louviers, Colorado	Denver, Colorado	(1) 66 (2) 44 (3) 26
	(1) Less-than-truckload (2) Minimum weight 5,000 pounds (3) Minimum weight 10,000 pounds  Subject to Items Nos. 10 and 770.  On joint line movements, the provisions of this item will apply only in instances where no through rates have been established.			

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CECIL MURRAY, P. O. BOX 503, )  
VERNAL, UTAH. )  
-----

PERMIT NO. B-3504

-----  
January 21, 1958  
-----

S T A T E M E N T

By the Commission:

On September 10, 1957, the Commission entered its Decision No. 48588, authorizing Cecil Murray, Vernal, Utah, to suspend operations under Permit No. B-3504 until January 1, 1958.

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 Cecil Murray, Vernal, Utah, should be, and he hereby is, authorized to further suspend operations under Permit No. B-3504, nunc pro tunc, from January 1, 1958, to July 1, 1958.

That unless said permit-holder shall, prior to 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

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BILL R. DAVIS, HELEN M. DAVIS, )  
GEORGE RICHARD KELLY AND MURIEL )  
B. KELLY, CO-PARTNERS, DOING )  
BUSINESS AS "DAVIS AND KELLY )  
TRUCK LINE," GYPSUM, COLORADO. )  
-----

PUC NO. 1442  
PUC No. 1442-I  
CASE NO. 83660-INS.

-----  
January 21, 1958  
-----

S T A T E M E N T

By the Commission:

On December 16, 1957, the Commission entered its Order in Case No. 83660-Ins., revoking PUC No. 1442 and PUC No. 1442-I for failure of Respondents herein to keep effective insurance on file with the Commission.

The Commission is now in receipt of a communication from said certificate-holders' attorney, requesting that said order of revocation be set aside, and said certificates placed under suspension from October 6, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That said requests should be granted.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered by the Commission on December 16, 1957, in Case No. 83660-Ins., revoking PUC No. 1442 and PUC No. 1442-I, should be, and the same hereby is, vacated, set aside, and held for naught.

That Bill R. Davis, Helen M. Davis, George Richard Kelly, and Muriel B. Kelly, co-partners, doing business as "Davis and Kelly Truck Line," Gypsum, Colorado, should be, and hereby are, allowed to suspend

operations under PUC No. 1442 and PUC No. 1442-I, nunc pro tunc,  
from October 6, 1957, to and including April 6, 1958.

That unless said certificate-holders shall, prior to expiration of said suspension period, reinstate said certificates by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificates, 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 21st day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. F. HUGHES, DOING BUSINESS AS )  
"HUGHES BROTHERS," 118 CENTRAL )  
MAIN, PUEBLO, COLORADO. )  
-----

PERMIT NO. M-5519  
CASE NO. 83656-INS.

-----  
January 21, 1958  
-----

S T A T E M E N T

By the Commission:

On December 16, 1957, the Commission entered its Order in Case No. 83656-Ins., revoking Permit No. M-5519 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-5519 should be, and the same hereby is, reinstated, as of December 16, 1957, revocation order entered by the Commission on said date in Case No. 83656-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hutton*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACK W. KABELLA, IDAHO SPRINGS, )  
COLORADO. )  
-----

PERMIT NO. B-5193  
CASE NO. 82295-INS.

-----  
January 21, 1958  
-----

S T A T E M E N T

By the Commission:

On September 20, 1957, in Case No. 82295-Ins., the Commission entered its Order, revoking Permit No. B-5193 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-5193 should be, and the same hereby is, reinstated, as of September 20, 1957, revocation order entered by the Commission on said date in Case No. 82295-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph E. Holton*  
*John P. Thompson*  
*Joseph F. Riggs*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DONALD L. CHIDO, ROUTE 3, BOX )  
645-C, GOLDEN, COLORADO. )  
-----

PUC NO. 2875  
PERMIT NO. M-12139  
CASE NO. 82489-INS.

-----  
January 21, 1958  
-----

S T A T E M E N T

By the Commission:

On September 20, 1957, in Case No. 82489-Ins., The Commission entered its Order, revoking PUC No. 2875 and Permit No. M-12139 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 PUC No. 2875 and Permit No. M-12139 should be, and they hereby are, reinstated, as of September 20, 1957, revocation order entered by the Commission on said date in Case No. 82489-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Foster*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. V. AND B. W. STANTON, DOING BUSI- )  
NESS AS "STANTON & STANTON," P. O. )  
BOX 560, LUBBOCK, TEXAS. )  
 )  
 )  
----- )

PERMIT NO. M-545

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. V. and B. W. Stanton dba Stanton & Stanton  
requesting that Permit No. M-545 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-545, heretofore issued to \_\_\_\_\_  
H. V. and B. W. Stanton dba Stanton & Stanton be,  
and the same is hereby, declared cancelled effective January 16, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. A. BLOMGREN, BOX 14, SILT, )  
COLORADO. )

PERMIT NO. M-932

January 23, 1958

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from

J. A. Blomgren

requesting that Permit No. M-932 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-932, heretofore issued to

J. A. Blomgren

be,

and the same is hereby, declared cancelled effective January 16, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 23rd day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BILL NOEL, DOING BUSINESS AS "HI )  
QUALITY HATCHERY," 123 WEST 5TH, )  
WRAY, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-1377

\_\_\_\_\_  
January 23, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Bill Noel dba Hi Quality Hatchery  
requesting that Permit No. M-1377 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1377, heretofore issued to \_\_\_\_\_  
Bill Noel dba Hi Quality Hatchery \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 4, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Gordon  
John P. Thompson  
Joseph F. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WARD H. OSBORNE WELDING & MACHINE )  
WORKS, SAN JUAN AT FIRST STREET, )  
LA JUNTA, COLORADO. )  
----- )

PERMIT NO. M-2063

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

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

Ward H. Osborne Welding & Machine Works

requesting that Permit No. M-2063 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2063, heretofore issued to \_\_\_\_\_

Ward H. Osborne Welding & Machine Works be,

and the same is hereby, declared cancelled effective November 29, 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 23rd day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WALTER R. ELLIOTT, RFD, ESTES PARK )  
ROUTE, LOVELAND, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-2149

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

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

Walter R. Elliott

requesting that Permit No. M-2149 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2149, heretofore issued to \_\_\_\_\_

Walter R. Elliott be,

and the same is hereby, declared cancelled effective January 12, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. R. BOOTON, 903 CLEVELAND, LOVELAND,  
COLORADO.

PERMIT NO. M-2630

January 23, 1958

STATEMENT

By the Commission:

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

C. R. Booton

requesting that Permit No. M-2630 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2630, heretofore issued to \_\_\_\_\_

C. R. Booton

be,

and the same is hereby, declared cancelled effective January 10, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Hohn  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR F. SAMUELSON AND ELMER A. )  
SCHEIDEMAN, DOING BUSINESS AS )  
"SAMUELSON & SCHEIDEMAN," 2938 )  
FEDERAL BLVD., DENVER, 11, COLORADO. )  
-----)

PERMIT NO. M-2911

-----  
January 23, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur F. Samuelson  
and Elmer A. Scheideman dba Samuelson & Scheideman  
requesting that Permit No. M-2911 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2911, heretofore issued to Arthur F. Samuelson  
and Elmer A. Scheideman dba Samuelson & Scheideman be,  
and the same is hereby, declared cancelled effective December 14, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Johnson  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM A. CRAIG, SILVER STREET, )  
LAKE CITY, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-3424

-----  
January 23, 1958

STATEMENT

By the Commission:

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

William A. Craig

requesting that Permit No. M-3424 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3424, heretofore issued to \_\_\_\_\_

William A. Craig be,

and the same is hereby, declared cancelled effective December 5, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 23rd day of January, 195 8.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ACME LUMBER & SUPPLY COMPANY, 2300 )  
WEST HAMPDEN AVENUE, ENGLEWOOD, )  
COLORADO. )  
----- )

PERMIT NO. M-3846

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Acme Lumber & Supply Company  
requesting that Permit No. M-3846 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3846, heretofore issued to \_\_\_\_\_  
Acme Lumber & Supply Company \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
E. L. TOMLINSON, P. O. BOX 89, FT. )  
MORGAN, COLORADO. )

PERMIT NO. M-5061

January 23, 1958

## STATEMENT

By the Commission:

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

E. L. Tomlinson

requesting that Permit No. M-5061 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-5061, heretofore issued to \_\_\_\_\_

H. L. Tomlinson be.

and the same is hereby, declared cancelled effective December 14, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Harlan  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

Dated at Denver, Colorado,

this 23rd day of January , 195 8.

**na**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JACK WALLS, DOING BUSINESS AS "GRAND )  
MATTRESS & FURNITURE CO.," 435 NORTH )  
1ST ST., GRAND JUNCTION, COLORADO. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-5448

\_\_\_\_\_  
January 23, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Jack Walls dba Grand Mattress & Furniture Co.,  
\_\_\_\_\_ requesting that Permit No. M-5448 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5448, heretofore issued to \_\_\_\_\_  
Jack Walls dba Grand Mattress & Furniture Co. \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 27, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ray C. Johnson*  
\_\_\_\_\_  
*John T. Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOE HARMON, DOING BUSINESS AS )  
"HARMON PRODUCE," PROTECTION, KANSAS. )  
 )  
 )  
----- )

PERMIT NO. M-7454

-----  
January 23, 1958  
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STATEMENT

By the Commission:

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

Joe Harmon dba Harmon Produce

requesting that Permit No. M-7454 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7454, heretofore issued to \_\_\_\_\_

Joe Harmon dba Harmon Produce be,

and the same is hereby, declared cancelled effective January 4, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EDITH SPIESS, DOING BUSINESS AS )  
"SPIESS TRUCKING," 523½ DOUGLAS, )  
LAS VEGAS, NEW MEXICO. )  
----- )

PERMIT NO. M-7721

-----  
January 23, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Edith Spiess dba Spiess Trucking \_\_\_\_\_  
requesting that Permit No. M-7721 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7721, heretofore issued to \_\_\_\_\_  
Edith Spiess dba Spiess Trucking \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 9, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CARL BELL, 5250 PERRY STREET, DENVER )  
12, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-7773

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

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

requesting that Permit No. M-7773 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7773, heretofore issued to \_\_\_\_\_  
Carl Bell \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 30, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Horton*  
\_\_\_\_\_  
*John Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK D. JENNINGS, DOING BUSINESS AS )  
"FIFTH AVENUE GREENHOUSES," 512 )  
CLAYTON STREET, DENVER 6, COLORADO. ) PERMIT NO. M-8767  
\_\_\_\_\_)  
\_\_\_\_\_)

\_\_\_\_\_  
January 23, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Frank D. Jennings dba Fifth Avenue Greenhouses  
\_\_\_\_\_ requesting that Permit No. M-8767 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8767, heretofore issued to \_\_\_\_\_  
Frank D. Jennings dba Fifth Avenue Greenhouses \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
REYNOLDS MINERALS CORPORATION, LAWSON,  
COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-8926

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Reynolds Minerals Corporation  
requesting that Permit No. M-8926 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8926, heretofore issued to \_\_\_\_\_  
Reynolds Minerals Corporation. \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 10, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE W. THOMPSON, DOING BUSINESS AS )  
"THOMPSON'S SADDLE SHOP," 1015 MAIN, )  
DURANGO, COLORADO. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-9536

\_\_\_\_\_  
January 23, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George W. Thompson dba Thompson's Saddle Shop  
\_\_\_\_\_ requesting that Permit No. M-9536 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9536, heretofore issued to \_\_\_\_\_  
George W. Thompson dba Thompson's Saddle Shop \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 12, 1957,

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Horton  
John Thompson  
Joseph F. Nigro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. H. AND H. F. MC CUNE, DOING )  
BUSINESS AS "PARK HILL POULTRY," )  
1300 SOUTH GARFIELD, DENVER 10, )  
COLORADO. )  
----- )

PERMIT NO. M-9801

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
J. H. and H. F. McCune dba Park Hill Boultry  
requesting that Permit No. M-9801 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9801, heretofore issued to \_\_\_\_\_  
J. H. and H. F. McCune dba Park Hill Poultry be,  
and the same is hereby, declared cancelled effective January 20, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Gordon  
John Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CLEMENTE MONTANO, RT. 4, BOX 158, )  
PUEBLO, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10211

-----  
January 23, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Clemente Montano  
requesting that Permit No. M-10211 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10211, heretofore issued to \_\_\_\_\_  
Clemente Montano \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 5, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hooten  
John P. Thompson  
Joseph F. Higo  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MARTIN W. AND MARY PATRICIA KREY, )  
DOING BUSINESS AS "K W ADVERTISING )  
CO.," 418 SOUTH LAMAR CT., DENVER 15, )  
COLORADO. )  
-----)

PERMIT NO. M-10719

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Martin W. and Mary Patricia Krey dba K W Advertising Co.  
requesting that Permit No. M-10719 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10719, heretofore issued to \_\_\_\_\_  
Martin W. and Mary Patricia Krey dba K W Advertising Co. be,  
and the same is hereby, declared cancelled effective December 11, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Johnson  
John P. Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 195 8.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM E. JOHNSTON, DOING BUSINESS )  
AS "JOHNSTON LUMBER COMPANY," P. O. )  
BOX 17, JOPLIN, MISSOURI. )  
----- )

PERMIT NO. M-10880

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
William E. Johnston dba Johnston Lumber Company  
requesting that Permit No. M-10880 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10880, heretofore issued to \_\_\_\_\_  
William E. Johnston dba Johnston Lumber Company be,  
and the same is hereby, declared cancelled effective December 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 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOSEPH A. ULIBARRI, DOING BUSINESS AS)  
"ULIBARRI SERVICE & GARAGE," 2701 )  
CHAMPA STREET, DENVER 2, COLORADO. )  
-----)

PERMIT NO. M-11132

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Joseph A. Ulibarri dba Ulibarri Service & Garage  
requesting that Permit No. M-11132 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11132, heretofore issued to \_\_\_\_\_  
Joseph A. Ulibarri dba Ulibarri Service & Garage be,  
and the same is hereby, declared cancelled effective January 11, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOE C. TERRILL, DOING BUSINESS AS )  
"TERRILL SUPER MARKET," CORTEZ, )  
COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-11180

\_\_\_\_\_  
January 23, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Joe C. Terrill dba Terrill Super Market  
requesting that Permit No. M-11180 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11180, heretofore issued to \_\_\_\_\_  
Joe C. Terrill dba Terrill Super Market \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 23, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 23rd day of January, 195 8.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ODUS SHELTON, BOX 615, CANON CITY, )  
COLORADO. )

PERMIT NO. M-11286

January 23, 1958

## STATEMENT

**By the Commission:**

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

requesting that Permit No. M-11286 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-11286, heretofore issued to \_\_\_\_\_  
Odus Shelton \_\_\_\_\_ be,  
 and the same is hereby, declared cancelled effective January 13, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January , 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ADRIAN J. HAWKINS, 507 SHERMAN ST., )  
ORDWAY, COLORADO. )

PERMIT NO. M-11845

January 23, 1958

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
Adrian J. Hawkins

requesting that Permit No. M-11845 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-11845, heretofore issued to \_\_\_\_\_  
Adrian J. Hawkins \_\_\_\_\_ be,  
 and the same is hereby, declared cancelled effective November 30, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Johnson  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

Dated at Denver, Colorado,  
this 23rd day of January , 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FLORENCIO MONTEZ, 511 22ND STREET, )  
DENVER 5, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-12267

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Florencio Montez  
\_\_\_\_\_  
requesting that Permit No. M-12267 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12267, heretofore issued to \_\_\_\_\_  
Florencio Montez \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 20, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Brown*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 195 8.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BOB CARLSTON AND LOYD HOLMES, BOX )  
471, URAVAN, COLORADO. )

PERMIT NO. M-12531

January 23, 1958

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Bob Carlston and Loyd Holmes

requesting that Permit No. M-12531 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-12531 , heretofore issued to

Bob Carlston and Loyd Holmes

be,

and the same is hereby, declared cancelled effective December 5, 1957.

THE PUBLIC UTILITIES COMMISSION  
~~OF THE STATE OF COLORADO~~

Keith C. Horton  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

Dated at Denver, Colorado,

this 23rd day of January , 1958.

112



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THEODORE D. KOHLER, 2392 EAST 47TH )  
AVENUE, DENVER 16, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-12566

-----  
January 23, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Theodore D. Kohler  
\_\_\_\_\_  
requesting that Permit No. M-12566 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12566, heretofore issued to \_\_\_\_\_  
Theodore D. Kohler \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 16, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Horton  
John V. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RUSSELL J. BRADLEY, DOING BUSINESS AS )  
"BRAD'S MARKET," BOX 34, CASTLE ROCK, )  
COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-13058

-----  
January 2, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Russell J. Bradley dba Brad's Market  
requesting that Permit No. M-13058 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13058, heretofore issued to \_\_\_\_\_  
Russell J. Bradley dba Brad's Market \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 18, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Hooten  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. N. AND RUTH R. BURNHAM, DOING )  
BUSINESS AS "GENEVA CONCRETE PIPE )  
CO.," P. O. BOX 356, OREM, UTAH. ) PERMIT NO. M-13513  
\_\_\_\_\_) )  
\_\_\_\_\_)

\_\_\_\_\_  
January 23, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
J. N. and Ruth R. Burnham dba Geneva Concrete Pipe Co.  
\_\_\_\_\_  
requesting that Permit No. M-13513 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13513, heretofore issued to \_\_\_\_\_  
J. N. and Ruth R. Burnham dba Geneva Concrete Pipe Co. \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 15, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Robert C. Hudson  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. C. OLIVER, DOING BUSINESS AS "C. )  
C. OLIVER TRUCKING CO.," BOX 2134, )  
BILLINGS, MONTANA. )

PUC NO. 2822-I

-----  
January 24, 1958  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. C. Oliver, doing business as "C. C. Oliver Trucking Co.," Billings, Montana, requesting that Certificate of Public Convenience and Necessity No. 2822-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. 2822-I, heretofore issued to C. C. Oliver, doing business as "C. C. Oliver Trucking Co.," Billings, Montana, be, and the same is hereby, declared cancelled effective December 13, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 24th day of January 1958.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOSE ABRAM LE DOUX, DOING BUSINESS ) PUC NO. 3791  
AS "ABE LE DOUX," 2845 EAST 13TH )  
STREET, PUEBLO, COLORADO. )  
-----

-----  
January 24, 1958  
-----

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. 3791 be suspended for six months from January 13, 1958.

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 Jose Abram LeDoux, doing business as "Abe LeDoux," be, and he is hereby, authorized to suspend his operations under PUC No. 3791 until July 13, 1958.

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

Ralph C. Holm  
John F. Thompson  
Joseph F. Negro  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of January 1958.

original

(Decision No. 49460)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION )  
OF PROPOSED DISCONTINUANCE OF )  
WATER SERVICE BY PURE SPRING )  
WATER SUPPLY COMPANY, FOWLER, )  
COLORADO. )  
----- )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 409

-----  
January 22, 1958  
-----

S T A T E M E N T

By the Commission:

On December 27, 1957, Pure Spring Water Supply Company, a Colorado corporation, engaged in the business of producing water from springs located in Crowley County, north of Fowler, Colorado, and distributing it through lines running east to Ordway and Rocky Ford, Colorado, filed with the Commission its application for an Order permitting it to cease operation as a water distributing company on and after January 31, 1958.

Said company duly notified its customers on December 27, 1957, of its intention to discontinue said water service.

The Commission is now in receipt of a Petition, signed by forty-two residents of the area served by said Pure Spring Water Supply Company, protesting said proposed discontinuance of water service by said company.

F I N D I N G S

THE COMMISSION FINDS:

That in order to protect the interests of all concerned, and in view of protests received by the Commission to said proposed abandonment of service, the effective date of Pure Spring Water Supply Company's discontinuance of service should be suspended, and an investigation held in said matter.

O R D E R

THE COMMISSION ORDERS:

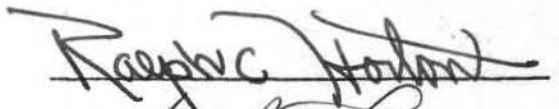
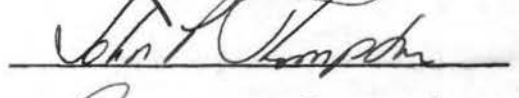
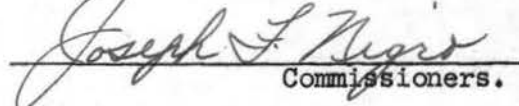
That the effective date of abandonment of service by Pure Spring Water Supply Company should be, and hereby is, suspended, for a period of one hundred twenty (120) days from January 31, 1958, or until May 31, 1958, unless otherwise ordered.

That said matter be made a subject of investigation by the Commission during said period of suspension.

That said matter be set for hearing at a date to be determined later by the Commission.

That a copy of this Order be filed in Investigation and Suspension Docket No. 409, and a copy served on Cover Mendenhall, Esq., Rocky Ford, Colorado, representing the signers of the Petition protesting the abandonment.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN P. BAILIFF & FRANK JAY ANDREWS, )  
JR., DOING BUSINESS AS "YUMA GAS & )  
EQUIPMENT CO.", 420 E 2ND, YUMA, )  
COLORADO. )  
----- )

PERMIT NO. M-3090

-----  
January 27, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John P. Bailiff  
& Frank Jay Andrews, Jr., d/b/a "Yuma Gas & Equipment Co.," Yuma, Colorado,  
requesting that Permit No. M-3090 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3090, heretofore issued to \_\_\_\_\_  
Yuma Gas & Equipment Co., Yuma, Colorado, be,  
and the same is hereby, declared cancelled effective December 20, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Hobart  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1958

mjm



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BLUEHILL FOODS INC., 711 SOUTH )  
BROADWAY, DENVER 9, COLORADO. )  
----- )

PERMIT NO. M-4063

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Bluehill Foods Inc., Denver, Colorado,  
requesting that Permit No. M-4063 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4063, heretofore issued to \_\_\_\_\_  
Bluehill Foods Inc., Denver, Colorado, be,  
and the same is hereby, declared cancelled effective November 22, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Hodson*  
*John P. Thompson*  
*Joseph F. Higgins*  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 1958

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOE J. LANDON, STANLEY, NEW MEXICO. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-3618

\_\_\_\_\_  
January 27, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
\_\_\_\_\_  
Joe J. Landon, Stanley, New Mexico,  
requesting that Permit No. M-3618 be cancelled.

FINDINGS

THE COMMISSION FINDS:

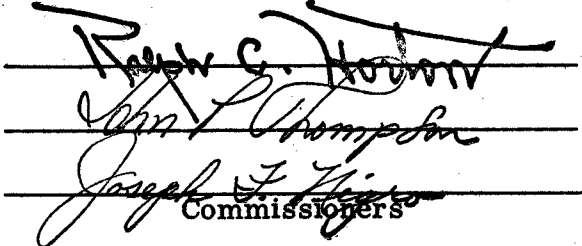
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3618, heretofore issued to \_\_\_\_\_  
\_\_\_\_\_  
Joe J. Landon, Stanley, New Mexico, be,  
and the same is hereby, declared cancelled effective November 28, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 195 8

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN KINDSFATHER, 112 ELM STREET, )  
WINDSOR, COLORADO. )

PERMIT NO. M-5565

January 27, 1958

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from

John Kindsfather, Windsor, Colorado,

requesting that Permit No. M-5565 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-5565 , heretofore issued to

John Kindsfather, Windsor, Colorado, \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 29, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph G. Horton  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

Dated at Denver, Colorado,

this 27th day of January , 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
OWEN M. HUMPHREY, DOING BUSINESS AS )  
"HUMPHREY'S COTTAGE FLORAL", 418 )  
POLK STREET, PUEBLO, COLORADO. ) PERMIT NO. M-7685  
-----)

-----  
January 27, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Owen M. Humphrey,  
d/b/a "Humphrey's Cottage Floral," Pueblo, Colorado,  
requesting that Permit No. M-7685 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7685, heretofore issued to Owen M. Humphrey,  
d/b/a "Humphrey's Cottage Floral," Pueblo, Colorado, be,  
and the same is hereby, declared cancelled effective December 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ELMER DOSHER, DURANGO, COLORADO.  
-----)

PERMIT NO. M-8381

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Elmer Doshier, Durango, Colorado,  
requesting that Permit No. M-8381 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8381, heretofore issued to \_\_\_\_\_  
Elmer Doshier, Durango, Colorado, be,  
and the same is hereby, declared cancelled effective December 20, 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 27th day of January, 1958

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT E. NORTON & JANE E. NORTON, )  
DOING BUSINESS AS "FROZEN FOOD )  
CENTER", 133 MATHEWS, FORT COLLINS, )  
COLORADO. )  
-----)

PERMIT NO. M-10723

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert L. Norton  
& Jane E. Norton, d/b/a "Frozen Food Center", Fort Collins, Colorado,  
requesting that Permit No. M-10723 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10723, heretofore issued to Robert L. Norton &  
Jane E. Norton, d/b/a "Frozen Food Center", Fort Collins, Colorado, be,  
and the same is hereby, declared cancelled effective November 15, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EDWARD H. UNCAPHER, KREMMLING,  
COLORADO.  
-----)

PERMIT NO. M-10275

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Edward H. Uncapher, Kremmling, Colorado,  
requesting that Permit No. M-10275 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10275, heretofore issued to \_\_\_\_\_  
Edward H. Uncapher, Kremmling, Colorado, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 9, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John J. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALVA DAVIS, DOING BUSINESS AS )  
"BESSEMER AUTO SALES", 1538 EAST )  
EVANS, PUEBLO, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-10066

\_\_\_\_\_  
January 27, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
\_\_\_\_\_ Alva Davis, d/b/a "Bessemer Auto Sales", Pueblo, Colorado,  
requesting that Permit No. M-10066 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10066, heretofore issued to \_\_\_\_\_  
\_\_\_\_\_ Alva Davis, d/b/a "Bessemer Auto Sales", Pueblo, Colorado, be,  
and the same is hereby, declared cancelled effective November 29, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of January, 1958



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

KENNETH C. LACY, P. O. BOX 58,  
LA JUNTA, COLORADO.

PERMIT NO. M-2843

January 27, 1958

STATEMENT

By the Commission:

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

Kenneth C. Lacy, La Junta, Colorado,

requesting that Permit No. M-2843 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2843, heretofore issued to \_\_\_\_\_

Kenneth C. Lacy, La Junta, Colorado, \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective December 5, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hurd*  
*John P. Thompson*  
*Joseph F. Higo*  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 195 8

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HARDWICKE-ETTER COMPANY, SHERMAN,  
TEXAS.  
-----)

PERMIT NO. M-1503

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Hardwicke-Etter Company, Sherman, Texas,

requesting that Permit No. M-1503 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1503, heretofore issued to \_\_\_\_\_  
Hardwicke-Etter Company, Sherman, Texas, be,  
and the same is hereby, declared cancelled effective December 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. Hudson*  
*John P. Thompson*  
*Joseph F. Higgins*  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LESLIE L. MC MICHAEL, CRAIG, COLORADO,  
\_\_\_\_\_  
\_\_\_\_\_

PERMIT NO. M-641

\_\_\_\_\_  
January 27, 1958  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Leslie L. McMichael, Craig, Colorado,

requesting that Permit No. M-641 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-641, heretofore issued to \_\_\_\_\_  
Leslie L. McMichael, Craig, Colorado, \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective December 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hodson  
John P. Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 195 8

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LEO GURULE, SAN LUIS, COLORADO.  
-----)

PERMIT NO. M-12342

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Leo Gurule, San Luis, Colorado,

requesting that Permit No. M-12342 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12342, heretofore issued to \_\_\_\_\_  
Leo Gurule, San Luis, Colorado, \_\_\_\_\_ be,

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of January, 195 8

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIE DANIEL IVINS, 1015 RUDD )  
AVENUE, CANON CITY, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-13299

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Willie Daniel Ivins, Canon City, Colorado,  
requesting that Permit No. M-13299 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13299, heretofore issued to \_\_\_\_\_  
Willie Daniel Ivins, Canon City, Colorado, be,  
and the same is hereby, declared cancelled effective September 30, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph G. Horton*  
*John J. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1958.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THOMAS D., EDWARD H., & FRANK EDWARDS,  
DOING BUSINESS AS "EDWARDS BROTHERS",  
845 SOUTH PATTON COURT, DENVER 19, )  
COLORADO. )  
-----)

PERMIT NO. M-1239

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas D., Edward H.,  
& Frank Edwards, d/b/a "Edwards Brothers," Denver, Colorado,  
requesting that Permit No. M-1239 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1239, heretofore issued to Thomas D., Edward H.,  
& Frank Edwards, d/b/a "Edwards", Denver, Colorado, be,  
and the same is hereby, declared cancelled effective November 23, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of January, 195 8

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

FIDEL A. ARELLANO, 2605 EAST 7TH  
STREET, PUEBLO, COLORADO.

PERMIT NO. M-13552

January 27, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Fidel A. Arellano, Pueblo, Colorado,

requesting that Permit No. M-13552 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13552, heretofore issued to \_\_\_\_\_  
Fidel A. Arellano, Pueblo, Colorado, \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective September 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 27th day of January, 195 8

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOWARD D. BIRSCHBACH, LIMON, )  
COLORADO. )

PERMIT NO. M-3030

January 27, 1958

## STATEMENT

**By the Commission:**

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

Howard D. Bierschbach, Limon, Colorado,

requesting that Permit No. M-3030 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-3030 , heretofore issued to \_\_\_\_\_

Howard D. Bierschbach, Limon, Colorado, be,

and the same is hereby, declared cancelled effective December 16, 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 27th day of January , 1958.

mjm



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

ANGELO WILLIAMS, DOING BUSINESS AS )  
"PUEBLO FRUIT COMPANY", 229 SOUTH )  
UNION, PUEBLO, COLORADO. )  
-----)

PERMIT NO. M-7709

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

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

\_\_\_\_\_  
Angelo Williams, d/b/a "Pueblo Fruit Company", Pueblo, Colorado,

requesting that Permit No. M-7709 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

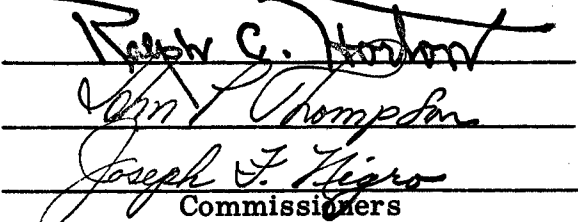
THE COMMISSION ORDERS:

That Permit No. M-7709, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
Angelo Williams, d/b/a "Pueblo Fruit Company", Pueblo, Colorado, be,

and the same is hereby, declared cancelled effective December 21, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. C. JONES, 1205 JOHNSON, MIDLAND, )  
TEXAS. )  
----- )

PERMIT NO. M-13495

January 27, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
R. C. Jones, Midland, Texas,

requesting that Permit No. M-13495 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13495, heretofore issued to \_\_\_\_\_  
R. C. Jones, Midland, Texas, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 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 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ORVILLE FUNK, DOING BUSINESS AS )  
"FUNK'S CARTER BULK SERVICE", )  
222 CLAYTON, BRUSH, COLORADO. )  
-----)

PERMIT NO. M-8723

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Orville Funk, d/b/a "Funk's Carter Bulk Service", Brush, Colorado,  
requesting that Permit No. M-8723 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8723, heretofore issued to \_\_\_\_\_  
Orville Funk, d/b/a "Funk's Carter Bulk Service", Brush, Colorado, be,  
and the same is hereby, declared cancelled effective December 26, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hohn*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1958.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
A. C. SIZEMORE, DOING BUSINESS AS )  
"MODERN TIRE SERVICE", 3616 MIDLAND )  
BOULEVARD, FORT SMITH, ARKANSAS. )  
----- )

PERMIT NO. M-12053

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
A. C. Sizemore, d/b/a "Modern Tire Service", Fort Smith, Arkansas,

requesting that Permit No. M-12053 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12053, heretofore issued to \_\_\_\_\_  
A. C. Sizemore, d/b/a "Modern Tire Service", Fort Smith, Arkansas, be,  
and the same is hereby, declared cancelled effective December 19, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of January, 1958

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
T. M. WALL, 1106 EAST MONROE, )  
HARLINGEN, TEXAS. )

PUC NO. 3149-I

January 27, 1958

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from

T. M. Wall, Harlingen, Texas,

requesting that Certificate of Public Convenience and Necessity No. 3149-I  
be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Certificate No. 3149-I heretofore issued to

T. M. Wall, Harlingen, Texas,

be, and the same is hereby, declared cancelled effective December 13, 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 27th day of January , 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

VERNON ANDERSON, WELLINGTON, COLO- )  
RADO. )

PERMIT NO. B-5173

January 27, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Vernon Anderson, Wellington, Colorado,

requesting that Permit No. B-5173 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5173, heretofore issued to \_\_\_\_\_  
Vernon Anderson, Wellington, Colorado, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 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 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
FRANK R. KIME, 5170 UMATILLA STREET, )  
DENVER 21, COLORADO. )  
)  
----- )

PERMIT NO. B-3963

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

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

\_\_\_\_\_  
Frank R. Kime, Denver, Colorado,

requesting that Permit No. B-3963 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3963, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
Frank R. Kime, Denver, Colorado, be,

and the same is hereby, declared cancelled effective December 20, 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 27th day of January, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK R. KIME, 5170 UNATILLA STREET, )  
DENVER 21, COLORADO. )  
----- )

PERMIT NO. M-8011

-----  
January 27, 1958  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Frank R. Kime, Denver, Colorado,

requesting that Permit No. M-8011 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8011, heretofore issued to \_\_\_\_\_  
Frank R. Kime, Denver, Colorado, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective December 20, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Gordon*  
*John P. Thompson*  
*Joseph F. Higo*  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1958

mjm



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VETERANS TAXICAB AND TRANSPORTATION )  
COMPANY, A CORPORATION, 809 GRAND )  
AVENUE, PUEBLO, COLORADO, BY MERRITT )  
L. GORDON, RECEIVER AND TRUSTEE IN )  
BANKRUPTCY OF SAID CORPORATION, )  
1332½ EAST EVANS AVENUE, PUEBLO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 1007 TO C. J. BURRESS, JR., )  
DONALD A. HELLESEN AND PAUL W. )  
FARMER, CO-PARTNERS, DOING BUSINESS )  
AS "AA TAXICAB COMPANY," 801 NORTH )  
GRAND AVENUE, PUEBLO, COLORADO. )  
----- )

APPLICATION NO. 15901-Transfer

RE MOTOR VEHICLE OPERATIONS OF )  
C. J. BURRESS, JR., DONALD A. )  
HELLESEN AND PAUL W. FARMER, )  
CO-PARTNERS, DOING BUSINESS AS )  
"AA TAXICAB COMPANY," 801 NORTH )  
GRAND AVENUE, PUEBLO, COLORADO, )  
UNDER CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY NO. 3904. )  
----- )

PUC NO. 3904

-----  
January 23, 1958  
-----

Appearances: Gordon Bartley, Esq.,  
Pueblo, Colorado, for  
Merritt L. Gordon,  
Receiver and Trustee  
in Bankruptcy;  
Jenkins & Stewart, Esqs.,  
Pueblo, Colorado, and  
Charles F. Keen, Esq.,  
Pueblo, Colorado, for  
AA Taxicab Company;  
Gaspar Perricone, Pueblo,  
Colorado, for the Estate  
of Pete Perricone, as  
his interest may appear.

S T A T E M E N T

By the Commission:

On the 12th day of July, 1957, Merritt L. Gordon was  
appointed Receiver of Veterans Taxicab and Transportation Company,  
which operated under a certificate of public convenience and nec-  
essity from this Commission, in the City of Pueblo, Colorado.

This authority was held under PUC No. 1007, which provides as follows:

Transportation of passengers between points (excluding Boone and points east thereof on line of Missouri Pacific Trans. Co.), within a radius of twenty-five miles of Pueblo and from and to Pueblo and from Beulah. Transportation of passengers and hand baggage throughout the San Isabel Forest area, and between Pueblo on the one hand, and Beulah, Rye, Westcliffe, Wetmore and San Isabel City on the other.

(a) Transportation of passengers, on call and demand, by five-passenger taxicabs, only, from points in the City of Pueblo, Colorado, and points within a radius of twenty-five miles thereof, and from Beulah and the San Isabel National Forest area, to all other points in the State of Colorado; and

(b) subject to rates for service performed under sub-paragraph (a) shall not be less than those set forth in the Statement of this order, unless permission to do so be first obtained from the Commission after notice of application therefor to all competing carriers.

Transportation of passengers and their hand baggage which applicant is now authorized to transport, from point to point within the City of Pueblo, Colorado.

On the 6th day of December, 1957, said Merritt L. Gordon was appointed Trustee of Veterans Taxicab and Transportation Company, who, in the meantime, had been adjudged a bankrupt.

Upon proper petition to the United States District Court for the District of Colorado, in Bankruptcy, the assets of the Veterans Taxicab and Transportation Company were ordered sold. A Sales Agreement was entered into and Order for Sale issued in the bankruptcy court, providing for the sale of the certificate of authority from the Colorado Public Utilities Commission, for the certificate of authority from the Federal Communications Commission for the radio channel and included the sale of base station radio equipment, radio receiving units, office equipment, shop equipment, and motor vehicles, for a total consideration of \$4,050.

The Order of Sale is in the nature of a Quitclaim transfer, and does not necessarily provide for a transfer free and clear of liens and encumbrances. The Trustee, however, and counsel for the

applicants, both stated that to the best of their knowledge there were no liens that attached to any of the property, and they are satisfied to accept the certificate and the property in the present state of their title. The applicant, AA Taxicab Company, at the present time operates as a partnership composed of C. J. Burress, Jr., Donald A. Hellesen and Paul W. Farmer, who are the holders of Certificate No. PUC No. 3904, providing for authority to operate in the City of Pueblo and a 15-mile radius thereof. The certificate provides, as follows:

Call and demand service, to operate a taxicab service within the City of Pueblo, Colorado, and within Pueblo County within a 15-mile radius of the City of Pueblo, Colorado.

It is readily apparent that there is a substantial duplication of authorities vested in the same individuals. It has been the policy of the Commission to cancel duplicating authorities that may be in existence in the hands of the same owner. It is obvious that no useful purpose is served by the possession of more than one certificate since all of the authority may be exercised under one of the certificates. There is no desire to in any way deprive the holders of the certificates of any of the authority they may have in the aggregate under both certificates; PUC certificate No. 1007 contains more authority than is contained in PUC No. 3904. Since the applicant will not be deprived of any authority to serve, PUC No. 3904 shall be cancelled.

The financial ability, training and experience of the applicants to operate the certificate were established to the satisfaction of the Commission.

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

##### THE COMMISSION FINDS:

That the transfer, subject to the conditions hereinafter set forth, is compatible with the public interest, and should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. PUC-1007, of Veterans Taxicab and Transportation Company, by Merritt L. Gordon, Receiver and Trustee in Bankruptcy of said corporation, be, and the same is hereby, authorized to be transferred to C. J. Burress, Jr., Donald A. Hellesen, and Paul W. Farmer, co-partners, doing business as "AA Taxicab Company."

That said Certificate No. PUC-1007 be, and the same is hereby, modified and amended to provide as follows:

Transportation of passengers between points (excluding Boone and points east thereof on line of Missouri Pacific Trans. Co.), within a radius of twenty-five miles of Pueblo, and from and to Pueblo and from Beulah. Transportation of passengers and hand baggage throughout the San Isabel Forest area, and between Pueblo on the one hand and Beulah, Rye, Westcliffe, Wetmore, and San Isabel City on the other.

(a) Transportation of passengers, on call and demand, by five-passenger taxicabs, only, from points in the City of Pueblo, Colorado, and points within a radius of twenty-five miles thereof, and from Beulah and the San Isabel National Forest area, to all other points in the State of Colorado; and

(b) subject to rates for service performed under sub-paragraph (a) shall not be less than those set forth in the Statement of this order, unless permission to do so be first obtained from the Commission after notice of application therefor to all competing carriers.

Transportation of passengers and their hand baggage which applicant is now authorized to transport, from point to point within the City of Pueblo, Colorado.

IT IS FURTHER ORDERED That to the extent that PUC No. 3904 overlaps PUC No. 1007, the same be, and it is hereby, cancelled, and that in the future this authority be known as "PUC No. 1007."

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with,



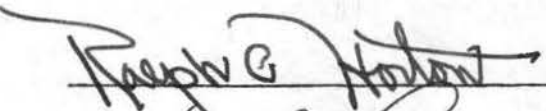
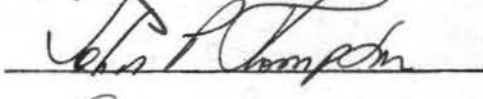

the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, 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 transferees until changed according to law and the rules and regulations of this Commission.

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

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 23rd day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GUY E. FIELDS, 801 EAST THIRD )  
STREET, FLORENCE, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )  
----- )

APPLICATION NO. 15983

-----  
January 23, 1958  
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Appearances: H. R. Hayward, Esq., Canon  
City, Colorado, for  
Applicant;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Alfred's Trailer Park  
and Sales Company; and  
Colorado Trailer Transport.

S T A T E M E N T

By the Commission:

This matter came on for hearing at the County Commissioners' Room, Court House, Pueblo, Colorado, on January 13, 1958, after appropriate notice to all interested parties, where the matter was heard and taken under advisement.

This is an application for a certificate of public convenience and necessity, authorizing applicant to operate as a common carrier by motor vehicle for hire, for the transportation of house trailers, without limitation of size and weight, from locations within Fremont County, Colorado, to points of destination in the State of Colorado, and from points within the State of Colorado, to locations within the County of Fremont, excluding the right to pull trailers to and from locations both beginning and ending outside the County of Fremont, State of Colorado.

Pursuant to stipulation, the application, at the time of hearing, was amended to request transportation of house trailers without limitation of size or weight, originating within Fremont

County, Colorado, to points of destination in the State of Colorado, and from point to point within Fremont County.

The applicant, Guy E. Fields, is an experienced house trailer mover. There is no such service offered in Fremont County. A customer-witness who is well acquainted with the trailer situation in the county, testified that trailer hauling is required within Fremont County and from points originating in Fremont County to points of destination throughout the state.

The financial responsibility of applicant, his training and experience, were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the application, as amended at the hearing, should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the common carrier call and demand service of Guy E. Fields, 801 East 3rd Street, Florence, Colorado, for the transportation of house trailers without limitation of size or weight, originating within Fremont County, Colorado, to points of destination in the State of Colorado, and from point to point within Fremont County, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph A. Holm  
John A. Thompson  
Joseph F. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of January, 1958.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLINE E. GREGORY, 5750 EVERETT, )  
ARVADA, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15986-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-3431. )  
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-----  
January 23, 1958  
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Appearances: Kirby F. Kistler, Esq., Denver,  
Colorado, for Applicant;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Company;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for Fair-  
play Motor Company and South  
Park Motor Lines;  
R. E. Turano, Denver, Colorado,  
and  
T. A. White, Esq., Denver, Colo-  
rado, for Rio Grande Motor Way,  
Inc.

S T A T E M E N T

By the Commission:

This matter came on for hearing in the County Commissioners' Room, Court House, Pueblo, Colorado, on January 13, 1958, after due notice to all interested parties, where it was heard and taken under advisement.

This is an application for the extension of operating rights under Private Carrier No. B-3431 to provide for the transportation of ore from mines and pot holes within a radius of fifty miles of Alma, Colorado, to smelters and mills within said fifty-mile radius; also to Leadville, Colorado.

The applicant is presently the holder of Permit No. B-3431, which is primarily a sand and gravel permit. He has a contract for

the transportation of ore from the Monte Cristo Mine to the ore mill of the South Park Milling Company located southwest of Alma, a distance of 18 miles. This operation is performed for the Mack-Don Construction Company which has the contract for the loading of the ore and delivery thereof to the smelters. This is over rough mountainous terrain, on a 12% grade, part of which is over a private road. The Mack-Don Construction Company contract provides that a minimum of 100 tons of ore per day is to be transported while the mill is in operation. This can be effected by a maximum of 3 trips per day. The applicant has sufficient equipment of the nature required for this difficult type of operation.

It was the testimony of Norman McMahan, a partner in the Mack-Don Construction Company, that he was unable to obtain adequate service from the existing carriers, and that their equipment was insufficient to provide the specialized service needed.

The application was protested strongly by Eldridge McKinney of Fairplay Motors, who testified that his company had equipment at all times, but he admitted his present equipment was insufficient to provide the required haul, although he was of the opinion that his employer would provide the equipment in the event of adequate guarantees of continued shipments.

Lois Mae Esche, of South Park Motor Lines, likewise testified to the same effect.

There was no evidence of any need or requirement for the hauling of ore or ore concentrates to Leadville.

In view of the present lack of equipment by existing common carriers, the uncertainty of the mining operation, which both protestants testified had been an irregular thing, and the fact that by reason of this irregularity, the addition of more equipment very well could be an uneconomical and disastrous investment, and in view of the applicant's existing contract for the transportation of this ore, it

is the opinion of this Commission that the authority sought, as limited in our Order, should be granted.

The financial ability, training and experience of applicant were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the authority sought by the application, as herein-after limited, is compatible with the public interest, will not impair the ability of existing carriers to serve, and should be granted.

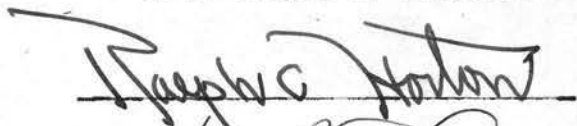


### O R D E R

#### THE COMMISSION ORDERS:

That Private Carrier Permit No. B-3431, of Cline E. Gregory, 5750 Everett, Arvada, Colorado, be, and the same is hereby extended to include authority to transport ore and ore concentrates from the Monte Cristo Mine to smelters within a fifty-mile radius of Alma, Colorado, for the Mack-Don Construction Company, only. In all other respects the application is denied.

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 23rd day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. B. OWENS AND E. M. CLICKNER, CO- )  
PARTNERS, GENERAL DELIVERY, CORTEZ, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 15345

IN THE MATTER OF THE APPLICATION OF )  
W. B. OWENS, GENERAL DELIVERY, COR- )  
TEZ, COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE. )  
----- )

APPLICATION NO. 15345-Amended

IN THE MATTER OF THE APPLICATION OF )  
W. B. OWENS, GENERAL DELIVERY, COR- )  
TEZ, COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING EXTENDED OPERATIONS )  
UNDER PUC NO. 3785. )  
----- )

APPLICATION NO. 15694-Extension

SUPPLEMENTAL ORDER

-----  
January 24, 1958  
-----

Appearances: Garrison, Dilts & Hancock,  
Esqs., Cortez, Colorado,  
for Applicant;  
McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
J. H. Strahan and John B.  
Able.

S T A T E M E N T

By the Commission:

By Decision No. 49293, dated December 27, 1957, the  
Commission granted to W. B. Owens, Cortez, Colorado, common  
carrier motor vehicle call and demand service, with authority  
as set forth in said Order.

On January 17, 1958, Petition for Rehearing was filed  
in said matter by McKelvey and McKelvey, Durango, Colorado,

Attorneys for J. H. Strahan, doing business as "Durango Transfer and Storage Co.," and for John B. Able, doing business as "Montezuma Truck Lines."

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 the Petition for Rehearing filed herein by McKelvey and McKelvey, Durango, Colorado, Attorneys for J. H. Strahan, doing business as "Durango Transfer and Storage Co.," and for John B. Able, doing business as "Montezuma Truck Lines," should be denied.

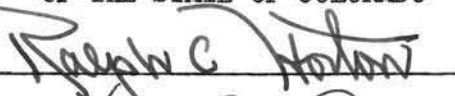
#### O R D E R

##### THE COMMISSION ORDERS:

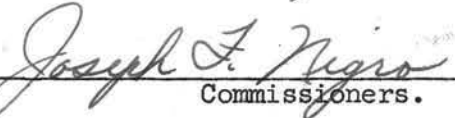
That the Petition for Rehearing in the above-styled matter, filed by McKelvey and McKelvey, Durango, Colorado, Attorneys for J. H. Strahan, doing business as "Durango Transfer and Storage Co.," and for John B. Able, doing business as "Montezuma Truck Lines," should be, and the same hereby is, denied.

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 24th day of January, 1958.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GRANT G. GIFFORD, SILVERTON, COLO- )	
RADO, FOR AUTHORITY TO TRANSFER )	APPLICATION NO. 15880-Transfer
PUC NO. 1081 TO HUGO L. WILLIS, )	<u>SUPPLEMENTAL ORDER</u>
SILVERTON, COLORADO. )	
----- )	

-----  
January 24, 1958  
-----

Appearances: Stockton, Linville & Lewis,  
Esqs., Denver, Colorado,  
by Truman A. Stockton,  
Esq., and  
Brooks & Miller, Esqs.,  
Montrose, Colorado, by  
Theodore Brooks, Esq.,  
for Applicants.

S T A T E M E N T

By the Commission:

By Decision No. 49176, dated December 4, 1957, Grant G. Gifford, Silverton, Colorado, was authorized to transfer all his right, title, and interest in and to PUC No. 1081 to Hugo L. Willis, Silverton, Colorado.

The Commission has reviewed the evidence adduced at the hearing on said application, and finds that testimony was given to the effect that Hugo L. Willis was to give a chattel mortgage to Grant G. Gifford, for the sum of \$4,000, secured by said Certificate No. 1081, and is of the opinion that said mortgage should be approved.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 49176, dated December 4, 1957, should be amended, as set forth in the Order following.

O R D E R

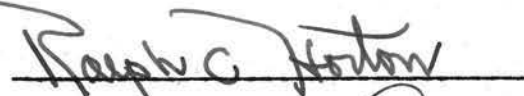


THE COMMISSION ORDERS:

That Decision No. 49176, dated December 4, 1957, should be, and the same is hereby, amended, nunc pro tunc, as of said 4th day of December, 1957, by adding the following paragraph to said Order:

That the chattel mortgage, secured by PUC No. 1081, given to Grant G. Gifford by Hugo L. Willis, Silverton, Colorado, dated January 1, 1958, should be, and hereby is, approved.

That, except as herein amended, said Decision No. 49176 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT K. JOHNSON, DOING BUSINESS )  
AS "MANITOU EXPRESS COMPANY," 513 )  
MANITOU AVENUE, MANITOU SPRINGS, )  
COLORADO, FOR A CERTIFICATE OF PUB- ) APPLICATION NO. 15977-Extension  
LIC CONVENIENCE AND NECESSITY, AU- )  
THORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO.189 AND PUC NO.189-I. )  
-----)

-----  
January 24, 1958  
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Appearances: Jamison, Gummin and Linn,  
Esq., Denver, Colorado,  
by Francis W. Jamison,  
Esq., for Applicant;  
A. J. Fregeau, Denver, Colo-  
rado, for Weicker Transfer  
& Storage Company;  
H. D. Hicks, Denver, Colo-  
rado, for Centennial Truck  
Lines, Inc.;  
I. C. Stringer, Denver, Colo-  
rado, for Goldstein Trans-  
portation & Storage, Inc.;  
Barry, Hupp and Dawkins, Esqs.,  
Denver, Colorado, for McCann  
Brothers Transfer Company;  
Cowen Transfer & Storage  
Company; Nicoll Warehousing  
Company, Inc.; Wandell &  
Lowe Transfer & Storage Co.;  
Homer L. Brown, Colorado Springs,  
Colorado, for Cripple Creek,  
Victor & Colorado Springs  
Stage Company;  
Ralph E. Hines, Woodland Park,  
Colorado, for Ute Trail Express.

S T A T E M E N T

By the Commission:

The applicant is presently authorized to operate as a  
motor vehicle common carrier for the transportation of:

freight, express and baggage between Manitou  
Springs and Colorado Springs, Colorado;

general commodities over a regular route be-  
tween Colorado Springs, Colorado, and Manitou  
Springs, Colorado, over U. S. 24 and return  
over the same route, no intermediate points,  
in interstate commerce, only, subject to the  
provisions of the Federal Motor Carrier Act  
of 1935, as amended,



said operating rights being known as "PUC No. 189 and PUC No. 189-I."

By application filed November 25, 1957, he seeks to have this authority extended so as to permit his operation within the home-rule city of Colorado Springs to continue, and also so as to permit him to transport general commodities between all points within a territory described as follows: beginning at Woodland Park, Colorado; thence to the permanent site of the United States Air Force Academy; thence to Peterson Field; thence to Security; thence to Fort Carson; thence to Cascade; thence to Chipita Park; thence to Green Mountain Falls; thence to the point of beginning.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, January 10, 1958, 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 presently operates a general freight service between Manitou Springs and Colorado Springs, six miles to the east. He uses two pieces of equipment now and has recently acquired a third vehicle. Referring to freight bills from the records of his company, he established to the satisfaction of the Commission that he has regularly engaged in the movement of household goods and new and used office furniture and equipment between points within Colorado Springs, Colorado, for several years, and since a time prior to the date this Commission acquired jurisdiction over motor vehicle operations in that home-rule city. He also established that he has picked up and delivered general freight in Colorado Springs where such freight had a prior or subsequent movement over his line haul operation between Colorado Springs and Manitou Springs. We are not able to conclude from the evidence, however, that he engaged in the general cartage business or the movement of general freight between

points within the City Limits of Colorado Springs, nor that he at any time maintained an office or terminal in Colorado Springs. It therefore appears that the only "Grandfather Rights" he has established to continue his operation in Colorado Springs are those set forth in the following Order.

It appears that he is qualified financially and by experience and has equipment to perform all of the operations authorized by the following Order.

Mr. Vern Gingerich, Mayor of Manitou Springs, testified in support of the application, as did three other citizens of that city. None of these witnesses had found the existing service in that area inadequate or unsatisfactory, but testified principally to support a fellow-citizen of that community. Two of the public witnesses were businessmen who had occasion to have commodities moved, but maintain equipment of their own to move part of it and had used existing carrier facilities satisfactorily for the movement of the remainder.

The Mayor and the fourth witness had had no occasion to move commodities themselves, but had had inquiries from others concerning local facilities and presumed that the persons inquiring were able to obtain the transportation they sought.

Seven carriers with facilities at Colorado Springs testified in protest. Two of these carriers were line-haul scheduled carriers rendering transportation north and south through Colorado Springs and west from Colorado Springs through Manitou Springs to the mountain areas. The other five were general cartage operators locally domiciled in Colorado Springs, with approximately 40 pieces of motor vehicle equipment for the service of the public upon call and demand. These operators testified as to their readiness and willingness to serve any citizen of Manitou Springs, and stated that they customarily have equipment idle with which to perform such service; and stated that all of the local carriers had

experienced a general decline in business over the preceding year. In view of the idle equipment standing by to render service, all felt that no additional carriers were needed and that the granting of authority outside the city limits of Colorado Springs would be contrary to the public interest in transportation in that area.

Manitou Springs and Colorado Springs are adjacent communities, each with local civic pride, but not divided commercially along any geographic line. Traffic flows back and forth and through these two points and the other towns and cities which make up the business community of Colorado Springs. It is fair to say that carriers domiciled in Colorado Springs serve Manitou Springs as fully as they serve the remote parts of Colorado Springs. These carriers, then, are carriers local to Manitou Springs as well as to Colorado Springs.

Applicant's witnesses inferred that somehow it costs more to have a Colorado Springs carrier come to Manitou Springs to deliver commodities say to Fort Carson than it would cost to have a Manitou Springs carrier perform this service. This thought has no foundation in fact. The transportation may be thought of as a circle; the distance to complete the transit is the same wherever the circuit is entered, as the carrier must return to his point of beginning at the completion of the transportation. The only exception to this principal would be as to transportation west out of Manitou Springs; the testimony of the carrier serving that territory from Colorado Springs, which is operating at the present at a loss, established to our satisfaction that an additional carrier should not be permitted to enter that field at this time further to divide the already limited revenue available in the area.

Considering all of the testimony together, it appears to us that the application must be denied, except to the extension approved in the following Order.

## 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 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 Robert K. Johnson, doing business as "Manitou Express Company," Manitou Springs, Colorado, under PUC No. 189 and PUC No. 189-I, so that, as extended, said certificates shall read as follows:

operation as a motor vehicle line-haul common carrier, for the transportation of freight, express and baggage between Manitou Springs and Colorado Springs, Colorado; general commodities over a regular route, between Colorado Springs, Colorado, and Manitou Springs, Colorado, over U. S. Highway 24, and return over the same route, no intermediate points, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended; all of the foregoing authority to include pick up and delivery in Colorado Springs of commodities having a prior or subsequent movement over this route;

motor vehicle common carrier call and demand service, for the transportation of household goods and new and used office furniture and equipment between points within the corporate limits 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 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 in all other respects, said 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

Raymond C. Hobart  
John P. Thompson  
Joseph F. Negro  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of January, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES A. CHRISTMAN, JAMESTOWN STAR )  
ROUTE, BOULDER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 15994-PP

-----  
January 24, 1958  
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Appearances: James A. Christman, Boulder,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, James A. Christman, Boulder, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay and farm produce, from Longmont, Colorado, and a five-mile radius thereof, to Boulder, Colorado, and a five-mile radius thereof.

Said application was regularly set for hearing before the Commission, at the County Court Room, Court House, Boulder, Colorado, January 15, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest

On January 9, 1958, 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 shows that at the hearing, applicant



testified he has had many requests from farmers for transportation of farm produce, including baled hay, from farms within a five-mile radius of Longmont, Colorado, to points within a five-mile radius of Boulder, Colorado; that he is so operating at the present time, under Temporary Authority issued by this Commission; that there is presently a demand for such service; that he is the owner of a 1952 Ford Dump Truck and a 1942 International pick-up; that he owns his home and has a net worth of \$10,000.

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.

Report of the Examiner recommends that authority sought 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 permit should issue to applicant herein, as set forth in the following Order.

#### 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 James A. Christman, Boulder, 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 farm produce, including hay,

from farms situate within a five-mile radius of Longmont, Colorado, to Boulder, Colorado, and to points within a radius of five miles thereof.

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

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

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 24th day of January, 1958.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEONARD KARMAZIN AND THOMAS S. )  
KARMAZIN, CO-PARTNERS, DOING BUSI- )  
NESS AS "TEE ESS TRANSFER," )  
LAWRENCE, NEBRASKA, FOR AUTHORITY )  
TO TRANSFER INTERSTATE OPERATING )  
RIGHTS TO LEONARD KARMAZIN, DOING )  
BUSINESS AS "TEE ESS TRANSFER," )  
LAWRENCE, NEBRASKA. )

PERMIT NO. B-4731-I-Transfer

-----  
January 24, 1958  
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S T A T E M E N T

By the Commission:

Heretofore, Leonard Karmazin and Thomas S. Karmazin, co-partners, doing business as "Tee Ess Transfer," Lawrence, Nebraska, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a private carrier by motor vehicle for hire, in interstate commerce, and Permit No. B-4731-I issued to them.

Said permittees now seek authority to transfer said operating rights to Leonard Karmazin, doing business as "Tee Ess Transfer," Lawrence, Nebraska, said Thomas S. Karmazin being desirous of withdrawing from said partnership.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R



THE COMMISSION ORDERS:

That Leonard Karmazin and Thomas S. Karmazin, co-partners, doing business as "Tee Ess Transfer," Lawrence, Nebraska, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-4731-I to Leonard Karmazin, doing business as "Tee Ess Transfer," Lawrence, Nebraska, said Thomas S. Karmazin being hereby authorized to withdraw from said partnership.

That transfer herein authorized is subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TOM MC GINN, 1720 14TH STREET, )  
BOULDER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 15993

-----  
January 24, 1958  
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Appearances: Tom McGinn, Boulder, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common car-  
rier by motor vehicle for hire, for the transportation of trash in the  
City of Boulder, Colorado, and to the City Dump.

Said application was regularly set for hearing before the Com-  
mission, at the Court House, Boulder, Colorado, January 15, 1958, at  
ten o'clock A. M., due notice thereof being forwarded to all parties in  
interest.

On January 9, 1958, the Commission, as provided by law, desig-  
nated 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 the Examiner states that at the hearing, applicant  
herein testified that he has been engaged in the transportation of  
ashes, trash, and other waste materials within the City of Boulder since

1952, and is now so engaged; that he is the owner of a 1954 Chevrolet pick-up, and has a net worth of \$1,500; that if certificate herein sought is granted, he will obey the laws and rules and regulations of this Commission relative to common carriers by motor vehicle for hire.

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.

From the evidence, it appears that applicant herein was in the business of transporting trash 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."

Report of the 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 Findings should be, and hereby is, approved.

That public convenience and necessity require the motor ve-

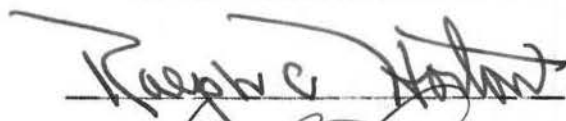


hicle common carrier call and demand transportation service of Tom McGinn, Boulder, Colorado, for the transportation of ashes, trash, and other waste materials, between points within the City of Boulder, and from said City of Boulder to regularly-designated and approved dumps and disposal places within Boulder County, State of Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of January, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALBERT MERGEN, DOING BUSINESS AS )  
"BELL'S EXPRESS & MOVING COMPANY," )  
627 SOUTH LIPAN STREET, DENVER, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 15996

-----  
January 24, 1958  
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Appearances: J. Emery Chilton, Esq., Denver,  
Colorado, for Applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Colorado Trans-  
fer and Warehousemen's Asso-  
ciation;  
E. B. Evans, Esq., Denver, Colo-  
rado, and  
K. Williamson, Esq., Golden,  
Colorado, for Westway Motor  
Freight;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Howard Yelverton, Denver, Colo-  
rado, for Goldstein Trans-  
portation & Storage, Inc.

S T A T E M E N T

By the Commission:

On December 26, 1957, applicant herein filed his application with the Commission, seeking a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of general commodities, between all points within the City and County of Denver, State of Colorado.

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

On January 15, 1958, 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 said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant stated he has been in the business of transporting household furniture and appliances, including small movements of used office furniture; that he has been engaged in this type of transportation since 1946, and was so engaged on January 1, 1955, and since that time; that he has a net worth of \$12,650, and is the owner of a two and one-half-ton van and one three-fourths-ton truck; that at times he had rented a small pick-up, and had used this type of equipment in his operations; that he would agree to limit any authority herein granted to the same number and type of vehicles now being operated.

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 appears that applicant herein was engaged in the business of transporting household goods and furniture 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."

Report of the 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 proposed extended motor vehicle common carrier operations, 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 carrier call and demand transportation service of Albert Mergen, doing business as "Bell's Express and Moving Company," Denver, Colorado, for the transportation of household furniture and appliances and small movements of used office furniture, between points within the City and County of Denver, State of Colorado, and that said operation be limited to the use of one van-type truck, of two and one-half-ton rating, one three-fourths-ton truck, and one pick-up truck, 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.

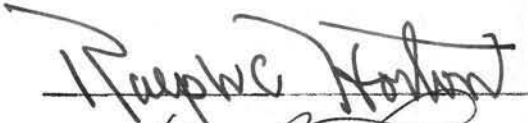
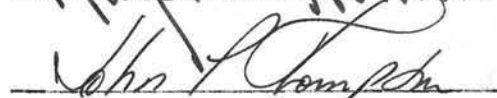

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commis-



sion.

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 24th day of January, 1958.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HAL KING, FOUNTAIN, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 15976-Extension</u>
AND NECESSITY TO EXTEND OPERATIONS )	
UNDER PUC NO. 3661. )	
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-----  
January 24, 1958  
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Appearances: Hal King, Fountain, Colo-  
rado, pro se;  
H. D. Hicks, Denver, Colo-  
rado, for Centennial  
Truck Lines, Inc.

S T A T E M E N T

By the Commission:

The applicant is presently authorized to operate as a  
motor vehicle common carrier for the transportation of:

used furniture from point to point within  
the corporate limits of the Town of Foun-  
tain, Colorado, only; junk, trash, loads  
of wood, pigs (singly), and calves (singly),  
from point to point within the Town of  
Fountain, Colorado, and within a radius of  
10 miles of Fountain; all transportation to  
be limited to the use of a half-ton truck,

said operating rights being known as "PUC No. 3661."

By his present application filed November 5, 1957, as  
restricted at the hearing thereof, he seeks to have this authority  
extended so as to ease the restriction as to the amount and kind of  
equipment he may use and so that he may haul fertilizer, peat moss,  
saw dust and rough lumber between points within fifty miles of Foun-  
tain, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Court  
House, Colorado Springs, Colorado, January 10, 1958, and at the con-  
clusion of the evidence, the matter was taken under advisement.

The applicant alone testified in support of the application. He stated that he is now operating a one-half ton pick-up truck and a 3/4-ton dump truck suitable to the transportation of fertilizer, peat moss, saw dust and rough lumber slabs. He could do all of the work he has in mind to do, he said, if his equipment restriction were changed so that he could operate both of these vehicles. He operates as a local handyman in the town of Fountain and has no desire or intention to compete with established transportation companies in Colorado Springs or elsewhere, he said. He voluntarily restricted his application to the equipment stated and the commodities and the territory mentioned above. In view of this restriction, the numerous protesting carriers withdrew their protests.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission. No reason appears why extended authority should not be granted, as set forth in the following Order.

#### 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 public convenience and necessity require the extended service of the applicant authorized by the following Order and certificate of public convenience and necessity should issue therefor, as set forth in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of Hal King, Fountain, Colorado, under PUC No. 3661, so that as extended it will authorize motor vehicle common carrier operation, for the trans-

portation of used furniture from point to point within the corporate limits of the Town of Fountain, Colorado, only; junk, trash, loads of wood, pigs (singly), and calves (singly), from point to point within the Town of Fountain, Colorado, and within a radius of ten miles of Fountain, Colorado; fertilizer, peat moss, saw dust and rough lumber, between points within 50 miles of Fountain, Colorado; all transportation to be limited to the use of one one-half-ton truck and one or more dump trucks, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

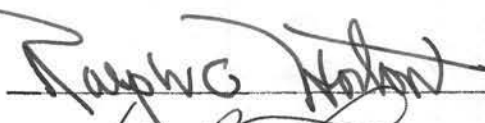
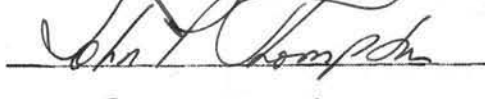
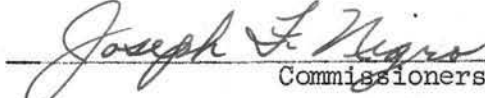
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 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 24th day of January, 1958.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
F. R. ANDERSON, 928 FANNIN )  
STREET, AMARILLO, TEXAS, )  
 )  
 )  
 )  
 )  
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PUC NO. 3328-I

January 29, 1958

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. 3328-I be suspended for six months from

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 F. R. Anderson, Amarillo, Texas,  
be, and he is hereby, authorized to suspend operations under PUC No. 3328-I until July 8, 1958.

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  
Ralph C. Gordon  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January 1958

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 49498 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HERMAN AND VIOLA F. PENNALA, )  
4900 NORTH NEVADA, COLORADO )  
SPRINGS, COLORADO. )  
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PERMIT NO. B-5034

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January 29, 1958  
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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 their Permit No. B-5034 be suspended for six months from January 9, 1958.

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 Herman and Viola F. Pennala, Colorado Springs, Colorado,

be, and are hereby, authorized to suspend their operations under Permit No. B-5034 until July 9, 1958.

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

James C. Hodson  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1958

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

LARRY W. RAHE, DOING BUSINESS AS )  
"RAY'S TRUCK LINE", CHAPPELL, )  
NEBRASKA. )  
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PERMIT NO. M-11837

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January 29, 1958  
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STATEMENT

By the Commission:

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

Larry W. Rahe, d/b/a "Ray's Truck Line," Chappell, Nebraska,

requesting that Permit No. M-11837 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11837, heretofore issued to \_\_\_\_\_

Larry W. Rahe, d/b/a "Ray's Truck Line," Chappell, Nebraska, be,

and the same is hereby, declared cancelled effective December 14, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Thompson*  
*John F. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 1958

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