

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SIMON B. GARCIA)
POST OFFICE BOX 673,)
PAGOSA SPRINGS, COLORADO.) PERMIT NO. M-14360
-----)

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Simon B. Garcia, P. O. Box 673, Pagosa Springs, Colorado.
requesting that Permit No. M-14360 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14360, heretofore issued to _____
Simon B. Garcia, P. O. Box 673, Pagosa Springs, Colorado. be,
and the same is hereby, declared cancelled effective November 30, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD R. CHRISTIAN)
141 - THIRD STREET,)
FORT COLLINS, COLORADO.)
-----)

PERMIT NO. M-15485

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Edward R. Christian, 141 - 3rd Street, Fort Collins, Colorado.
requesting that Permit No. M-15485 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15485, heretofore issued to _____
Edward R. Christian, 141 - 3rd Street, Fort Collins, Colorado. be,
and the same is hereby, declared cancelled effective October 30, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
UNITED GLASS COMPANY)
600 SOUTH LIPAN STREET,)
DENVER 25, COLORADO.)
-----)

PERMIT NO. M-1086

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
United Glass Company, 600 S. Lipan Street, Denver 25, Colorado.
requesting that Permit No. M-1086 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1086, heretofore issued to _____
United Glass Company, 600 S. Lipan Street, Denver 25, Colorado. be,
and the same is hereby, declared cancelled effective November 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hooten
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE O. MERCER)

1714 N. MARYLAND AVENUE,)

ROSWELL, NEW MEXICO)

PERMIT NO. M-14616

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

George O. Mercer, 1714 N. Maryland Avenue, Roswell, New Mexico

requesting that Permit No. M-14616 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14616, heretofore issued to _____

George O. Mercer, 1714 N. Maryland Avenue, Roswell, New Mexico

be,

and the same is hereby, declared cancelled effective November 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DAVID L. HIGBEE, DOING BUSINESS AS,)
"DAVE'S MOBILE SHPLY")
1831 SOUTH NEVADA)
COLORADO SPRINGS, COLORADO)

PERMIT NO. M-7876

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
David L. Higbee, Dba Dave's Mobile Supply, 1831 S. Nevada, Colorado Springs, Colorado.
requesting that Permit No. M-7876 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7876, heretofore issued to _____
David L. Higbee, Dba Dave's Mobile Supply, 1831 S. Nevada, Colo. Spgs., Colorado be,
and the same is hereby, declared cancelled effective November 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PREMIUM BEVERAGES, INC.)
901 TEJON STREET,)
DENVER 4, COLORADO.)

PUC No. 3123-I

December 3, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Premium Beverages, Inc., Denver, Colorado, requesting that Certificate of Public Convenience and Necessity No. 3123-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

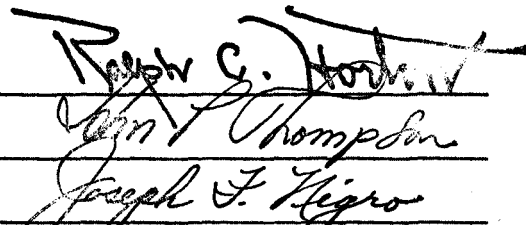
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3123-I, heretofore issued to Premium Beverages, Inc., Denver, Colorado, be, and the same is hereby, declared cancelled effective November 21, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

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

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM F. DIEL)

300 ARROWANNA, TRAILER 7,)

COLORADO SPRINGS, COLORADO.)

PERMIT NO. B-5512

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

William F. Diel, 300 Arrowanna, Trailer 7, Colorado Springs, Colorado

requesting that Permit No. B-5512 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5512, heretofore issued to

William F. Diel, 300 Arrowanna, Trailer 7, Colorado Springs, Colorado be,

and the same is hereby, declared cancelled effective November 2, 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 3rd day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEONARD UHER)
ROUTE I,)
DODGE, NEBRASKA)

PUC No. 4119-I

December 3, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leonard Uher, Dodge, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 4119-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

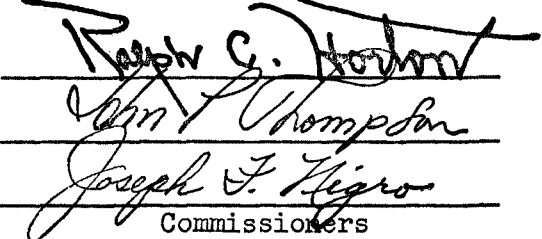
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 4119-I, heretofore issued to Leonard Uher, Dodge, Nebraska, be, and the same is hereby, declared cancelled effective November 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. M. BARTLETT)
)
GILL, COLORADO.)
)
-----)

PERMIT NO. M-913

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

W. M. Bartlett, Gill, Colorado

requesting that Permit No. M-913 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-913, heretofore issued to _____

W. M. Bartlett, Gill, Colorado be,

and the same is hereby, declared cancelled effective November 27, 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 3rd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DANIEL S. CLOSSER, DOING BUSINESS AS)
"DAN C. MINING COMPANY")
POST OFFICE BOX 54,)
MONTROSE, COLORADO.)

PERMIT NO. M-15105

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Daniel S. Closser, Dba Dan C. Mining Co., P. O. Box 54, Montrose, Colorado.

requesting that Permit No. M-15105 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15105, heretofore issued to _____

Daniel S. Closser, Dba Dan C. Mining Co., P. O. Box 54, Montrose, Colorado. be,

and the same is hereby, declared cancelled effective December 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED R. HOLDEN)
POST OFFICE BOX 224,)
WALDEN, COLORADO.)
-----)

PERMIT NO. B-5609

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Fred R. Holden, P. O. Box 224, Walden, Colorado.

requesting that Permit No. B-5609 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5609, heretofore issued to _____

Fred R. Holden, P. O. Box 224, Walden, Colorado.

be,

and the same is hereby, declared cancelled effective December 4, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter C. Holden
John P. Thompson
Joseph F. Higgins
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE B. VARNER)
ROUTE 3,)
AMITY, ARKANSAS)

PERMIT No. B-5061

December 3, 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-5061 be suspended for six months from November 20, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.



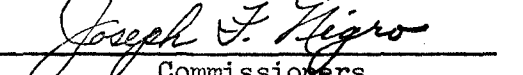
O R D E R

THE COMMISSION ORDERS:

That George B. Varner, Amity, Arkansas, be, and he is hereby, authorized to suspend his operations under Permit No. B-5061 until May 20, 1959.

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 3rd day of December 1958.

Original

(Decision No. 51337)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES)
AND REGULATIONS IN THE COLORADO)
MOTOR CARRIERS' ASSOCIATION, AGENT,)
LOCAL AND JOINT FREIGHT TARIFF NO.)
12-A, COLORADO P.U.C. NO. 11,)
ISSUED BY J. R. SMITH, CHIEF OF)
TARIFF BUREAU, 4060 ELATI STREET)
DENVER 16, COLORADO.)

CASE NO. 1585

December 3, 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 December 13, 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.

D. W. Beach, of North Eastern Motor Freight, Inc., states in a letter to this Commission that it is necessary that freight charges be prepaid to the following points as designated in attached appendix, Item No. 1080. In justification for the change, he states no agents are maintained at these points and delivery is made on a peddle run once a week out of Sterling, Colorado. They are experiencing difficulty in collecting freight charges in some instances and

it is their desire to accept shipments for these points only on a prepaid basis. No protests have been received.

Item No. 1545, as shown in the attached Appendix, is being amended by adding points served between Denver, Colorado, on the one hand, and Fairplay, Meeker and Rangely, Colorado, on the other hand.

The tariff provisions and the National Motor Freight Classification at the present time do not provide ratings or rates for the transportation of coins between the above points. The classification denotes that charges will be subject to rates and regulations of individual carriers. In this particular instance for the points being added, the carriers involved represent the basis as being two times the present effective first class rates in each instance and the minimum charge will be at the rate applicable for 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 entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

- 1 The Statement, Findings and Appendix "A" be, and the same are hereby made a part hereof.
2. This Order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in Appendix "A" shall on December 13, 1958, be the prescribed rates rules and regulations and provisions of the Commission.
4. On and after December 13, 1958, the carriers affected by the said rule and the transportation of the aforesaid commodity shall cease and desist from demanding, charging and collecting rates

greater or less than those herein prescribed.

5. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariff reflecting the changes prescribed herein.

6. 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.

7. On and after December 13, 1958, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

8. On and after December 13, 1958, all private carriers by motor vehicle operating in competition with any motor vehicle common carriers, affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

9. 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.

10. 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.

11. 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. [Signature]
Edw. P. [Signature]
Joseph F. [Signature]
Commissioners.

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

APPENDIX "A"

Colorado Motor Carriers' Association, Agent

Local and Joint Freight Tariff No. 12-A, P.U.C. No. 11

Amend Item No. 1080, 2nd Revised Page No. 98:

Stations To Which Freight Charges Must Be Prepaid:

All freight charges must be prepaid on shipments transported by North Eastern Motor Freight, Inc., to Buchingham, Grover, Hereford, Keota, New Raymer and Stoneham, Colorado.

Amend Item No. 1545, 2nd Revised Page No. 201:

Rates are in cents per 100 pounds

COMMODITY	BETWEEN	AND	RATE	ROUTE
Coin containers, telephone, with records and keys, in composition cases and/or coin receptacles, telephone, with or without coins, in composition cases, released to a value not exceeding 50¢ per pound	Fairplay, Colo.	Denver, Colo.	② 370	21
	Meeker, Colo.		② 546	122
	Rangely, Colo.		② 656	122

② The minimum charge will be for 100 pounds at the applicable rate

Route No. 21 South Park Motor Lines, direct.
122 Harp Transportation Line, direct.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT W. HICKS, 2248 EAST YALE,)
PHOENIX, ARIZONA.)

PERMIT NO. M-7265

December 4, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Robert W. Hicks, Phoenix, Arizona,

requesting that Permit No. M-7265 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7265, heretofore issued to _____

Robert W. Hicks, Phoenix, Arizona, _____ be,

and the same is hereby, declared cancelled effective January 31, 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 4th day of December, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT W. HICKS, 2248 EAST YALE,)
PHOENIX, ARIZONA.)

PERMIT NO. B-5449

December 4, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Robert W. Hicks, Phoenix, Arizona,

requesting that Permit No. B-51119 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5449, heretofore issued to _____

Robert W. Hicks, Phoenix, Arizona. be,

and the same is hereby, declared cancelled effective January 31, 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 4th day of December , 1958.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GERALD F. AXTELL, 3115 SOUTH)
BROADWAY, ENGLEWOOD, COLORADO.)
)
)
-----)

PERMIT NO. M-15030

December 4, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Gerald F. Axtell, Englewood, Colorado,
requesting that Permit No. M-15030 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15030, heretofore issued to _____

Gerald F. Axtell, Englewood, Colorado, be,
and the same is hereby, declared cancelled effective November 25, 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 4th day of December, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

GERALD F. AXTELL, 3115 SOUTH
BROADWAY, ENGLEWOOD, COLORADO.

PERMIT NO. B-5567

December 4, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Gerald F. Axtell, Englewood, Colorado,

requesting that Permit No. B-5567 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5567, heretofore issued to _____

Gerald F. Axtell, Englewood, Colorado, be,

and the same is hereby, declared cancelled effective November 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hodson
John P. Thompson
Joseph F. Higgs
Commissioners

Dated at Denver, Colorado,

this 4th day of December, 1958.

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ERNEST C. ROBB, P. O. BOX 3062,
DURANGO, COLORADO.

PERMIT NO. M-15131

December 4, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Ernest C. Robb, Durango, Colorado,

requesting that Permit No. M-15131 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15131, heretofore issued to _____

Ernest C. Robb, Durango, Colorado, _____ be,

and the same is hereby, declared cancelled effective November 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. [Signature]
John P. Thompson
Joseph F. [Signature]
Commissioners

Dated at Denver, Colorado,

this 4th day of December, 1958.

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51343)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST C. ROBB, P. O. BOX 3062,)
DURANGO, COLORADO.)

PERMIT NO. B-5616

December 4, 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-5616 be suspended for six months from November 25, 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 Ernest C. Robb, Durango, Colorado,

be, and is hereby, authorized to suspend his operations under Permit No, B-5616 until May 25, 1959.

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. Hooton
John P. Thompson
Joseph F. Hinson
Commissioners

Dated at Denver, Colorado,
this 4th day of December, 1958

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51344)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIE AND ORLANDO JONES, DOING)
BUSINESS AS "JONES BROTHERS",)
3008 GAYLORD STREET, DENVER 5,)
COLORADO.)

PERMIT NO. B-4780

December 4, 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 their Permit No. B-4780 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 Willie and Orlando Jones, dba "Jones Brothers", Denver,
Colorado,
be, and are hereby, authorized to suspend their operations under Permit
No. B-4780 until April 21, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John P. Thompson
Joseph S. Higgs
Commissioners

Dated at Denver, Colorado,
this 4th day of December, 1958.

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE MITCHELL, P. O. BOX 988,)
CRAIG, COLORADO.)
)
)
)
)

PERMIT NO. B-5230

December 4, 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-5230 be suspended for six months from November 3, 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 Joe E. Mitchell, Craig, Colorado,

be, and is hereby, authorized to suspend his operations under Permit No. B-5230 until May 3, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 4th day of December, 1958

mjm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIE JONES, 3008 GAYLORD)
STREET, DENVER 5, COLORADO.)
-----)

PUC NO. 4015

December 4, 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. 4015
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 Willie Jones, Denver, Colorado,

_____ be, and he is hereby, authorized to suspend oper-
ations under PUC No. 4015 until April 21, 1959.

That unless said certificate-holder shall, prior to the expira-
tion of said suspension period, make a request in writing for the reinstate-
ment of said certificate , file insurance and otherwise comply with all
rules and regulations of the Commission applicable to common carrier cer-
tificates, 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. Anderson
John P. Thompson
Joseph F. Higgs
Commissioners

Dated at Denver, Colorado,
this 4th day of December 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO MILK TRANSPORT, INC.,)
Route 1, Box 141, Broomfield,)
Colorado,)

Complainant,)

vs.)

CASE NO. 5143

ED RUTT,)
1099 Bush Street,)
Brighton, Colorado,)

Respondent.)

IN THE MATTER OF THE APPLICATION OF)
ED RUTT, 1099 BUSH STREET, BRIGHTON,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO OP-)
ERATE AS A COMMON CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 16345

December 4, 1958

Appearances: Paul M. Hupp, Esq., of Barry,
Hupp and Dawkins, Esqs.,
Denver, Colorado, for Com-
plainant and Protestant
Colorado Milk Transport,
Inc.;
E. B. Evans, Esq., Denver,
Colorado, for Respondent
and Applicant Ed Rutt.

S T A T E M E N T

By the Commission:

The above-entitled matters were heard on the 15th day of May, 1958, at 330 State Office Building, Denver, Colorado, after due and proper notice to all parties in interest. These matters arise on a complaint of Colorado Milk Transport, Inc., alleging that it was a common carrier holding four certificates from this Commission, and that the respondent Ed Rutt was allegedly unlawfully hauling milk from cer-

tain shippers who do not reside within the territorial limits of his authority. The respondent joined issue by answer and amendment thereto, which is in the nature of a general denial, admitting the transportation of milk for certain individuals alleged in the complaint to be outside respondent's territory, but respondent, by virtue of his answer and amendment, asserted authority to haul milk for said shippers. In addition, as a result of this complaint, the respondent filed his application to extend his operation from point to point in an area within a radius of $8\frac{1}{2}$ miles of the Court House in Brighton, Colorado. Upon stipulation by the parties, the matter was heard on a consolidated record, and after due hearing upon proper notice to all interested parties, was taken under advisement by the Commission.

The proof offered established that the respondent Ed Rutt was serving five people, whom respondent concedes he serves. These five shippers are Mickey Edstrom, who resides in Section 23, Township 1-North, Range 68-West; Lester Heitman, who resides in Section 28, Township 1-North, Range 66-West; Keith Delventhal, who resides in Section 32, Township 1-North, Range 66-West; Ben Knoll, who resides in Section 20, Township 1-North, Range 66-West; and Clinton Ritchie, who resides in Section 29, Township 1-North, Range 66-West.

An effort was made to establish the territory authorized by the respondent Ed Rutt. Mr. Rutt himself asserted that he had the right to serve people abutting a road on the outskirts of his territory. He conceded that there is no eastern boundary described for his territory but that it was along the road that passed through Brighton on the east. Two of the customers, Delventhal and Knoll, are property owners abutting the road which the respondent Rutt uses. The others are customers who were served on an exchange agreement entered into between Rutt and one Alexander Naeb, which agreement was approved by this Commission on November 17, 1952. The agreement was

to extend for one year.

It is conceded by all parties that the respondent Rutt is rendering service to these five shippers.

In order to ascertain the validity of the complaint and the unlawfulness, if any, of the respondent's activities, we deem it necessary to first determine precisely what Mr. Rutt's authority is. His existing authority, which is numbered A-539, provides as follows:

ROUTE 1:

A milk route extending 8 miles west of Brighton, 3 miles north, 12 miles south of Brighton, to Brighton, and occasional trips for customers residing in the Brighton milk area, between Greeley and Castle Rock and intermediate points on U. S. Highway No. 85.

ROUTE 2:

A milk route in territory commencing at Brighton on the east; thence 4 miles north, 6 miles west, and south to the Adams County line, and from and to said area, to and from Ft. Lupton, Brighton, and Denver, Colorado.

The transportation of milk and cream from all points in the area described as "Route 1" in the above and foregoing Statement, to Denver, Colorado, including points within a radius of 5 miles of Denver, Colorado; that such service shall be limited to those customers in said area whose names appear on his customer list, as of January 1, 1951, on file with the Commission, and no customers shall be added to said list without prior authorization by this Commission.

This authority is the result of the combination of several old authorities. Part of it was originally issued in 1933, another part in 1936, all of which were modified in 1951, which authorized transportation of milk to Denver and a 5-mile radius thereof.

Chapter 115-11-1 of C. R. S. 1953, provides:

"Private carriers by motor vehicle are hereby divided in two classes for the purpose of this article, which shall be as follows:

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

"(b) Class B private carriers shall embrace all private carriers by motor vehicle which do not operate over substantially regular or established routes or between substantially fixed termini."

Thus, it is apparent in the statutes of Colorado that a Class "A" authority is one that for convenience might be described as a "route authority", that is, a carrier who would traverse a particular road or roads serving respective points. The Class "B" authority, on the other hand, is an authority that is designed to serve a broad area rather than merely a route. It is one generally designed to render service from random point to random point within a described area and/or to render service to and from a designated area to other points outside the area. This has also sometimes been described as a "radial" authority.

Examining the history of the several authorities that have been combined into what is now the applicant's authority (Permit No. A-539), it is determined that a part of this authority was originally issued to one B. S. Burkhardt on October 10, 1933, which provides "a milk route northwest of Brighton to Fort Lupton, Brighton and Denver, and return, and such further route as may be in writing described to the Commission." This authority was combined June 24, 1939, under Application No. 2171-PP-AA and Application No. 2315-PP-ABA, to one providing for hauling in an area "to 8 miles west of Brighton, to 3 miles south of Brighton, to Brighton, which was later amended to read "milk route in territory extending 8 miles west of Brighton, 3 miles north, and 12 miles south of Brighton, to Brighton, and occasional trips for customers residing in the Brighton milk area, between Greeley and Castle Rock and intermediate points on U. S. Highway No. 85."

These several authorities which were combined under Ed Rutt's authority, were extended by our Decision No. 36494, dated April 17, 1951, authorizing the respondent Ed Rutt to extend his

operations to include the transportation of milk and cream from all points in an area he described as "Route 1" to Denver, Colorado, including points within a radius of 5 miles of Denver. It is significant that in support of this application, the present respondent submitted as Exhibit No. 1, photostatic copy of a map which clearly delineated the several territories which he presently serves. One was described by broken lines, which was the original authority obtained in 1933. The other, described by a solid line embracing a much larger area by overlapping the original authority to a great extent, was acquired later and combined under the respondent's present authority. After listening to testimony and reviewing the history of these authorities, it is apparent to us that there is a confusion by all parties between the nature of the respective types of private carrier authority. The number of the authority being preceded by an "A" indicates that it was originally intended to be a so-called "route authority." Such authorities do not embrace territories but designate roads or fixed points between which the carrier may operate. The Class "B" authority embraces a territory. In the instant case, the respondent Rutt has an authority that is numbered and described as a "route authority," but by his actions and the actions of his predecessors, and by the very fact that the respondent Rutt has sought to have the territory extended and sought to describe the territory by his Exhibit No. 1 in his Application No. 10970, in 1951, as an "area authority," he has treated his authority as a "radial" authority, or a B-permit, rather than an A-permit.

It is certainly clear that the respondent Rutt must be a private carrier under one or the other style of permits. He may not be in the nature of both. In the instant case he apparently has designated an area wherein he desires to serve, which smacks of the nature of a B-authority, but he likewise desires to employ the advantages of a route authority, or A-authority, by serving abutting prop-

erty owners.

From the evidence adduced and the history of the operation, it is also apparent to this Commission that the respondent Rutt, the shippers and all parties connected with this authority, have treated this authority as a B-permit, and after its extension in 1951, as a radial authority. There was not the slightest suggestion of any evidence that the respondent Rutt operated as an A-carrier between fixed termini or along a regular established route. It is of little consequence how the permit is described or numbered to determine its nature. The Commission must look to the actual facts in the treatment of an authority. In the long development of a service and authority, as in this case, extending over a period of some 25 years, it is not unusual to expect that a metamorphosis will obtain in the service rendered by a carrier to his customers. Roads, locations and customers, methods of doing business and economic conditions, all change, and will tend to change the nature of the service to be rendered.

In view of this, we do not deem that this Commission is embarking on any uncharted course or revolutionary program when we then recognize the fact that the respondent Rutt in reality has been for many years a Class "B" private carrier and not an "A" permit-holder. In view of this conclusion, we will enter an appropriate Order hereinafter to convert the respondent Rutt from an "A" carrier to a "B" permit-holder.

There arises then the problem of determining the area in which the respondent Rutt is to conduct his operations. We deem that the best authority for this is the area as it was recognized by members of the Commission's staff, recognized by Ed Rutt and used by him to seek to establish his territory. We refer to Exhibit No. of respondent Rutt, Application No. 10970, filed January 29, 1951. This exhibit describes the territory as it has been described in the past, with the exception that the eastern boundary was drawn along the sec-

tion lines that were on the eastern border of U. S. Highway No. 85 at a point 4 miles north of Brighton and extended due south along the section lines to the east of Brighton, to the point on the south boundary line. By the respondent's own claim, this is the maximum territory which he may assert he has the authority to serve. This territory shall be granted to him and an appropriate description thereof shall be made.

This leaves the question for disposition of the respondent's authority to serve the 5 customers. It is conceded that all but Knoll and Edstrom are beyond the territory and do not abut. Respondent Rutt asserts his authority to serve them by virtue of his contract with Mr. Naeb, which was approved by this Commission. That contract, however, expired by its terms at the end of one year. The authority of Mr. Naeb has been assumed by the complainant in this case. There was no evidence that the complainant herein ever continued such contract or acceded to this exchange at the present time. The mere fact of continued service by the respondent Rutt to customers outside his territory can accrue no rights for Rutt. The orderly process of the regulation of transportation rights is that authorities and certificates be assigned on the basis of public need, after due and proper hearing, with the full rights of the public being protected. No individual, by unlawful operation, may gain a prescriptive right to serve any territory or customer. We must hold, therefore, that the continued service by the respondent Rutt to all customers beyond his territory, other than Knoll or Edstrom, by virtue of his exchange contract with Naeb, are unlawful. We are mindful of the fact that Rutt has an application which was consolidated for hearing in this case to render such service. That matter will be dealt with later in this opinion.

Knoll and Edstrom, apparently, either abut the territory conceded by respondent Rutt to be his, or they may have land that ac-

tually lies within his territory. In view of the original conception of this authority as a route authority, and that the respondent Rutt has been serving under some color of right and authority, and in view of the doubtful status of these two customers, the Commission will authorize continued service to Edstrom in Section 23, Township 1-North, Range 68-West, and Knoll in Section 30, Township 1-North, Range 66-West, by adding those two customers to the service area.

In connection with the restrictions that we have observed that should be placed upon respondent Rutt, we note that in our decision in 1951, arising out of respondent's Application No. 10970, that his extension to provide for transportation to Denver was to be restricted to listed customers.

The respondent Rutt in the alternative, in reply to the complaint, seeks to have his authority extended to include service to an area within $8\frac{1}{2}$ miles of the Court House in Brighton. In support of his application, he produced several shipper-witnesses, including Mr. Knoll, who is already receiving service, and Mr. Gettel, who is in the vicinity of Brighton, but did not testify he would use Rutt's service. Keith Delventhal, who has been served by Rutt, testified that the present service of Colorado Milk Transport is satisfactory, but that he was a friend of Rutt and he would use his service on the basis of friendship and not on the question of need. Mr. Trostler, who resides west of Brighton, presently hauls his own milk. He could use Colorado Milk Transport, but with him it is a question of price. Lester Heitman, who lives in the Brighton area, also testified in support of Mr. Rutt's application, stated he needs Rutt's service. He did not know whether a new service was needed and did not know about the service of Colorado Milk Transport. LeRoy Delventhal, also in the same area, is not happy with Colorado Milk Transport and feels they need competition, although he has never

used the service of Colorado Milk Transport. Other witnesses were produced on behalf of Colorado Milk Transport, all testifying as to the adequacy of the service presently being rendered in the area by that company and of the adverse effect on it if the authority sought herein were granted.

With regard to the application for extension, it is a long and well-established rule of law that the desires of a carrier are not the important consideration, but rather that the needs of the public are paramount. There is established in the area a well-organized common carrier, who is rendering good service. On his own behalf, the applicant's proof established beyond any reasonable doubt that he is a competent person, but his proof fell far short of establishing that there was a great public need, or that the service being rendered in the area was inadequate. In the present state of the record, we do not feel justified in granting the authority requested by the applicant.

Although this case was in the nature of a complaint, after examining the history of the authority and all of the evidence, it has been treated by this Commission in the nature of a clarification of an existing authority, which, apparently, like Topsy, had "just grown." Nowhere in the record do we find that there was any willfulness on the part of the respondent Rutt or any action of such a nature that would warrant punitive action by this Commission. We deem it sufficient that we define the territory of the respondent Rutt, designate his authority as a "B" permit, authorize him to serve Knoll and Edstrom, prohibit him from going beyond the territory, and denying his application for an extension.

F I N D I N G S

THE COMMISSION FINDS:

With regard to the complaint in Case No. 5143, we find that the respondent Rutt, by virtue of the needs of his customers, has

utilized his authority from this Commission as a Class "B" private carrier authority, and that he has not operated on a regularly fixed route or between substantially fixed termini.

That the territory as previously recognized and served by respondent Rutt will be maintained as follows with the addition of service of Edstrom and Knoll:

Starting at a point on the old U. S. Highway No. 85 located $1\frac{1}{2}$ miles south from Fort Lupton and being the NE corner of Section 19, T. 1 N., R. 66 W.; thence westerly 6 miles to the N. W. Corner Sec. 17, T. 1 N., R. 67 W.; thence south 1 mile; thence west 2 miles to the NE Corner Sec. 23, T. 1 N., R. 68 W., at which point service may be rendered outside the instant territory to Mickey Edstrom, who lives in Section 23; thence south 3 miles to the Base Line Road at the NW Corner Sec. 1, T. 1 S., R. 68 W., and continuing directly south 12 miles through Welby and across Clear Creek to the SW Corner Sec. 36, T. 2 S., R. 68 W.; thence directly east 8 miles through Derby to the SE Corner Sec. 31, T. 2 S., R. 66 W.; thence directly north some $16\frac{1}{2}$ miles to the point of beginning; with service being provided within the City of Brighton and to Ben Knoll, who lives in Section 20, T. 1 N., R. 66 W. at some 2 miles south of the point of beginning.

That the service to all other customers beyond the territory described herein is unlawful, and not authorized by any Order, agreement, or approval of this Commission.

That the respondent Rutt should cease and desist all service to all customers beyond the territory described in the Order hereinafter set forth.

That public convenience and necessity do not require the extension of service of applicant to an area within $8\frac{1}{2}$ miles of the Court House in Brighton, Colorado, and that said application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the authority of Ed Rutt be, and the same is hereby, numbered and designated as "Permit No. B-539."

That said authority shall provide for the transportation of milk and cream from point to point within an area described as follows:

Starting at a point on the old U. S. Highway No. 85 located $1\frac{1}{2}$ miles south from Fort Lupton and being the NE corner of Sec. 19, T. 1 N., R. 66 W.; thence westerly 6 miles to the N. W. Corner Sec. 17, T. 1 N., R. 67 W.; thence south 1 mile; thence west 2 miles to the NE Corner Sec. 23, T. 1 N., R. 68 W., at which point service may be rendered outside the instant territory to Mickey Edstrom, who lives in Section 23; thence south 3 miles to the Base Line Road at the NW Corner Sec. 1, T. 1 S., R. 68 W., and continuing directly south 12 miles through Welby and across Clear Creek to the SW Corner Sec. 36, T. 2 S., R. 68 W.; thence directly east 8 miles through Derby to the SE Corner Sec. 31, T. 2 S., R. 66 W.; thence directly north some $16\frac{1}{2}$ miles to the point of beginning, including service within the City of Brighton and to Ben Knoll, who lives outside the area in Section 20, T. 1 N., R. 66 W. at some 2 miles south of the point of beginning, and to and from said area, to and from Fort Lupton, Brighton and Denver, Colorado, including points within a radius of 5 miles of Denver, and occasional trips for customers residing in the Brighton milk area, between Greeley and Castle Rock and intermediate points on U. S. Highway No. 85;

all such service to be limited to those customers in said area whose names appear on applicant's customer list as of January 1, 1951, on file with this Commission, together with such other customers subsequently approved by this Commission, and no customers shall be added to said list without prior authorization by this Commission.

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 de-

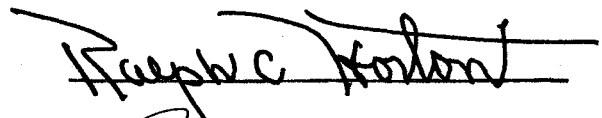

pend upon his compliance with all present and future laws and rules and regulations of the Commission.

That respondent Rutt cease and desist all service to all customers beyond the territory or base area and customers described in this Order.

That Application No. 16345, of Ed Rutt, Brighton, Colorado, be, and the same is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 4th day of December, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CARL MARTLEY, DOING BUSINESS AS,)
"CARL MARTLEY PLUMBING AND HEATING",)
P. O. BOX 628, MONTE VISTA, COLORADO)
-----)

PERMIT NO. M-13573

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Carl Martley d/b/a Carl Martley Plumbing and Heating

requesting that Permit No. M-13573 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13573, heretofore issued to _____

Carl Martley d/b/a Carl Martley Plumbing and Heating be,

and the same is hereby, declared cancelled effective September 16, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John J. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 5th day of December, 195 8

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED TERLIP, 545 AVOCADO STREET,)
PUEBLO, COLORADO)
_____)

PERMIT NO. M-8233

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Fred Terlip

requesting that Permit No. M-8233 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8233, heretofore issued to _____

Fred Terlip be,

and the same is hereby, declared cancelled effective December 5, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Gordon
John P. Thompson
Joseph F. Hiers
Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1958

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS I. MUSICK DOING BUSINESS AS)
"ATLAS FUEL AND FEED", 619 6TH AVENUE,)
GREELEY, COLORADO)
-----)

PERMIT NO. M-6579

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Thomas I Musick d/b/a Atlas Fuel and Feed

requesting that Permit No. M-6579 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6579, heretofore issued to _____

Thomas I. Musick d/b/a Atlas Fuel and Feed _____ be,

and the same is hereby, declared cancelled effective December 5, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 5th day of December, 1958

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED)	APPLICATIONS NOS. 14969 AND 16166
FREIGHT RATES AND CHARGES)	
WITHIN COLORADO, 1956)	EX PARTE NO. 206-A AND 212

December 8, 1958

Appearances: Ernest Porter, Esq., W. L. Peck, Esq., Royce D. Sickler, Esq., E. G. Knowles, Esq., Denver, Colorado, and H. W. Elliott, Topeka, Kansas, for Petitioning Railroads;
Waldo A. Gillette, 3326 San Fernando Road, Los Angeles 65, California, and Joseph F. Enright, Esq., Spring Arcade Building, Los Angeles, California, for Monolith-Portland-Midwest Company, supporting the Petitioning Railroads;
L. B. Fitzgerald and Henry J. Yunk, 620 Equitable Building, Denver 2, Colorado, for Colorado Milling & Elevator Company;
Wm. DeBoer, P. O. Box 1920, Denver 1, Colorado, for Colorado Fuel and Iron Corporation;
F. J. Rebhan, P. O. Box 419, Denver 1, Colorado, for American Crystal Sugar Company;
O. F. Bridwell, 650 Equitable Building, Denver 2, Colorado, for Northern Colorado Coals, Inc.;
T. C. Taylor and Paul S. Barnett, 507 Denver National Building, Denver 2, Colorado, for Ideal Cement Company;
Howard D. Hicks, 1601 Decatur Street, Denver 4, Colorado, for Centennial Truck Lines, Inc.;
Protestants, and as their interests may appear;
T. S. Wood and S. J. Philippon, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

Effective December 28, 1956, the Interstate Commerce Commission granted the Western territory rail carriers authority to file

freight tariffs reflecting a five per cent increase in freight rates and charges applicable to interstate traffic.

On December 21, 1956, the steam railroads operating in intrastate traffic in Colorado through their legal representatives filed a petition with this Commission requesting authority to make the same increases in Colorado intrastate rates and charges as was authorized by the Interstate Commerce Commission on interstate traffic.

On January 29, 1957 (Decision No. 47253), the Commission assigned this matter for a public hearing on February 19, 1957, in Denver, Colorado.

On July 18, 1957 (Decision No. 48393), the Commission, in a majority opinion (Commissioner Nigro dissenting), authorized the railroads the same relative increase in rates and charges on Colorado intrastate traffic as was authorized by the Interstate Commerce Commission in its Order dated December 17, 1956, in Ex Parte No. 206, Increased Freight Rates, Eastern and Western territories, 1956.

On August 6, 1957, the Interstate Commerce Commission issued a further Order, authorizing a twelve per cent increase in Western territory in lieu of the five per cent which had become effective interstate December 28, 1956. This latest increase was permitted to become effective interstate August 26, 1957 (300 I.C.C. 633-711)

On September 11, 1957, the rail carriers filed a further petition with this Commission requesting authority to make the same relative increases in Colorado intrastate rates and charges as was authorized by the Interstate Commerce Commission in its Order dated August 6, 1957, viz.: 12% in lieu of 5%.

On February 11, 1958, the Interstate Commerce Commission issued a report and Order in Docket Ex Parte No. 212, Increased Freight Rates, 1958, authorizing certain increases in freight rates and charges on the basis of specified commodities rather than a per-

centage increase to become effective on February 15, 1958. (302 I.C.C. 665-700)

On February 28, 1958, the rail carriers filed a petition with this Commission requesting authority to make applicable on Colorado intrastate traffic, to the extent that same would be applicable, the same relative increases as authorized by the Interstate Commerce Commission in its Docket No. Ex Parte No. 212.

The rail carriers in a letter dated February 28, 1958, requested that a further hearing in Ex Parte 206 be held at an early date and that at said hearing the issues involved in both Ex Parte 206 and Ex Parte 212 be consolidated, as the testimony and evidence to be offered in proof of the requested increases in both cases will be substantially the same or similar.

On March 14, 1958, (Decision No. 49840), the Commission assigned the matter for a public hearing (also involving the matter in Application No. 16166, Ex Parte No. 212) on April 16, 1958, at 10:00 o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

The hearing was held as assigned and at its conclusion the matter was taken under advisement.

Petitioners' Testimony

Witness Herman C. Kroll, Assistant Manager of the Statistical Bureau, Western Traffic Association, Room 416 Union Station Building, Chicago 6, Illinois, introduced in evidence two exhibits and testified in support of same.

Exhibit No. 1 is a statistical exhibit showing the following information:

1. System investment in property used in transportation service (book value less recorded depreciation and amortization) and system operating income account for Class I railroads serving the State of Colorado - Years 1952 through 1957

2. System operating income account for first two months of 1958 and 1957 - Class I railroads operating in Colorado.
3. Employees' and average straight-time hourly wage rate - Class I railroads operating in Colorado - years 1952 through 1956, as well as certain wage additive calculations.
4. Index of Western District average unit prices of railway material and supplies, including fuel, January 1952 through October 1957.
5. Colorado Intrastate freight revenue (Account 101) - years 1953 through 1956.
6. Colorado railway tax accruals, Class I railroads - years 1952 through 1956.
7. Freight performance averages - Class I railroads serving the State of Colorado - years 1952 through 1956.

Roads represented: Atchison, Topeka and Santa Fe Railway Company; Chicago, Burlington & Quincy Railroad Company; The Chicago, Rock Island and Pacific Railway Company; The Colorado and Southern Railway Company; Colorado & Wyoming Railway Company; The Denver and Rio Grande Western Railroad Company; Missouri Pacific Railroad Company; and Union Pacific Railroad Company.

Exhibit No. 2 shows the estimated annual amount of increased Colorado intrastate freight revenue sought in this proceeding based on volume of intrastate traffic in year 1955.

Page 1 of Exhibit No. 1 sets forth the details of the operating income account, as well as the details with respect to the property investment devoted to transportation service by Class I carriers serving the State of Colorado, for the years 1952 to 1957, inclusive.

The exhibit shows the following rate of return on net investment: 1952, 4.60; 1953, 4.45; 1954, 3.99; 1955, 4.48; 1956, 4.26, 1957, 3.74.

The net is carriers' investment in road and equipment used in transportation service, plus cash, material and supplies, less recorded depreciation and amortization as shown by their books on an

average as of the beginning and end of each year, except 1957, which is as of the beginning of the year.

Fixed charges and other deductions include rent for leased road and equipment, interest on funded and unfunded debt, including contingent interest and amortization of discount on funded debt, and income applied to sinking and other reserve funds.

The operating ratio per cent is shown as follows:

<u>1952</u>	<u>1953</u>	<u>1954</u>	<u>1955</u>	<u>1956</u>	<u>1957</u>
72.77	74.02	75.70	73.55	74.85	76.23

Page 2 of Exhibit No. 1 shows the following income account for the first two months of 1958 and 1957:

	<u>FIRST TWO MONTHS</u>		<u>PER CENT</u> <u>1958 OF 1957</u>
	<u>1958</u>	<u>1957</u>	
TOTAL OPERATING REVENUES	\$289,853,628	\$312,042,009	92.89
FREIGHT REVENUE	249,851,313	268,580,842	93.03
PASSENGER REVENUE	16,123,704	18,539,353	86.97
ALL OTHER REVENUE	23,878,611	24,921,814	95.81
TOTAL OPERATING EXPENSES	232,845,072	239,391,303	97.27
RAILWAY TAX ACCRUALS	29,489,640	36,205,154	81.45
NET RENTS - DEBITS	9,015,420	8,235,476	109.47
NET RAILWAY OPERATING INCOME	18,503,496	28,210,076	65.59

The reason for using the first two months of 1958 with the comparable months of 1957 was this period represents the most recent financial information available at the time the exhibit was prepared.

As pointed out by the witness, the net railway operating income for the first two months of 1958 was only 65.59 as great as it was in the corresponding period of 1957. From these facts the witness stated:

"It would appear obvious that if this situation should exist throughout the entire year that the 3.74 rate of return which was shown for the year 1957 would fall substantially below 3% for the year 1958."

Page 3 of said exhibit is a statement showing the employees' and straight-time hourly wage rate - Class I railroads operating in the State of Colorado - years 1952 through 1956, as well as certain wage additive calculations. This page of the exhibit shows that there was a basic wage increase of $12\frac{1}{2}$ cents per hour to all employees as of November 1, 1956; a cost of living increase of three cents per hour, May 1, 1957; a basic wage increase of seven cents per hour, November 1, 1957, and a cost of living increase of five cents per hour, November 1, 1957, or an increase of 13.31% over October 1956, and 28.13% increase over 1952. The record shows that the wages paid to the employees of a Class I carrier in the United States generally approximates about 62% of operating expenses.

The witness testified that under the terms of the employees' contract called for a semi-annual cost of living adjustment, the next one of which was to be May 1, 1958. The terms of the contract called for a one-cent an hour increase for every one-half point increase in the cost of living index.

Page 4 is a statement showing the index of Western District average unit prices of railway material and supplies, including fuel, January 1952 through October 1957, using January 1952 as 100%. Material and supplies, excluding fuel, is shown as 123.1% in October, 1957 versus January 1952. Fuel (coal and oil) is shown as 110.5%, and all material and supplies, 118.4%.

Generally speaking, material and supplies used in providing transportation service represent approximately 27% of the operating expenses of a Class I carrier, which with wages and salaries constitute 89% of operating expenses; the other 11% are made up of items such as insurance, depreciation, amortization, and similar items of expense not included in wages or material and supplies.

Page 5 shows the Colorado intrastate freight revenue for the

years 1953 through 1956, viz.: 1953, \$12,348,510; 1954, \$11,179,869; 1955, \$11,978,326; and 1956, \$12,247,655.

Page 6 shows the Colorado tax accruals, Class I railroads for the years 1952 through 1956, viz.: 1952, \$5,669,299; 1953, \$6,030,683; 1954, \$5,672,987; 1955, \$6,046,014; and 1956, \$6,218,326.

Page 7 shows the freight performance averages for Class I railroads serving the State of Colorado for the years 1952 through 1956, viz.: average train speed (M.P.H.), freight ton-miles per train-hour (gross and net) and locomotive-miles per active locomotive day. The average train speed in 1952 is shown as 20.93; in 1956, 22.46; the freight ton-miles per train-hour in 1952, gross, 57,584, net, 24,607; in 1956, gross, 69,006, net, 28,588, and the locomotive-miles per active locomotive day, 1952, 152 and 1956, 175.

In connection with this page the witness stated, the most significant single factor shown covers the gross ton miles per train-hour. This gives consideration to not only the weight of the train but also the dispatch with which it is being handled. He contended had it not been for the continually increasing efficiencies on the part of the Class I carriers in providing the service, the postwar ex-parte increases would have been nowhere near sufficient to meet the increased cost of providing the service.

Exhibit No. 2 is a statement showing the estimated annual amount of increased Colorado intrastate freight revenue sought in this proceeding based on the volume of intrastate traffic in the year 1955, viz.:

Intrastate Freight Revenue earned within the	
State of Colorado, 1955 - - - - -	\$11,978,326
Total Freight Revenue, Ex Parte 196 Level - - - - -	12,681,454
Total Freight Revenue, Ex Parte 206 Level - - - - -	13,305,382
Percentage Increase in Colorado Intrastate	
Freight Revenue, Ex Parte 206-A - - - - -	10.38%
Total Freight Revenue, Ex Parte 206-A Level - - - - -	\$13,997,789

Amount of Ex Parte 206-A Increase over Ex Parte 206
Increase - - - - - \$ 692,407

* * * - Balance pertains to Ex Parte 212 increases.

On cross-examination the witness testified that all the expense figures shown on his exhibits were system figures; that in his opinion state and interstate expenses are so commingled it is not possible to make an intelligent separation; that the revenues shown are strictly on intrastate traffic; that Ex Parte 206-A was a rate of return case, while the 212 case was supposedly a recoupment of increased cost; that the theory of operating ratio as a gauge to measure the prosperity or non-prosperity of a carrier is losing its significance as time passes because it excludes from consideration too many items of sizable cost, viz.: Net rents, which are the cost of your equipment and your joint facilities, your payroll taxes, your ad valorem taxes, your gross earning taxes, and your Federal and State income taxes. As shown on Page 1 of Exhibit 1 for 1957, the railway tax accruals of \$232,501,751, plus the net rents of \$58,921,935, represent approximately 19% of the total operating expenses of \$1,525,071,062.

Exhibit No. 3, introduced by Witness Simpson, is a statement showing the trend of Denver & Rio Grande Western Railroad Company freight traffic tonnage and revenue for years 1946 to 1957, inclusive, and the effective dates of Ex Parte postwar interstate rate increases. Using 1946 as Index 100, the following is the percentage for each year, viz.:

	<u>TONS OF TRAFFIC HANDLED</u>	<u>FREIGHT REVENUE</u>
1946	100.0	100.0
1947	129.0	127.3
1948	130.0	147.8
1949	117.6	139.4
1950	123.3	143.7

	<u>TONS OF TRAFFIC HANDLED</u>	<u>FREIGHT REVENUE</u>
1951	134.3	170.4
1952	133.1	183.1
1953	142.8	190.7
1954	119.2	161.3
1955	139.6	176.1
1956	141.6	184.1
1957	143.4	191.1

In general, the following increases have been authorized on Colorado intrastate traffic in the various Ex Parte cases since June 30, 1946: X-162, 20%; X-166, 20%; X-168, 8%; X-175, 15%; X-196, 6%; and X-206, 5%, which in the aggregate represents 199% over the 1946 basis as 100%.

Exhibit No. 4, introduced by Witness Elliott, shows similar figures for The Atchison, Topeka and Santa Fe Railway Company as those shown on Exhibit 3, for the years 1946, 1947, 1949, 1951, 1953, 1955, and 1956, viz.:

	<u>TONS OF TRAFFIC HANDLED</u>	<u>FREIGHT REVENUE</u>
1946	100.00	100.0
1947	114.0	125.0
1949	102.0	128.0
1951	114.0	152.0
1953	108.0	167.0
1955	111.0	158.0
1956	116.0	162.0

In disposing of the instant petitions and without setting forth the testimony and evidence of the balance of petitioners witnesses in this proceeding, and in the previous hearing in Ex Parte 206 which was incorporated by reference in this proceeding, which, however, has been given due consideration, was in substance as follows:

1. The carriers are in need of additional revenue to offset increased expenses caused by the increase in wages, fringe benefits, material and supplies, and increased payroll taxes.

2. The cost of handling intrastate traffic was higher than handling interstate traffic, due principally to local trains versus through trains, short hauls on intrastate traffic, and branch line versus main line operations.

3. If the increases were authorized, the revenue of the carriers would be increased even though there might be some diversion of traffic to other modes of transportation. It was the consensus of opinion of the traffic witnesses there would not be any material amount of traffic diverted to other modes of transportation.

4. The carriers would give due consideration to adjustments in rates competitive with other forms of transportation in order to retain the traffic for rail movement.

5. There was no possible way, without an enormous amount of work and expense, to separate the intrastate and interstate costs of operation.

Intervenor in Support of Carriers' Petition

Witness Waldo A. Gillette, Director of Public Relations and Traffic Manager, The Monolith-Portland Midwest Company, with a cement plant at Laramie, Wyoming, testified and offered evidence in support of the petitioners. His testimony was in substance the same as he presented in the previous hearing, which appears on Page 10 of Decision No. 48393, dated July 18, 1957, except, in this proceeding his company's absorption on cement shipped to the Denver market was \$1,500 per month instead of \$1,000 per month, as previously stated.

Intervenors in Opposition to Petitioners

Witness Frank J. Rebhan, General Traffic Manager, American Crystal Sugar Company, with a sugar factory at Rocky Ford, Colorado,

that processes sugar beets and manufactures refined sugar and by-products, dried beet pulp and beet sugar final molasses, testified that his company has sugar beets that originate within 20 miles of Rocky Ford, Colorado, and in 1957, 60,000 tons originated in that area; that in his opinion if these increases are granted, the railroads stand to lose the revenue on that 60,000 tons of sugar beets; that when the sugar beets move by growers' trucks, in most instances the growers are not compensated in any way for the movement, so that it would be a very definite advantage to his company; that in a number of other states the X-206-A and X-212 increases have not been authorized on sugar beets.

Witness T. C. Taylor, General Traffic Manager, Ideal Cement Company, Denver, Colorado, incorporated, without objection, his testimony in the previous hearing (Decision No. 48393), which appears on Pages 12, 13, 14 and the first full paragraph on Page 15 of said decision. In addition, Witness Taylor testified further. However, his further testimony was largely repetitious of his previous testimony. One of the deviations was the diversion of traffic from rail to truck. In the previous case, the following division between rail and motor for the year 1956 appears, viz.:

	<u>RAIL</u>	<u>MOTOR</u>
FROM BOETTCHER	28.67%	71.33%
FROM PORTLAND	57.88%	42.12%

For 1957, the record shows that from Boettcher, both state and interstate, 80.76% moved by truck and from Portland, 51.50%. In other words, there was an increase in motor carrier movement out of Boettcher amounting to 9.43% and out of Portland, 9.38%, 1957 over 1956.

Witness Henry J. Yunk, Traffic Manager, Colorado Milling and Elevator Company, Denver, Colorado, testified and introduced in evidence one exhibit consisting of eight pages identified as Protest-

ants' Exhibit "A". This Exhibit shows production of wheat and coarse grains within the State of Colorado for the year 1953 to 1958 (wheat) and 1946 - 1955 average, and 1957 on the coarse grains; record of operation of elevator at Akron and Platner, Colorado, (on wheat) during harvest time 1957; the amount of wheat transported by rail and converted into grain products at Denver, Colorado, during 1953 to 1957; comparison of rail and truck rates in cents per 100 pounds, to Denver, Colorado, from various elevators in eastern Colorado; comparison of earnings on carload shipments of wheat based on the present rail rates on Colorado intrastate traffic and interstate traffic from Akron and Sterling, Colorado, to Denver, Colorado, Omaha, Nebraska, Kansas City, Missouri, and Chicago, Illinois.

The exhibit shows that the wheat production in 1953 in Colorado amounted to approximately 44 million bushels; there was a decline in 1954, 1955 and 1956 to approximately $17\frac{1}{2}$ million bushels, an increase in 1957 to 34 million bushels and an estimated 64 million bushels in 1958. Using the 1946 - 1955 average, the production on coarse grains in 1957 exceeded the average as follows: Barley, 52%; corn, 85%; oats, 16%; and sorghums, 318%. For the month of July 1957, there were received at the elevator in Akron, Colorado, 229,320 bushels of wheat, which, on the basis of 60 pounds to the bushel, amounted to 13,759,200 pounds. On the outbound shipments there were 38 carloads by rail amounting to 4,104,000 pounds shipped to Denver, and 166 truckloads amounting to 5,976,000 pounds, or the equivalent of 55 carloads, which at a rail rate of 15 cents per 100 pounds represents \$8,964 revenue lost to the rails. Similar figures are shown relative to the elevator at Platner, Colorado, with a loss in revenue to the rails of \$3,348; that during the year 1957 there were 95,972,519 pounds of wheat transported by rails and converted into grain products at Denver, Colorado; at the same time there were received in Denver 700,000 bushels or 42,000,000 pounds of wheat by truck, or approximately 30% of the

total inbound tonnage was by truck. The Exhibit shows there has been a yearly increase by rail for the years 1953 through 1957, except the year 1954 shows a decrease. The Exhibit further makes a comparison of the truck rates with the rail rates from several eastern and northern Colorado points of origin to Denver, varying from no difference to as high as eight cents per 100 pounds. However, the witness admitted on cross-examination that the truck rates shown were rates set up by his company and were in many instances considerably lower than those prescribed by the Commission, it being the witness' misunderstanding that the Commission had waived the application of its prescribed rates during the emergency harvest season.

Observations and Conclusion

As hereinbefore stated, Witness Kroll introduced in evidence a statement showing the employees' and straight time hourly wage rate, Class I railroads operating in the State of Colorado for the years 1952 to 1956. On November 1, 1956, there was a basic wage increase of $12\frac{1}{2}$ cents per hour to all employees; on May 1, 1957, a cost of living increase of 3 cents per hour; on November 1, 1957, another basic wage increase of 7 cents per hour and a cost of living increase of 5 cents per hour, or an increase of 13.31% over October, 1956, and 28.13% increase over 1952.

Using January 1952 as 100% as an index covering the Western District average unit prices of material and supplies, including fuel, in October 1957, the index of material and supplies, excluding fuel, was 123.1%; fuel (coal and oil), 110.5%, and all material and supplies, 118.4%.

Generally speaking, material and supplies used in providing transportation service represent approximately 27% of the operating expenses of a Class I carrier, wages and salaries, 62%, and the balance for insurance, depreciation, amortization, etc.

In 1953, the Colorado intrastate freight revenue was \$12,348,510, which declined approximately 9% in 1954; an increase of approximately 7% in 1955, and a further increase of approximately 2% in 1956.

The Colorado tax accruals in 1953 were approximately 6% higher than in 1952; in 1954, they were approximately the same as in 1952; in 1955, they were again about the same as in 1953; and in 1956, about 2½% higher than in 1955.

In the previous case (Decision No. 48393) it was pointed out that the carriers in their emergency request were not seeking to improve their rate of return, but were trying to recoup their increased costs resulting from these increased wages, etc. However, in this proceeding, they are not only seeking to recoup their increased cost, but also to improve their rate of return as fully discussed by the Interstate Commerce Commission in its decision reported in 300 I.C.C. 633-711.

Without further discussing the testimony and evidence presented in this proceeding and bearing in mind the action of the Interstate Commerce Commission in its Docket No. 30959, Colorado Intrastate Rates and Charges, 287, I.C.C. 759, and our action in Application No. 11007 (Ex Parte 175), Decision No. 41608, dated November 23, 1953, and in the face of the recent enactment by the Congress of Senate Bill 3778, there does not appear any leeway whatsoever for this Commission to use any discretion of its own in disposing of these applications.

As has been pointed out herein by the testimony of the protestants, on intrastate traffic in Colorado, a considerable volume of the cement, wheat and sugar beet traffic is moving by truck, or will in the future move by truck. However, as stated in Application No. 14969 (Ex Parte 206 - Five Per Cent), Decision No. 48393, dated July 18, 1957:

"We think the problems facing the protestants in this proceeding are primarily a matter of voluntary action of the railroads."

The carriers in order to meet competition may voluntarily establish rates lower than the Commission is in a position to prescribe. If the carriers do not desire to take any of the increases as authorized herein, that is their prerogative, as the order is a permissive one rather than mandatory. Of course, they may feel that in the face of their critical financial condition, as portrayed before the Interstate Commerce Commission, they may be criticized by that Commission if they do not apply all the increase authorized. What their good managerial judgments dictate is in their own hands.

F I N D I N G S

THE COMMISSION FINDS:

That the applicants should be authorized to make the same relative increase in rates and charges on Colorado intrastate traffic as was authorized by the Interstate Commerce Commission in its orders of August 6, 1957, in Ex Parte No. 206, 300 I.C.C. 633-711, and February 11, 1958, in Ex Parte No. 212, 302 I.C.C. 665-700, and only to the extent the carriers have actually increased the rates and charges on interstate traffic under the above dockets.

O R D E R

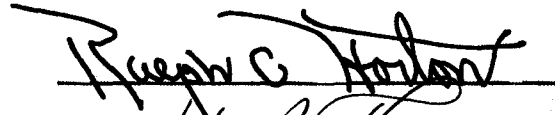

THE COMMISSION ORDERS, That:

1. The Statement and Findings be, and they are hereby made a part hereof.
2. This Order shall become effective forthwith.
- 3 The said increases on Colorado intrastate traffic may be made effective on or before January 5, 1959, upon notice to this Commission and to the general public by not less than ten (10) days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
4. All tariffs changing rates and charges by authority of

this Order shall bear specific reference to this Order.

5. Jurisdiction be, and it is hereby, retained by the Commission to determine, if need be, the lawfulness or reasonableness of any particular rate or group of rates resulting from this

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER JOSEPH F. NIGRO CONCURRING SPECIALLY.

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

mls

COMMISSIONER NIGRO CONCURRING SPECIALLY:

My views on the compulsive aspects of Federal domination in railroad matters over the discretionary powers of sovereign state authority have been expressed fully in my dissent to Decision No 48393, of date July 18, 1957, involving the hearings on rate increases in Ex Parte 206.

Since that time, greater power has been vested by the Congress in the Interstate Commerce Commission. In addition, the railroads themselves, in Ex Parte 212, have made at least a partial step in rectifying the discriminatory aspects of the flat percentage rate increase.

In view of these developments, it is my conviction that no useful purpose would be served at this time in taking any action other than concurring with my learned colleagues.

There are aspects, however, to which attention should be directed. Increased, and possibly absolute, power over rates has been vested in the Interstate Commerce Commission, by virtue of the Transportation Act of 1958. Some increased freedom in rate-making has been accorded to the railroads, albeit not to the extent desired by them. Unless these powers be used wisely, especially on intrastate rates, it can lead to the creation and development of a highly-competitive situation from other modes of transportation to accomplish rate regulation by competition that could have chaotic results.

The Transportation Act of 1958 supposedly affords emergency relief to a mode of transportation that is only one part of our great, diverse, and complex transportation system in the United States. To attempt such remedies without reviewing the National transportation policy as it affects all modes of transportation, and without giving consideration to a coordinated transportation policy between all modes, without the inhibitions of artificial restrictions

on one mode, vis-a-vis another, and without giving due regard to the exclusive control of local transportation problems at the local level by local authorities is, at best, a fatuous panacea.

JOSEPH F. NIGRO

Joseph F. Negro
Commissioner.

original

(Decision No. 51356)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY D. MC GUFFIN AND EFFIE L. MC-)
GUFFIN, CO-PARTNERS, DOING BUSINESS)
AS "A-ONE HOUSE MOVERS," 2420 WEST)
ILIFF AVENUE, DENVER, COLORADO, FOR) APPLICATION NO. 16689-Extension
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 3867.)
-----)

December 5, 1958

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicants;
Bruce Ownbey, Esq., Denver,
Colorado, for A. E.
Crandall & Sons;
Edward Welch, Wray, Colorado,
pro se.

S T A T E M E N T

By the Commission:

By Decision No. 51239, dated November 12, 1958, the
Commission denied the above-named certificate-holders authority
to extend operations under PUC No. 3867.

On December 1, 1958, "Petition for Rehearing," was filed
by Stockton, Linville & Lewis, Esqs., Attorneys for Leroy D.
McGuffin and Effie L. McGuffin, co-partners, doing business as
"A-One House Movers," Denver, Colorado, applicants herein.

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 Stockton,
Linville & Lewis, Esqs., Attorneys for Leroy D. McGuffin and

Effie L. McGuffin, co-partners, doing business as "A-One House Movers," Denver, Colorado, should be denied.

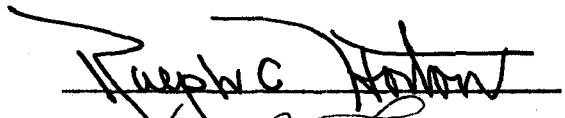

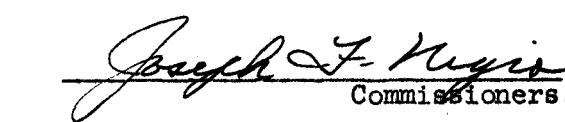
O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing" in the above-styled matter, filed by Stockton, Linville & Lewis, Esqs., Attorneys for Leroy D. McGuffin and Effie L. McGuffin, co-partners, doing business as "A-One House Movers," Denver, Colorado, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DEAN H. PENDLEY)
GENERAL DELIVERY,)
GUNNISON, COLORADO.)
_____)

PERMIT NO. M-15575

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Dean H. Pendley, General Delivery, Gunnison, Colorado
_____ requesting that Permit No. M-15575 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15575, heretofore issued to _____
Dean H. Pendley, General Delivery, Gunnison, Colorado _____ be,
and the same is hereby, declared cancelled effective November 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John P. Thompson
Joseph J. Negro
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

HAROLD IVES)

CAHONE, COLORADO.)

PERMIT NO. M-14906

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Harold Ives, Cahone, Colorado
requesting that Permit No. M-14906 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14906, heretofore issued to _____
Harold Ives, Cahone, Colorado _____ be,
and the same is hereby, declared cancelled effective November 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holden
John P. Thompson
Joseph F. Vignora
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1958

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
H. J. ADAMS, DOING BUSINESS AS,)
"ADAMS MOBILE HOME SALES AND SERVICE)
POST OFFICE BOX 432,)
GREEN RIVER, WYOMING.)
-----)

PERMIT NO. M-12372

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
H. J. Adams Dba Adams Mobile Home Sales and Service, Green River, Wyoming
requesting that Permit No. M-12372 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12372, heretofore issued to _____
H. J. Adams Dba Adams Mobile Home Sales and Service, Green River, Wyoming be,
and the same is hereby, declared cancelled effective November 21, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
REINHART MAY)
803 DIANA STREET)
FORT MORGAN, COLORADO.)
-----)

PERMIT NO. M-11231

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Reinhart May, 803 Diana Street, Fort Morgan, Colorado
requesting that Permit No. M-11231 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11231, heretofore issued to _____
Reinhart May, 803 Diana Street, Fort Morgan, Colorado be,
and the same is hereby, declared cancelled effective August 22, 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 8th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ELLEN E. HICKS, ROLAND L. SMITH,)
AND HARVEY E. HICKS,)
721 NORTH BOULEVARD)
GUNNISON, COLORADO.)
-----)

PERMIT NO. M-10700

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Ellen E. Hicks, Richard L. Smith, & Harvey E. Hicks, Gunnison, Colorado
requesting that Permit No. M-10700 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10700, heretofore issued to _____
Ellen E. Hicks, Richard L. Smith, & Harvey E. Hicks, Gunnison, Colorado be,
and the same is hereby, declared cancelled effective August 1, 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 8th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED L. MAGAGNA AND JOHN ANSELM,)
DOING BUSINESS AS, "STANDARD MOTOR)
AND FINANCE COMPANY")
258 ELK STREET)
ROCK SPRINGS, WYOMING)

PERMIT NO. M-7425

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from
Fred L. Magagna & John Anselmi Dba Standard Motor & Finance Co., Rock Spgs., Wyoming
requesting that Permit No. M-7425 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7425, heretofore issued to
Fred L. Magagna & John Anselmi Dba Standard Mtr. & Finance Co., Rock Spgs., Wyo. be,
and the same is hereby, declared cancelled effective April 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hodson
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1958

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. G. TUCKER, DOING BUSINESS AS,)
"TUCKER COAL COMPANY",)
KREMMLING, COLORADO.)
-----)

PERMIT NO. M-5082

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
W. G. Tucker, Dba Tucker Coal Co., Kremmling, Colorado.
requesting that Permit No. M-5082 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5082, heretofore issued to _____
W. G. Tucker, Dba Tucker Coal Co., Kremmling, Colorado _____ be,
and the same is hereby, declared cancelled effective September 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

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

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. E. SPAULDING AND M. STROO, DOING)
BUSINESS AS, " A.G.M. TIRE COMPANY")
4822 SOUTH BROADWAY)
ENGLEWOOD, COLORADO.)
-----)

PERMIT NO. M-1586

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
W. E. Spaulding & M. Stroo Dba A.G.M. Tire Co., Englewood, Colorado
requesting that Permit No. M-1586 be cancelled.

FINDINGS

THE COMMISSION FINDS:

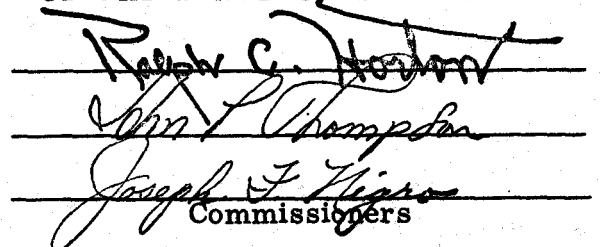
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1586, heretofore issued to _____
W. E. Spaulding & M. Stroo Dba A.G.M. Tire Co., Englewood, Colorado be,
and the same is hereby, declared cancelled effective November 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1958

ds

original

(Decision No. 51365)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TROUT CREEK PIPELINE, INC., A COLO-)
RADO CORPORATION, P. O. BOX 2250,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO BUILD AND MAINTAIN A PIPELINE IN)
ROUTT COUNTY, NEAR STEAMBOAT SPRINGS,)
COLORADO.)
-----)

APPLICATION NO. 16687

December 4, 1958

Appearances: Michael T. Corcoran, Esq.,
Denver, Colorado, for
Applicant.

S T A T E M E N T

By the Commission:

On October 17, 1958, the above-styled application was filed with the Commission, seeking a certificate of public convenience and necessity to build and maintain a pipeline in Routt County, near Steamboat Springs, Colorado.

On November 17, 1958, the Commission issued its Notice of Hearing, setting said matter for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 8, 1958, at ten o'clock A. M., copies thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Michael T. Corcoran, 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 hearing of the above-styled application, presently set for December 8, 1958, should be vacated.

That said application should be dismissed, at request of Attorney for Applicant herein.

O R D E R

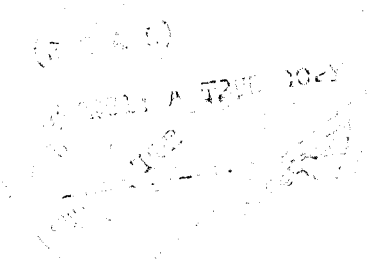
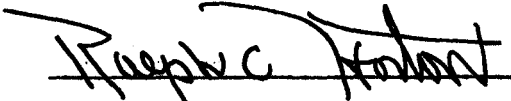

THE COMMISSION ORDERS:

That hearing of Application No. 16687, presently set for December 8, 1958, should be, and the same hereby is vacated.

That said Application No. 16687 should be, and the same hereby is, dismissed, without prejudice, at the 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.

COMMISSIONER JOHN P. THOMPSON
NOT PARTICIPATING

Dated at Denver, Colorado,
this 4th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ANDERSON WHITENER)
DOVE CREEK, COLORADO.)
-----)

PERMIT NO. M-9877

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Anderson Whitener, Dove Creek, Colorado
requesting that Permit No. M-9877 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9877, heretofore issued to _____
Anderson Whitener, Dove Creek, Colorado be,
and the same is hereby, declared cancelled effective November 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holden
John P. Thompson
Joseph F. Tigro
Commissioners

Dated at Denver, Colorado,
this 8th day of December, 195 8.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. MC INTIRE, DOING BUSINESS AS,
"GRANBY SAND AND GRAVEL COMPANY"
GRANBY, COLORADO.

PERMIT NO. M-9767

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
George W. McIntire, Dba Granby Sand and Gravel Co., Granby, Colorado
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 _____
George W. McIntire, Dba Granby Sand and Gravel Co., Granby, Colorado be,
and the same is hereby, declared cancelled effective November 30, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 8th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
F. T. GUNSELMAN, DOING BUSINESS AS,)
"NOR-COLO. CANDY COMPANY,)
225 WEST 5th,)
SALIDA, COLORADO.)

PERMIT NO. M-2455

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
F. T. Gunselman Dba Nor-Colo. Candy Co., Salida, Colorado
requesting that Permit No. M-2455 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2455, heretofore issued to _____
F. T. Gunselman Dba Nor-Colo. Candy Co., Salida, Colorado be,
and the same is hereby, declared cancelled effective December 3, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 8th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LOYAL V., KENNETH E., CLINTON I.,)
AND HOWARD F. PURVIS, DOING) PUC NO. 1471-I
BUSINESS AS, "PURVIS BROTHERS)
TRANSFER")
BARTLEY, NEBRASKA)

December 8, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Loyal V., Kenneth E., Clinton I., and Howard F. Purvis, Dba Purvis Brothers Transfer, Bartley, Nebraska, requesting that Certificate of Public Convenience and Necessity No. PUC-1471-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

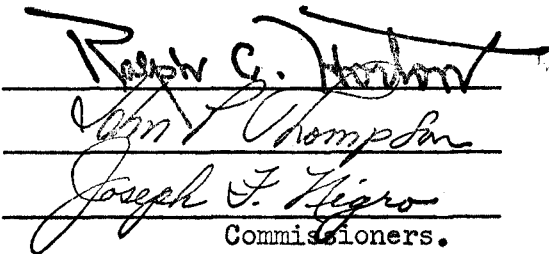
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. PUC-1471-I, heretofore issued to Loyal V., Kenneth E., Clinton I., and Howard F. Purvis, Dba Purvis Brothers Transfer, Bartley, Nebraska, be, and the same is hereby, declared cancelled effective December 2, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

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

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ED A. WHITE, DOING BUSINESS AS,)

"WHITE'S GROCERY")

POST OFFICE BOX 122,)

WALDEN, COLORADO.)

PERMIT NO. M-12011

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Ed A. White, Dba White's Grocery, Walden, Colorado

requesting that Permit No. M-12011 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12011, heretofore issued to _____

Ed A. White, Dba White's Grocery, Walden, Colorado

be,

and the same is hereby, declared cancelled effective November 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. [Signature]
John P. [Signature]
Joseph F. [Signature]
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RAY D. JAMES, DOING BUSINESS AS,)
"JAMES AUTO SUPPLY".)
POST OFFICE BOX 556,) PERMIT NO. M-6460
LONGMONT, COLORADO)
-----)

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Ray D. James, Dba James Auto Supply, Longmont, Colorado
requesting that Permit No. M-6460 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6460, heretofore issued to _____
Ray D. James, Dba James Auto Supply, Longmont, Colorado be,
and the same is hereby, declared cancelled effective December 8, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Horn
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 8th day of December, 1958.
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CUT-A-CORNER MARKETS, INC.)
WEBER AT FONTANERO)
COLORADO SPRINGS, COLORADO.) PERMIT NO. M-3903
-----)

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Cut-A-Corner Markets, Inc., Colorado Springs, Colorado
requesting that Permit No. M-3903 be cancelled.

FINDINGS

THE COMMISSION FINDS:

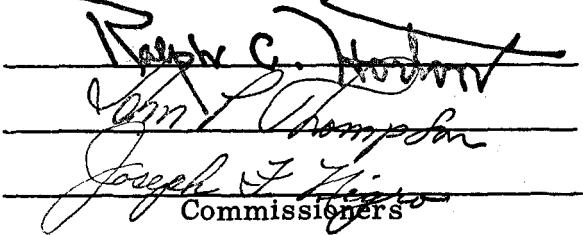
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3903, heretofore issued to _____
Cut-A-Corner Markets, Inc., Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective November 18, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of December, 195 8.
ds

regrual

(Decision No. 51373)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN CRUDE MARKETERS, INC., A)
COLORADO CORPORATION, 1700 BROAD-)
WAY, DENVER, COLORADO, FOR A CER-) APPLICATION NO. 16686
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO RENDER PIPELINE SERVICE)
IN A PORTION OF ROUTT COUNTY, COLO-)
RADO)
-----)

December 8, 1958

Appearances: John R. Barry, Esq.,
Denver, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

On October 14, 1958, the above-styled application was
filed with the Commission.

The matter was regularly set for hearing at the Hearing
Room of the Commission, 330 State Office Building, Denver, Colo-
rado, for December 8, 1958, at ten o'clock A. M., with notice to
all interested parties.

When the application was called for hearing, attorney
for applicant requested that the hearing be vacated, and the appli-
cation dismissed. The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, and the application
dismissed, at the request of applicant.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application (No. 16686) be, and it
is hereby, dismissed, at the request of the Applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John P. Thompson

Joseph F. Negro
Commissioners.

CHAIRMAN RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, C olorado
this 8th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

EUIL L. HIGGINS,
ROUTE 2, POST OFFICE BOX 120
PUEBLO, COLORADO.

PERMIT NO. M-6798

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Euil L. Higgins, Route 2, Box 120, Pueblo, Colorado
requesting that Permit No. M-6798 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6798, heretofore issued to _____
Euil L. Higgins, Route 2, Box 120, Pueblo, Colorado be,
and the same is hereby, declared cancelled effective September 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Thompson
John P. Thompson
Joseph F. Higgins
Commissioners

Dated at Denver, Colorado,
this 8th day of December, 195 8.
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ARGYLE MINING AND MILLING CORPORATION)
SILVERTON, COLORADO.)
-----)

PERMIT NO. M-7489

December 8, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Argyle Mining and Milling Corp., Silverton, Colorado
requesting that Permit No. M-7489 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7489, heretofore issued to _____
Argyle Mining and Milling Corp., Silverton, Colorado be,
and the same is hereby, declared cancelled effective November 30, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston
John P. Thompson
Joseph L. Tigro
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EUIL L. HIGGINS)
ROUTE 2, POST OFFICE BOX 120,)
PUEBLO, COLORADO)

PUC NO. 2785

December 8, 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-2785 be suspended for six months from September 15, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

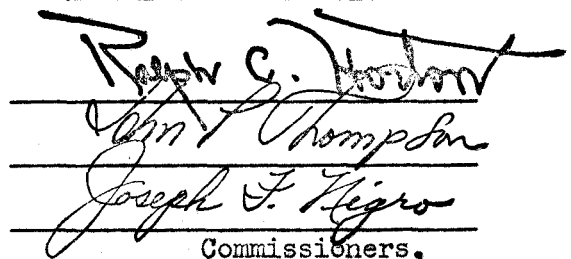
O R D E R

THE COMMISSION ORDERS:

That Euil L. Higgins, Pueblo, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 2785 until March 15, 1959.

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 8th day of December 1958.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND H. LUNN, JR., 415 EAST)
LOCUST STREET, LITTLETON, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC) APPLICATION NO. 16705-Extension
CONVENIENCE AND NECESSITY, AUTHOR-)
IZING EXTENSION OF OPERATIONS UNDER)
PUC NO. 3906.)
- - - - -)

- - - - -
December 9, 1958
- - - - -

Appearances: Grant, Shafroth and Toll, Esqs.,
Denver, Colorado, by
John F. Shafroth, Esq., Denver,
Colorado, for Applicant;
Robert E. McLean, Esq., Denver,
Colorado, for Weber's Hauling
Service, Davis Hauling, Freddie's
Rubbish Removal, Al8s Hauling
Service, Englewood-Littleton
Pick-Up Service, Aurora Removal
Service, Arapahoe Rubbish Removal.

S T A T E M E N T

By the Commission:

Applicant herein is the owner and operator of PUC No.
3906, which authorizes him to operate as a common carrier by
motor vehicle for hire, on call and demand, for the transportation
of:

ashes, trash, and other waste materials,
between points within the City of Englewood,
Colorado, and from points within the City
of Englewood, Colorado, to regularly-design-
ated and approved dumps and disposal places.

On July 2, 1958, applicant herein filed his application
with the Commission, seeking authority to extend operations under
said PUC No. 3906 to include the right to transport ashes, trash,
and other waste materials in the following-described territory:

Commencing at the northwest corner of
Arapahoe County, where said county joins
Jefferson County; thence south to the south-
west corner of said county; thence east along
the Douglas County Line a distance of ten miles;

thence north a distance of ten miles;
thence west to the boundary line of Arapahoe
County and the City and County of Denver;
and along said boundary line to the point
of beginning;

This area comprises the Towns of Littleton,
Sullivan, Cherry Hills Village, and other
incorporated towns within the aforescribed
area. Said area is within a radius of ten
miles of the City of Englewood, State of
Colorado.

The matter was publicly heard at the Hearing Room of
the Commission, 330 State Office Building, Denver, Colorado, pur-
suant to prior setting, after appropriate notice to all parties in
interest, on November 25, 1958, and was thereafter taken under
advisement.

It appeared from the evidence that applicant is a certi-
ficated carrier, operating under and by virtue of authority of this
Commission; that he presently has suitable equipment, and is qualified
by experience and financially to perform the service asked for under
his proposed extended authority.

Raymond L. Lunn, Jr., applicant herein, stated that he
received numerous requests for service from residents residing beyond
the limits of the City of Englewood, and as a result of said requests,
he investigated the situation in the territory adjacent to Englewood,
and by reason of the complaints as to service given by the presently-
certificated carriers, and for the further reason that his territory
is so limited that he is not able to give full-time service, and that
the territory adjacent to Englewood is rapidly expanding and growing,
he determined to ask the Commission for an extension to include more
territory, but he stated he had no desire, nor was it his intention,
to serve points lying within the City Limits of the City and County
of Denver.

In support of the application, several public witnesses
appeared, and we will endeavor to briefly summarize their testimony:

D. Sidney Boyd, Jr., who resides at 5600 Ballview Avenue,
a resident of Arapahoe County, stated public convenience and necessity

require applicant's proposed extended service, and gave as a reason therefor that the present carriers require that all trash be placed in containers, and if there is any litter around the containers, they will not clean up, unless it is within the container, and if you have any trash or rubbish that cannot be placed in containers, the resident is required to make a special contract with the carrier, and contacting the driver of the truck is not sufficient -- you have to take up the matter at their office.

Mr. Robert M. Wiggins, of 5585 Cherryville Way, who also resides outside of any city or incorporated town, verified and corroborated Witness Boyd. In addition, he stated that prior to moving to his present address, he used applicant's service in Englewood, and was well pleased by applicant's service.

Charles N. Herndon, of 1103 West Bellevue, in Arapahoe County, stated he had been a trash collector for years; that he sold his business to the applicant herein. He criticized the present carriers serving in his immediate area, contending that they did not clean up the premises after their pick-up. He stated that he was presently hauling his own trash, and would continue so to do, for the reason he had his own truck. He contended that residents in his area are entitled to a better service.

Dennis E. Chelin, who resides in Berkeley Heights, and Larry Folkerts, of Littleton, corroborated, generally, the testimony of the previous witnesses, and we do not deem it necessary to further review their testimony.

Several witnesses, holding certificates of public convenience and necessity for the handling of trash and rubbish, appeared before the Commission, protesting the granting of the proposed extension. To summarize their testimony, we would say their testimony would be generally as follows:

"We hold a certificate of public convenience and necessity from The Public Utilities Commission of the State of Colorado, and

it is our opinion that public convenience and necessity do not require the granting of any additional authority; that we have had no serious complaints as to our service, and we are willing and able to give additional service in our certificated area; that we need additional business, because we are not presently keeping all our equipment busy at all times."

In addition, protestants placed in the record exhibits showing the extent of their advertising campaign and their methods of informing the public of the service offered by them. The testimony was given by owners of the certificates, and not by public witnesses.

In considering applications for certificates of public convenience and necessity, we have, on numerous occasions, substantially stated:

"The very theory of regulation depends upon a minimum of competition in favor of regulated monopolies. Competition leads to waste, duplication of investment, and duplication of service and expenses. Competition is not necessary in the field of public utility regulation, wherein we fix rates and supervise the service offered. We, however, cannot say that this general rule or determination of policy applies as it pertains to the instant application. Protestants have followed the above rule in their presentation of their case."

A careful consideration of the record in the instant proceeding discloses:

First: Applicant is a common carrier, asking for an extended territory. It appears that applicant is offering a service in Englewood that is desired by those who now reside outside of his present boundaries that is not offered by competing carriers.

Second: The Commission, after a study by the certificated carriers of ashes and trash and the staff of the Commission, which report was submitted to the Commission, determined that the peculiar nature of this operation that it was not practical or in the public interest at this time to prescribe rates for transportation of ashes and trash, and in our last Annual Report to the Governor, we

recommended as follows:

"For some years past, the Complaint and Investigation Division has recommended that legislation be enacted to take from the Commission the power to issue authority for the transportation of ashes, trash, and garbage. The problem of moving and disposing of these waste materials is one of sanitation, to which transportation is only incidental. As the population has increased in and around cities, we find that the sanitary problems have also increased. The commission is not properly staffed to handle this type of transportation and the full regulation thereof should rest entirely on the agencies who are properly staffed, and who are charged with the responsibility of sanitation."

Under the present conditions, we do not have a true public utility, for the reason that we do not control rates, and the carriers charge what they please, or what competition or traffic will stand. So in the granting of certificates in the public interest, we cannot apply the rules governing a regulated public utility. We recognize that this service is important, and is definitely needed by the public, and if the incoming Legislature fails to pass our requested legislation, that it will be our duty to prescribe rates and to promulgate or approve rules as to service.

In the interim, it therefore appears that if the granting of additional authority, in the opinion of the Commission, will improve the existing service to the public, it therefore becomes our duty to grant that authority.

In the instant case, it must be borne in mind that by the granting of this application, we are not creating a new common carrier, as applicant presently holds a certificate of public convenience and necessity, but, in our judgment, under the record here disclosed, we are making available to a larger area applicant's common carrier service, which we feel may produce better service, and not inconsistent with the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That, after careful consideration of the record, applicant's PUC No. 3906 should be extended, to include the right to transport

ashes, trash, and other waste materials, between points within a six-mile radius of Hampden and Broadway, in Englewood, Colorado, excluding points within the City and County of Denver, to regularly-designated and approved dumps and disposal places.

We are further of the opinion that applicant failed to establish public convenience and necessity for any larger area, so, in all other respects, the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require extended motor vehicle transportation service of Raymond H. Lunn, Jr., Littleton, Colorado, under PUC No. 3906, for the transportation of ashes, trash, and other waste materials, between points within a six-mile radius of Hampden and Broadway, in Englewood, Colorado, excluding points within the City and County of Denver, to regularly-designated and approved dumps and disposal places, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.




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

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

That Application No. 16705, in all other respects, should be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1958.
ea

original

(Decision No. 51378)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
UNION RURAL ELECTRIC ASSOCIATION,)	
INC., BRIGHTON, COLORADO, FOR AU-)	
THORITY TO EXTEND FACILITIES IN)	<u>APPLICATION NO. 16738-Extension</u>
THE SOUTH HALF OF SECTION 6, TOWN-)	
SHIP 3-NORTH, RANGE 67-WEST, WELD)	
COUNTY.)	
-----)	

December 10, 1958

S T A T E M E N T

By the Commission:

On November 25, 1958, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to serve a pump owned by William Ullman. The extension will involve approximately 1980 feet of three-phase primary line and 50 feet of secondary line in the South Half of Section 6, Township 3-North, Range 67-West, in Weld County, Colorado. The estimated cost of construction is \$4,940.00.

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

The Commission has examined the record and files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from the Colorado Central Power Company, dated December 3, 1958, and a letter from the Public Service Company

of Colorado, dated November 25, 1958, both of said letters, stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

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

That public convenience and necessity require the rendering of electric service to serve a pump owned by William Ullman, located in the South Half of Section 6, Township 3-North, Range 67-West, in Weld County. The estimated cost of construction is \$4,940.00.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve a pump owned by William Ullman, located in the South Half of Section 6, Township 3-North, Range 67-West, in Weld County, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

Rueph C. Horton

John P. Thompson

Joseph F. Negro
Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL L. COLE)
ROUTE 3, COADY PARK,)
GOLDEN, COLORADO.)
-----)

PERMIT NO. M-6914

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Virgil L. Cole, Golden, Colorado
requesting that Permit No. M-6914 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6914, heretofore issued to _____
Virgil L. Cole, Golden, Colorado be,
and the same is hereby, declared cancelled effective November 13, 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 11th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. WHEATLEY)
)
KREMMLING, COLORADO.) PERMIT NO. M-12332
)
-----)

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
George W. Wheatley, Kremmling, Colorado
requesting that Permit No. M-12332 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12332, heretofore issued to _____
George W. Wheatley, Kremmling, Colorado _____ be,
and the same is hereby, declared cancelled effective December 8, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hornum
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,
this 11th day of December, 195 8.
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
AETNA TRAILER SALES, INC.)
4200 FAIRVIEW,)
BOISE, IDAHO.)
-----)

PERMIT NO. M-11642

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Aetna Trailer Sales, Inc., Boise, Idaho

requesting that Permit No. M-11642 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11642, heretofore issued to _____

Aetna Trailer Sales, Inc., Boise, Idaho

be,

and the same is hereby, declared cancelled effective May 7, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. [Signature]
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 11th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ALVA O. ALLEN)
7621 LEYDEN LANE,)
DERBY, COLORADO.)
-----)

PERMIT NO. M-13867

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Alva O. Allen, 7621 Leyden Lane, Derby, Colorado.
requesting that Permit No. M-13867 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13867, heretofore issued to _____
Alva O. Allen, 7621 Leyden Lane, Derby, Colorado be,
and the same is hereby, declared cancelled effective December 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JIM SCHMIDT)
ROUTE 1,)
YUMA, COLORADO.)
-----)

PERMIT NO. M-3680

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Jim Schmidt, Route 1, Yuma, Colorado

requesting that Permit No. M-3680 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3680, heretofore issued to _____

Jim Schmidt, Route 1, Yuma, Colorado be,

and the same is hereby, declared cancelled effective November 29, 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 11th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
B. L. JOHNSTON AND GILFORD LEAR,)
DOING BUSINESS AS, "LEAR AND JOHNSTON")
ROUTE 1, POST OFFICE BOX 25,)
BELEN, NEW MEXICO.)
-----)

PERMIT NO. M-14966

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

B.L. Johnston & Gilford Lear, Dba Lear & Johnston, Belen, New Mexico

requesting that Permit No. M-14966 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14966, heretofore issued to _____

B.L. Johnston & Gilford Lear, Dba Lear & Johnston, Belen, New Mexico be,

and the same is hereby, declared cancelled effective November 6, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hudson
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 11th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HUPP FURNITURE COMPANY, INC.)
33 SOUTH CASCADE)
MONTROSE, COLORADO.)
-----)

PERMIT NO. M-3577

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Hupp Furniture Co., Inc., Montrose, Colorado
requesting that Permit No. M-3577 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3577, heretofore issued to _____
Hupp Furniture Co., Inc., Montrose, Colorado be,
and the same is hereby, declared cancelled effective October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT KAYSER, DOING BUSINESS AS,)
"GAMBLE STORE")
1211 WASHINGTON AVENUE,)
GOLDEN, COLORADO.)
-----)

PERMIT NO. M-7448

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Albert Kayser, Dba Gamble Store, Golden, Colorado
requesting that Permit No. M-7448 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7448, heretofore issued to _____
Albert Kayser, Dba Gamble Store, Golden, Colorado be,
and the same is hereby, declared cancelled effective December 5, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of December, 195 8.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ED DOTY)
ROUTE 2, POST OFFICE BOX 128,)
MONTROSE, COLORADO.)
-----)

PERMIT NO. M-13570

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Ed Doty, Montrose, Colorado

requesting that Permit No. M-13570 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13570, heretofore issued to _____

Ed Doty, Montrose, Colorado _____ be,

and the same is hereby, declared cancelled effective June 30, 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 11th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD YOST)
1000 HUNTER ROAD,)
GREELEY, COLORADO.)
-----)

PERMIT NO. M-3088

December 11, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Howard Yost, 1000 Hunter Road, Greeley, Colorado
requesting that Permit No. M-3088 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3088, heretofore issued to _____
Howard Yost, 1000 Hunter Road, Greeley, Colorado _____ be,
and the same is hereby, declared cancelled effective November 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of December, 195 8.
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD YOST)
1000 HUNTER ROAD)
GREELEY, COLORADO.)

PUC NO. 3165-I

-----p-----

December 11, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Howard Yost, Greeley, Colorado, requesting that Certificate of Public Convenience and Necessity No. 3165-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

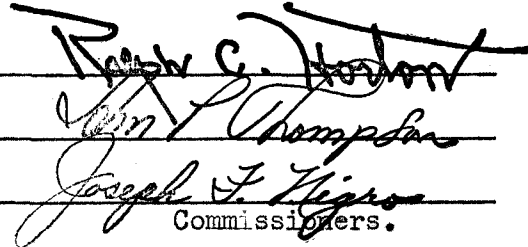
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate Number 3165-I, heretofore issued to Howard Yost, Greeley, Colorado, be, and the same is hereby, declared cancelled effective November 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 11th day of December 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LOWELL C. AND VIRGINIA MYERS, DOING)
BUSINESS AS, "MYERS CHEVROLET COMPANY")
STANBERRY, MISSOURI.)
_____))
_____)

PERMIT NO. M-1223

11 December 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Lowell C. & Virginia Myers, Dba Myers Chevrolet Co., Stanberry, Missouri
requesting that Permit No. M-1223 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1223, heretofore issued to _____
Lowell C. & Virginia Myers, Dba Myers Chevrolet Co., Stanberry, Missouri be,
and the same is hereby, declared cancelled effective August 9, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE A. BARSTOW)
343 - 1/2 - 5th STREET,)
PALISADE, COLORADO)
-----)

PERMIT NO. M-15819

December 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Lawrence A. Barstow, Palisade, Colorado
requesting that Permit No. M-15819 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15819, heretofore issued to _____
Lawrence A. Barstow, Palisade, Colorado be,
and the same is hereby, declared cancelled effective December 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Horton
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

BUD MC GOWAN
3458 GAYLORD STREET,
DENVER 5, COLORADO.

PERMIT NO. M-10867

December 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Bud McGowan, Denver, Colorado

requesting that Permit No. M-10867 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10867, heretofore issued to _____

Bud McGowan, Denver, Colorado

be,

and the same is hereby, declared cancelled effective July 31, 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 16th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD JOHNSON)
315 HIGH STREET,)
TRINIDAD, COLORADO.)
-----)

PERMIT NO. M-12038

December 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Edward Johnson, Trinidad, Colorado
requesting that Permit No. M-12038 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12038, heretofore issued to _____
Edward Johnson, Trinidad, Colorado _____ be,
and the same is hereby, declared cancelled effective December 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 16th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

A. G. SEAVER)
5850 WADSWORTH BLVD.,)
ARVADA, COLORADO.)
-----)

PERMIT NO. M-11958

December 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

A. G. Seaver, Arvada, Colorado

requesting that Permit No. M-11958 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11958, heretofore issued to _____

A. G. Seaver, Arvada, Colorado _____ be,

and the same is hereby, declared cancelled effective December 9, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 16th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE GILMORE, DOING BUSINESS AS,)
"GEORGE GILMORE AND COMPANY")
1633 BROADWAY,)
DENVER 2, COLORADO.)

PERMIT NO. M-12262

December 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
George Gilmore, Dba George Gilmore and Company, Denver, Colorado
requesting that Permit No. M-12262 be cancelled.

FINDINGS

THE COMMISSION FINDS:

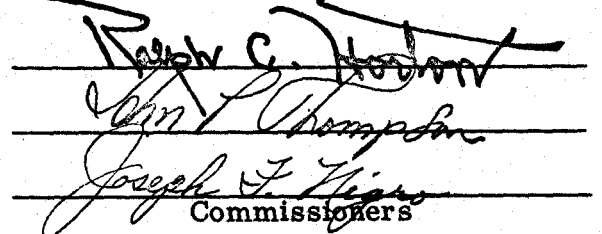
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12262, heretofore issued to _____
George Gilmore, Dba George Gilmore and Company, Denver, Colorado be,
and the same is hereby, declared cancelled effective January 8, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ROBERT L. COLEMAN
3280 LONGFELLOW,
DENVER 21, COLORADO.

PERMIT NO. M-13162

December 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Robert L. Coleman, Denver, Colorado

requesting that Permit No. M-13162 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13162, heretofore issued to _____

Robert L. Coleman, Denver, Colorado

be,

and the same is hereby, declared cancelled effective December 9, 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 16th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT L. COLEMAN)
3280 LONGFELLOW,)
DENVER 21, COLORADO.)

PERMIT NO. B-5558

December 16, 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-5558 be suspended for six months from December 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 Robert L. Coleman, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5558 until June 9, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 16th day of December 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROY FREEMAN, DOING BUSINESS AS,)
"MORRISON ROAD FRUIT AND PRODUCE")
1390 SOUTH REED,)
DENVER 15, COLORADO.)

PERMIT NO. M-12442

December 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Roy Freeman, Dba Morrison Road Fruit & Produce, Denver, Colorado
requesting that Permit No. M-12442 be cancelled.

FINDINGS

THE COMMISSION FINDS:

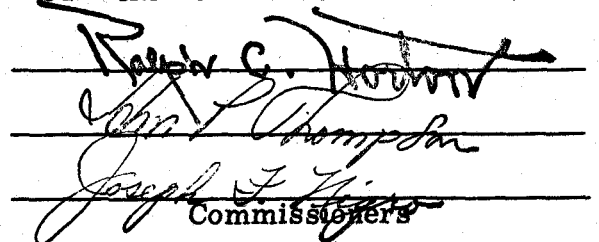
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12442, heretofore issued to _____
Roy Freeman, Dba Morrison Road Fruit & Produce, Denver, Colorado be,
and the same is hereby, declared cancelled effective December 4, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 16th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED J. SCHUMACHER)
9595 WEST COLFAX AVENUE,)
DENVER 15, COLORADO.)

PERMIT NO. B-4986

December 16, 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 permit-holder requesting that his Permit NO. B-4986 be suspended for six months from December 15, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

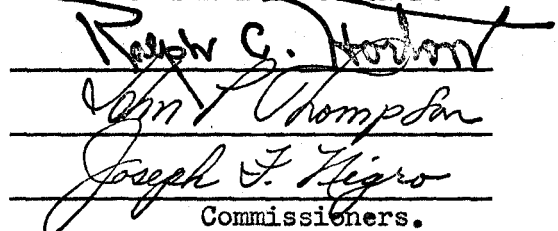
O R D E R

THE COMMISSION ORDERS:

That Fred J. Schumacher, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4986 until June 15, 1959.

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 16th day of December 1958.

ds

original

(Decision No. 51400)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY, DENVER CLUB BUILD-)
ING, DENVER, COLORADO, FOR PER-)
MISSION TO CONSOLIDATE ITS PASSEN-)
GER TRAINS NOS. 190 AND 201 WITH)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY, (509 17TH STREET, DENVER,)
COLORADO), TRAINS NOS. 28 AND 27)
BETWEEN PUEBLO, COLORADO, AND)
DENVER, COLORADO.)
-----)

APPLICATION NO. 16476

December 17, 1958

Appearances: Grant, Shafroth, Toll and
McHendrie, Esqs., Denver,
Colorado, by
Douglas McHendrie, Esq.,
Denver, Colorado, for
Applicants;
Henry S. Sherman, Esq., Denver,
Colorado, for Protestants;
George R. Kemp, Denver, Colo-
rado, for Brotherhood of
Railway Clerks;
Edwin R. Lundborg, Esq., Denver,
Colorado, for the Staff of
the Commission;
Gordon Hinds, Esq., Pueblo,
Colorado, for the City of
Pueblo, Colorado;
Paul Snyder, Esq., Castle Rock,
Colorado, for the People of
Douglas County, Colorado.

S T A T E M E N T

By the Commission:

This matter came on for hearing, upon due and proper notice to all parties in interest, on the 13th day of August, 1958, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Hearing proceeded on applicants' case in chief, and was continued until the 1st day of October, 1958, for cross-examination, testimony by protestants, public witnesses, and rebuttal.

This is an application by The Atchison, Topeka and Santa Fe Railway Company for permission to consolidate its Passenger Trains Nos. 190 and 201 with The Colorado and Southern Railway Company's Trains Nos. 28 and 27, between Pueblo and Denver, Colorado.

The evidence adduced at the hearing established that at the present time, The Atchison, Topeka and Santa Fe Railway Company, under the terms of a joint agreement with The Colorado and Southern Railway Company, operates a train over track of The Colorado and Southern Railway Company, from Denver, Colorado, to Pueblo, Colorado, and continues from Pueblo to La Junta, to make connections with the transcontinental trains of The Atchison, Topeka and Santa Fe Railway Company, which travel between Chicago, Illinois, and the Pacific Coast. Return trips over the same route likewise provide connections between La Junta and Denver for transcontinental passengers.

These trains, in addition to being a part of a transcontinental service, likewise render local service between Denver and La Junta, Colorado.

The Colorado and Southern Railway Company operates a train between Denver, Colorado and Texas, traversing the identical route of The Atchison, Topeka and Santa Fe Railway Company to Pueblo, but continuing due south through Walsenburg, Trinidad, and Northeastern New Mexico to its Texas destinations.

It is the proposal of Santa Fe to consolidate the equipment it uses on its present train between Pueblo and Denver and on the return trip with The Colorado and Southern Railway Company's Train that travels between Denver, Colorado and Texas and return. Such a plan will necessitate the switching of cars from the C. & S. Train at Pueblo to the A. T. & S. F. Train to complete the journey to La Junta, and to have a similar switching operation on the return trip.

At the present time, the A. T. & S. F. Train, designated as "Train No. 201," leaves Denver at 7:15 P. M., arriving Pueblo at 10:00 P. M., leaving Pueblo at 10:05 P. M., and arriving at La Junta

at 11:30 P. M. The consolidated train, which would be the A. T. & S. F. Train No. 201, consolidated with The C. & S. Train No. 27, would leave Denver at 8:00 P. M., arrive Pueblo at 10:32 P. M., depart Pueblo at 10:45 P. M., and arrive La Junta at 11:50 P. M.

At the present time, the return from La Junta, being Train No. 191, departs La Junta at 1:40 P. M., arrives Pueblo at 2:50 P. M., leaves Pueblo at 3:00 P. M., and arrives Denver at 5:50 P. M.

It is proposed that the new schedule and consolidated train would leave La Junta at 1:15 P. M., arrive at Pueblo 2:25 P. M., depart Pueblo at 2:54 P. M., arriving Denver 5:40 P. M.

Thus it is apparent that under the present schedule, the Santa Fe and Colorado Southern Trains operate ten minutes apart from La Junta to Denver, and forty-five minutes apart in the opposite direction.

The trains presently operated by the Santa Fe have been poorly patronized, loss in 1957 amounting to over \$388,000, and current losses being in excess of \$368,000. It is contended by the Santa Fe that if the consolidation of the trains between Pueblo and Denver is affected, there will be a savings of nearly \$270,000. If the present volume of passengers is maintained, the loss of operation between Pueblo and La Junta will be slightly in excess of \$98,000.

It is the contention of The Atchison, Topeka and Santa Fe Railway Company that in view of lack of patronage, tremendous losses suffered by the railroad, the savings which would be affected, the proximity in time with the new consolidated trains, the minimum amount of inconvenience by virtue of the switching in Pueblo, and the numerous other means of transportation available to the traveling public, including the consolidated train, other trains, and numerous busses, as well as private automobiles, that the proposed consolidation is in the public interest, is in accord with present public convenience and necessity, and will result in no public inconvenience.

The matter was strongly protested by individuals who primarily were members of railway operating brotherhoods, some of whose members would be displaced by the proposed consolidation.

It is the principal implication of the protestants that the applicant railroads deliberately down-graded service, which reduced passenger volume, this alleged down-grading consisting of changing schedules and removal of the diners. It is the contention of the railroad that passenger volume has increased on the Denver-La Junta run, and return, after change in schedule, and that the new proposed schedules suggested by the protestants are not practical, since they do not take into consideration connections with transcontinental aspects of not only The Atchison, Topeka and Santa Fe Railway Trains, or other lines, with transcontinental trains between Denver and Pueblo.

Emphasis is placed upon the fact that when the applicant railroad was authorized to abandon other train services, it relied upon schedule of the present trains which they are seeking to consolidate as providing service that would be required.

The change in the schedule, however, is explained by the applicant railroad as being necessary for proper connections with its transcontinental trains.

Several other factors of significance were developed from the evidence, one of which is the fact that the Santa Fe is a system-wide railroad, making a substantial profit during the past years, and that it is the only rail link between Pueblo and La Junta.

Upon the basis of all of the evidence presented to the Commission, the issues joined, as we view it, are:

First: Do public convenience and necessity require or prohibit the consolidation of The Atchison, Topeka and Santa Fe Railway Trains and The Colorado and Southern Railway Company's Trains between Denver and Pueblo.

Second: Whether the loss of revenue on the segment of the railroad system will be disregarded in determining the public need for said segment, if the entire railroad makes a profit.

Third: If it can be established that there was a deliberate down-grading of service by the railroad to reduce public use, may this factor be taken into consideration in ascertaining public convenience and necessity.

In order to determine public convenience and necessity, we do not accept tremendous losses in revenue as being the sole evidence of lack of need. There was evidence, however, that there has been a clear and steady decline in the number of passengers employing trains sought to be consolidated. This follows the national trend where passenger service -- especially of a local nature -- has been diverted from public means of transportation -- especially the railroads -- to private automobiles. In view of this declining demand by the public for this service, and of the great financial loss suffered by the railroad on this segment of its system, and keeping in mind that railroad transportation will be available on the same track of the same quality, on a schedule differing only a few minutes from the present schedule, and also considering other modes of transportation available, we cannot find that public convenience and necessity prohibit the consolidation of these trains. On the contrary, it would seem to be in the public interest that the consolidation be effected, in order to provide more economical operation for the railroad and a more efficient operation for the public.

The fact that the railroad, system-wide, has earned a profit during the past year is of little consequence in the instant case, since public convenience and necessity do not require the use of the train. We feel that in a proper case, where there is great public need and demand, then even though the road suffers a loss on the segment, if it shows a profit on the entire system, this Commission can require continued operation of that segment; but the

utter lack of public convenience and necessity for the continuation of the non-consolidated operation in this case renders the question moot.

With reference to the problem of deliberate down-grading of service by the railroad, in the present state of the record, we cannot find that there was such a deliberate action on the part of the applicant railroads.

Undoubtedly there are some things the applicant railroads could have done that would have improved service, but there is no assurance that these things would have improved passenger volume, or that they would have been practical, considering the inter-connecting aspects of this train with its transcontinental system.

The undoubtedly valuable suggestions of the protestants to improve service, while good, cannot be accorded great probative value, for the reason that the anticipated resulting increase in passenger volume is only speculative. We do not intend to criticize the protestants for advancing this theory, for we know they are limited by resources and facts that are peculiarly within the knowledge of either applicant railroads, or others. This inability to provide proof, however, while well intended, does not permit us, as a matter of law, to indulge in speculation, in the face of concrete facts in the record.

Again, we do not say that in a proper case, this Commission cannot take into consideration clear and convincing evidence of deliberate down-grading to reject the curtailment or abandonment, but we must find, in the present state of the record, that we do not have such facts before us.

The emphasis placed upon the train between Pueblo and La Junta being the only connecting rail link between these two cities may be of great importance at some future time, if there is an attempt by the applicant railroad to abandon this segment, but such a course of action was not suggested at this hearing, and in

fact, the applicant railroad asserted that at the present time, it knew of no such plans. In any event, such an action would constitute a separate case that would have to be judged upon its merits, at a time that such an issue is before the Commission.

We must conclude that public convenience and necessity require the consolidation of The Atchison, Topeka and Santa Fe Railway Company's Trains Nos. 190 and 201 with The Colorado and Southern Railway Company's Trains Nos. 28 and 27, between Pueblo, Colorado, and Denver, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the consolidation of The Atchison, Topeka and Santa Fe Railway Company's Trains Nos. 190 and 201 with The Colorado and Southern Railway Company's Trains Nos. 28 and 27, between Pueblo, Colorado, and Denver, Colorado.

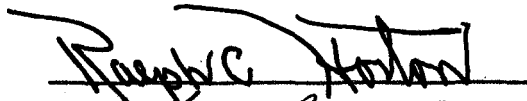

O R D E R

THE COMMISSION ORDERS:

That The Atchison, Topeka and Santa Fe Railway Company should be, and hereby is, authorized to consolidate its Trains Nos. 190 and 201 with The Colorado and Southern Railway Company's Trains Nos. 28 and 27, between Pueblo, Colorado, and Denver, Colorado.

This Order shall become effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 17th day of December, 1958.


Commissioners.

ea

original

(Decision No. 51401)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE OPERATION OF)	
THE LAKEWOOD BUS LINE UNDER PUC)	APPLICATION NO. 14204-Transfer
NO. 1450.)	<u>SUPPLEMENTAL ORDER</u>
-----)	

December 17, 1958

S T A T E M E N T

By the Commission:

By Application No. 14204-Transfer and subsequent decisions herein, (Dec. No. 46919, Dec. 4, 1956, and Supplemental Dec. No. 46984, Dec. 17, 1956), an approval was given by this Commission for the transfer of a portion of PUC No. 1450 from Julius Bussard, doing business as "Bussard Bus Service" to Robert B. Smith, doing business as "Lakewood Bus Line."

In Decision No. 46919, said "transfer is conditioned upon complete performance of the agreement filed with the application by transferor (Bussard) covering the Lakewood portion of PUC No. 1450 "

Thereafter, the Commission was informed by transferor, Bussard, of the termination of the transfer agreement because of non-payment of regular installments of \$13.00 per day as required in the agreement, and a default indebtedness amounting to \$300.00. In his notice to the Commission of repossession, Mr. Bussard reports as follows:

"By virtue of this termination agreement, Julius Bussard, d/b/a Bussard Bus Service, hereby repossesses the two pieces of equipment described in the said original agreement, together with the operation of the Lakewood Bus Line and assumes all further responsibility for the operation thereof."

On December 26, 1957, further correspondence was addressed to the Commission by James E. Turre, Attorney at Law, 3011 South Broadway, Englewood, Colorado, noting in part as follows:

"Please take notice that my client, Robert Beryl Smith, has authorized this office to issue a disclaimer of any interest in that part of The Public Utilities Commission Intrastate Certificate No. 1450, known as The Lakewood Bus Line.

"As you have been notified, Mr. Smith has filed his petition in bankruptcy, and has turned back his ownership of the Lakewood Bus Line to Julius Bussard, and has no further claim upon any equity or right of claim in said Lakewood Bus Line."

In its further investigation, the Commission has secured a certified copy of the "Discharge of Bankruptcy" in Proceeding 20473 in the United States District Court, Denver District, dated May 16, 1958. In that decree it is noted that:

". . . after due notice by mail, no objection to the discharge of said bankrupt was filed within the time fixed by the Court," and "Robert Beryl Smith was discharged from all debts and claims covered under the Bankruptcy Act."

It therefore appears that our transfer of that portion of PUC No. 1450, as authorized in the aforementioned decisions, has now been nullified by the orderly process of repossession, and an order to clear our authority files should be made.

F I N D I N G S

THE COMMISSION FINDS:

That Julius Bussard, doing business as "Bussard Bus Service," has made repossession of and is now operating the Lakewood portion of PUC No. 1450, as previously transferred to Robert B. Smith, doing business as "Lakewood Bus Line."

That said transfer to Robert B. Smith by Decision No. 46919 and No. 46984, should be held for naught, and the authority as transferred thereunder be cancelled and revoked.

O R D E R

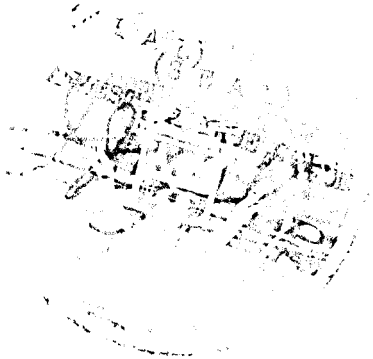
THE COMMISSION ORDERS:

That all operating rights, privileges and responsibilities in the Lakewood portion of PUC No. 1450 as authorized to Robert B. Smith, doing business as "Lakewood Bus Line," under Application No. 14204-Transfer, are herewith cancelled and revoked, and the full

authority is now restored to Julius Bussard, doing business as
"Bussard Bus Service."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



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

Dated at Denver, Colorado,
this 17th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REQUEST OF THE MOTOR TRUCK)
COMMON CARRIERS' ASSOCIATION,)
AS AGENT, TO CHANGE THE GOVERN-)
ING CLASSIFICATION FROM THE)
NATIONAL MOTOR FREIGHT CLASS-)
IFICATION NO. 14 (WEST) TO)
NATIONAL MOTOR FREIGHT CLASS-)
IFICATION NO. A-4 (UNIFORM).)
- - - - -)

CASE NO. 1585

- - - - -
December 18, 1958
- - - - -

Appearances: R. B. Danks, Esq., Denver,
Colorado, for Motor Truck
Common Carriers' Association;
J. R. Smith, Denver, Colorado,
for Motor Truck Common Car-
riers' Association;
N. F. Behme, Jr., Washington,
D. C., 1424 - 16th Street,
N. W., for National Class-
ification Board;
K. P. Williamson, Golden, Colo-
rado, for Westway Motor Freight;
C. C. Clymo, Denver, Colorado,
for Ringsby Truck Lines, Inc.;
Ralph H. Knull, Denver, Colorado,
for Rio Grande Motor Way, Inc.;
and Larson Transportation Co.;
Edward A. Kraft, Denver, Colorado,
for Northeastern Motor Freight,
Inc.;
Howard D. Hicks, Denver, Colorado,
for Centennial Truck Lines, Inc.;
A. S. Bonney, Denver, Colorado,
for The Colorado Builders
Supply Co.;
Charles L. Thomson, Pueblo, Colo-
rado, for Pueblo Chamber of Com-
merce and Pueblo Manufacturers
and Distributors Association;
John P. Norman, Denver, Colorado,
for Motor Tariff Service;
C. A. Grant, 614 Denham Building,
Denver, Colorado, for Broderick-
Wood Products Co.;
R. Y. Mandasyde, Denver, Colorado,
pro se;
Ted Buckstein, P. O. Box 195, Pueblo,
Colorado, for Pueblo Chamber of
Commerce and Manufacturers and
Distributors Association;

O. E. Graddy, P. O. Box 734,
Pueblo, Colorado, for National
Broom Mfg. Co.;
D. M. Smith, 1745 Wazee Street,
Denver, Colorado, for Hassco,
Inc.;
T. S. Wood, S. J. Philipponne and
Harry Eastlund, Denver, Colorado,
for the staff of the Commission.

S T A T E M E N T

By the Commission:

On May 2, 1958, there was filed with the Commission Application No. 342, by the Motor Truck Common Carriers' Association, as Agent, for and on behalf of carriers parties to its Tariff No. 12-A, Colorado P. U. C. No. 11, requesting authority to make the following changes:

1. Change reference to the governing classification, as published in Item No. 10 of Colo. P.U.C. No. 11, to read as follows:

except as otherwise provided, this tariff is governed by the National Motor Freight Traffic Association, Inc., Agent, National Motor Freight Classification No. A-4, Colo. P.U.C.No. _____, as to less-than-truckload or any quantity ratings, also volume ratings on traffic transported in conjunction with carriers named in Item No. 60 herein and such rules and regulations as are published herein subject to the provisions of Items No. 60 and 920 herein;

2. Republish the classification exceptions contained in Items 100 to 580, inclusive of the tariffs, and substitute the proper column rating for the presently effective class rating;
3. Republish all class rates, as shown on pages 126 to 189, inclusive of the tariff, using the present first class rate in each instance as Column 100, and refer to a table of rates for the various percentages of Column 100 rates;
4. Where necessary, amend the rules of the tariff to reflect the change from one classification to the other.

On June 3, 1958, the Commission issued its order assigning the matter for hearing on the 18th day of June, at 10:00 o'clock A.M., in its Hearing Room, 330 State Office Building, Denver, Colorado. (Decision No. 50369).

The hearing was held as assigned, and at its conclusion the proceeding was recessed, to be reset within sixty days for further testimony and evidence.

On July 10, 1958, the matter was reset for further hearing at 10:00 o'clock A. M., at the same place, on August 19, 1958.

The further hearing was held as assigned, and at its conclusion the matter was taken under advisement.

At the hearings, the following witnesses testified and offered evidence:

J. R. Smith, Chief of Tariff Bureau, Motor Truck Common Carriers' Association, offered in evidence four exhibits identified as Nos. 1, 2, 3 and 4.

Exhibit No. 1, consisting of four pages, shows examples of the method to be used in determining class rates under the proposed change in the classification.

At the present time, the class rates are published on the 1st, 2nd, 3rd and 4th classes, covering less-truck-load, and minimum weights of 5,000 and 10,000 pounds. Certain specified carriers have provided in the applicable tariff or tariffs truck-load, or volume ratings, based on the volume ratings in the classification observing as a minimum rating class $37\frac{1}{2}$. In numerous instances the volume ratings in the classification are a percentage of the 1st class rate instead of 1st, 2nd, 3rd and 4th classes. The applicable tariff or tariffs provide a conversion table showing the various percentages based on the 1st class rate and from which any percentage rating can be determined.

Under the proposed changes, a rate basis would be published, and in connection with the said rate base there would be a conversion table containing some 32 different percentage columns based on 100 per cent. For example, the rate base numbers between Denver and Fort Carson are 139, 133, and 127 on less-truck-load, minimum weights 5,000 and 10,000 pounds, respectively. Under the conversion table the column 55 ratings would be 76, 73, and 70 cents per 100 pounds.

All of the ratings in the proposed classification are percentages of class 100.

Exhibit No. 2 is a copy of a letter dated November 11, 1957, from the Colorado Motor Carriers' Association by J. R. Smith, addressed to all Colorado common carriers relative to the change in classifications.

This letter was sent to 63 carriers, 23 carriers replied to said letter approving the change.

Exhibit No. 3 is a copy of a further letter dated February 12, 1958, pertaining to the same subject and advising all intrastate line-haul carriers of the favorable recommendation of the Rate Committee. This letter advised if the recommendations met with the receiver's approval no reply was necessary.

Exhibit No. 4 is a copy of a letter to all line-haul carriers, enclosing a copy of the Association's Application No. 342, which is the subject of this proceeding.

Witness M. F. Behme, Jr., Chairman, National Classification Board, Washington, D. C., introduced in evidence one exhibit identified as No. 4, and offered evidence in support of the application.

The witness testified that three members of the National Classification Committee and the Chairman, makes up the Board, who consider in regularly assigned public meetings all questions and subjects pertaining to the motor classification. All topics are bulletined and distributed to known interested parties prior to the said meetings.

Exhibit No. 5 is a 13-page statement, setting forth rating comparisons of typical items contained in N.M.F.C. No. A-4 (Proposed), and N.M.F.C. No. 14 (Present). This exhibit makes comparisons on 232 less-truck-load ratings of which 46 represents reductions, 36 advances, and 150 no change.

This witness testified that the vast majority of carriers are now using the uniform classification on interstate traffic, and in some cases on intrastate traffic. That the use of two classifications is a cumbersome and annoying deal for parties who are charged

with the responsibility of assessing and quoting correct rates. That it also is an expensive proposition for the National Classification Committee to maintain and keep current the two publications.

Witness Howard D. Hicks, Traffic Manager, Centennial Truck Lines, Inc., Denver, Colorado, introduced in evidence three exhibits identified as Nos. 6, 7, and 8, and testified in support of the proposed change.

Exhibit No. 6 is a statement showing the recapitulation of a comparative study of less-truck-load and volume ratings of the two classifications conducted jointly by Centennial, Northeastern, Ringsby, Westway, and Rio Grande Motor Way. On 1720 ratings checked, the proposed change would result in 424 and 169, L.T.L. and volume respectively, increased ratings; 356 and 692, L.T.L. and volume, respectively, decreased ratings, and 942 and 865, L.T.L. and volume respectively, involving no change in ratings. Stated percentage-wise, the result would be as follows:

	<u>Less-truck-load (L.T.L.)</u>	<u>Volume</u>
Increases	24.6%	9.7%
Decreases	20.7%	40.1%
No Change	54.7%	50.2%

Exhibit No. 7 is a statement showing the result of a revenue comparison study between the two classifications on shipments originating in Pueblo, Colorado, on January 17 and 20, 1958. This exhibit shows that the revenue on 443 shipments under the proposed classification would be \$16.81 less than under the present one.

Of the total intrastate shipments, viz.: 271, 149, or approximately 55% were minimum charge shipments.

Exhibit No. 8 is a similar exhibit to No. 7, covering shipments from Denver on June 2, 1958. As in the case of Pueblo, the revenue under the proposed classification would be \$1733 less than under the present one.

Of the total intrastate shipments, viz.: 819, 383, or approximately 44% were minimum charge shipments.

Witness Hicks stated that at the present time on the interstate shipments his company in handling, it is using the uniform classification in determining the classification rating. He also stated that approximately 75% of his total traffic moves under class rates and approximately 10% moves under the volume ratings of the classification.

Witness Calvin C. Clymo, Representative, Ringsby Truck Line, Denver, Colorado, introduced in evidence one exhibit identified as No. 9. This exhibit is a statement showing a list of shipments handled via Ringsby Truck Lines from Denver, Colorado, to DeBeque, Delta, Fruita, Grand Junction, Montrose and Rifle, Colorado, on December 26, 27 and 30, 1957, together with the weight, present rates and charges and the proposed rate and charges. The exhibit shows 137 bills checked, 72 different commodities, 27 minimum charge shipments, 16 class 100 shipments and 36 shipments on which differential results because of scaling down from class 100 on classes 85, 70 and 55. The revenue under the present basis amounted to \$838.01, and \$864.42 under the proposed basis, amounting to an increase of \$26.41, or 3.15%.

Witness Edward A. Kraft, Representative, North Eastern Motor Freight, Inc., Denver, Colorado, introduced in evidence one exhibit, identified as No. 10.

Exhibit No. 10 is a statement of an analysis of 1 day's business (outbound) June 9, 1958, from Denver to points on the line of North Eastern M. F. Inc., showing difference derived in revenue in the two classifications, viz.:

175 interstate shipments	\$543.28
<u>245 intrastate shipments</u>	<u>945.54</u>
420 total shipments	\$1,488.82

Same 245 intrastate shipments rated per National Motor Freight classification No. A-4 (proposed) resulted as follows:

55 shipments - No change.
 112 shipments were "minimum charge
 shipments - No change.
 52 shipments - decrease in revenue - \$24.17
 26 shipments - increase in revenue - 14.09
 Net - decrease in revenue - \$10.08

Witness Ralph H. Knull, Assistant Traffic Manager, Rio
 Grande Motor Way, Inc., Denver, Colorado, introduced in evidence
 one exhibit identified as No. 11. This exhibit is a statement
 showing a recap of survey of freight bills issued by the Rio Grande
 Motor Way, Inc., May 21, 1958, showing the changes which result when
 the same bills are rated using the Uniform Classification No. A-4
 (proposed classification), viz.:

No. of bills checked	533	
No. of items checked	678	
No. of "minimum" charge shipments	149	
No. of shipments showing slight increases or decreases due to differential resulting from scaling down from class 100 on classes 85, 70, and 55	106	% of Total
No. of shipments increased	98	18.3
No. of shipments decreased	81	15.1
No. of shipments - No change	354	66.4
Revenue on present basis - \$3,233.10		
Revenue on proposed basis - <u>3,219.78</u>		
Total decrease in revenue - \$13.32		

Witness K. P. Williamson, Representative, Westway Motor
 Freight, Inc., Golden, Colorado, introduced in evidence two exhibits
 identified as Nos. 12 and 13. Exhibit No. 12 is a statement showing a
 comparison of charges under the present and proposed classifications
 on 28 shipments transported on May 5, 1958. Of the 28 shipments, 19
 were minimum charge shipments. The revenues under the present and pro-
 posed classifications were \$67.94 and \$67.44, respectively, or a de-
 crease of 50 cents. Exhibit No. 13 is a similar exhibit covering
 April 22, 1958. The total number of shipments transported were 24
 of which 18 were minimum charge shipments. The revenues under the
 present and proposed classifications were \$81.46 and \$95.26, res-
 pectively, or an increase of \$14.00.

At the recessed hearing on August 19, 1958, Witness O. E.
 Graddy, representing the National Broom Manufacturing Company of

Pueblo, Colorado, testified as to his position, which was a written statement and introduced as an exhibit identified as No. 100.

The testimony of this witness was to the effect that he is opposed to any rating on brooms in bundles, on Colorado intrastate traffic higher than 85% of 100% rating; that brooms manufactured in Illinois move on a class 70 exception rating and within the State of Texas on a class 65 rating. He requests that if the proposed change is authorized an exception be made providing a class 85 rating on brooms in bundles.

Witness Charles L. Thomson, Manager, Pueblo Chamber of Commerce, Pueblo, Colorado, and Ted Buckstein, representing the manufacturer and distributors division of the Pueblo Chamber of Commerce, stated their positions, which in effect, was that they were not opposed to the change in the classification as such provided their shippers would not be required to pay increased transportation charges on their shipments.

OUR OBSERVATIONS AND CONCLUSIONS

On the basis of exhibits 2, 3 and 4, all line-haul motor vehicle common carriers, and representative shippers were fully informed of the contemplated change in the classifications and given an opportunity to express their opinion relative to same.

In addition, the Commission sent copies of its order (Decision No. 50369), dated June 3, 1958, assigning the matter for hearing on June 18, 1958, to some 130 shippers, Chambers of Commerce, and associations. Thus, the matter was fully publicized.

In the quoting and assessing of freight rates and charges, it is well recognized in the transportation industry the more publications an individual has to consult the more chances there are of error. In other words, the simpler publications can be made the easier it becomes for all concerned parties to apply them. On the other hand, for the sake of simplicity, the fact cannot, nor should not, be overlooked that the law requires that rates and charges shall be just and reasonable for the shippers and sufficient for the carriers.

The record shows that the carriers have expressed a willingness to establish exception ratings where the change in the proposed classification would produce a material increase in the present rating, provided the existing circumstances and conditions warrant such action. For example, they were agreeable to the establishment of a rating not higher than 85% of class 100 on brooms, in bundles, as advocated by Witness Graddy.

We will expect this policy be followed out by the carriers in the future.

While the change from the present classification to the proposed uniform classification will involve both increases and reductions, as demonstrated herein, we believe the carriers and the shippers alike will be amply repaid in the end by the benefits which will accrue from uniformity.

F I N D I N G S

THE COMMISSION FINDS, That:

1. Except as otherwise provided, the rates prescribed in Case No. 1585 should be governed by the National Motor Freight Classification, Inc., Agent, National Motor Freight Classification No. A-4, Supplements thereto or reissues thereof, as to less-than-truckload or any quantity ratings, also volume ratings on the traffic transported in conjunction with carriers named in Item No. 60 of C.M.C.A. Freight Tariff No. 12-A, and such rules and regulations as are published in said tariff subject to the provisions of Items No. 60 and 920 of said tariff. Provided, however, that articles rated lower than class 35 in said classification will be subject to a minimum rating of class 35.
2. The present classification exceptions contained in Tariff No. 12-A should be republished reflecting the proper column rating for the presently effective class rating.
3. The present class rates as published in said Tariff 12-A should be republished using the present first class rate in each instance as Column 100, and refer to a table of rates for the various percentages of Column 100 rates.

4. A rating not higher than 85% of the Column 100 rating should be established on brooms, in bundles, and that on other commodities due consideration of all the salient factors be given before increasing the present classification rating.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings contained herein are, by reference, made a part hereof.

2. This order shall become effective forthwith.

3. Effective April 16, 1959, the governing motor classification shall be The National Motor Freight Classification, Inc., Agent, National Motor Freight Classification No. A-4, Supplements Thereto and Reissues Thereof, as to less-than-truckload or any quantity ratings, also volume ratings on traffic transported in conjunction with carriers named in Item No. 60 of Colorado Motor Carriers' Association Freight Tariff No. 12-A, upon notice to this Commission and to the general public by not less than 30 days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

4. 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 or liability applicable to a motor vehicle common carrier.

5. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until the further order of the Commission.

6. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Dalton
John P. Thompson
Joseph F. Negro
Commissioners.

Dated at Denver, Colorado,
this 18th day of December, 1958.
ea

Original

(Decision No. 51403)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY LEE SETTLE, 1002 NORTH WAHSATCH,)
COLORADO SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 16721-PP

December 17, 1958

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 or 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, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to con-

duct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel,

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

The records and files of the Commission disclose that applicant is qualified, financially and by experience, to conduct his proposed operations; that if authority herein sought is granted, and transportation of road-surfacing materials thereunder is limited to the use of dump trucks, the efficiency of common carrier services operating in the territory sought to be served by applicant will not be impaired.

Report of the Examiner recommends that permit issue to applicant herein, as limited by the order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Roy Lee Settle, 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

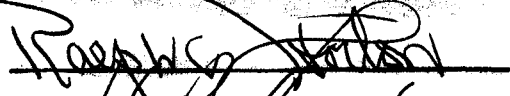
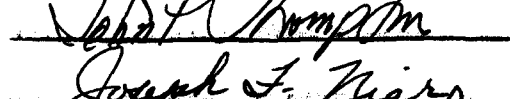

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 17th day of December, 1958.

mls

signed

(Decision No. 51404)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT D. MOBERLY, 606 ALEXANDER)
HIGHWAY, COLORADO SPRINGS, COLO-)
RADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 16718-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

December 17, 1958

Appearances: Albert D. Moberly, Colorado
Springs, Colorado, pro se.

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 top soil and peat moss, from points within a radius of ten miles of Divide, Colorado, to points within a radius of five miles of Pueblo, Colorado, Colorado Springs, Colorado, and Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On november 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 of a 1956 G.M.C. Dump Truck, which he proposes to use in the conduct of his operations; that he has a net

worth of \$10,000; that he is presently engaged in transportation of peat moss and top soil under Temporary Authority issued by this Commission; that he has received many requests for his proposed service.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Albert D. Moberly, 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 top soil and peat moss, from points within a radius of ten miles of Divide, Colorado, to points within a radius of five miles of Pueblo, Colorado, Colorado Springs, Colorado, and Denver, Colorado.

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

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

Joseph C. Hobart

John P. Thomas

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
IRA R. TROUT, DOING BUSINESS AS,)
"TROUT'S SERVICE")
POST OFFICE BOX 142,)
HILLROSE, COLORADO.)

PERMIT NO. M-570

December 17, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Ira R. Trout, Dba Trout's Service, Hillrose, Colorado

requesting that Permit No. M-570 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-570, heretofore issued to _____

Ira R. Trout, Dba Trout's Service, Hillrose, Colorado be,

and the same is hereby, declared cancelled effective May 5, 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 17th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM H. AND EDNA S. HARRISON,)
DOING BUSINESS AS, "UNIVERSAL)
CAB COMPANY")
GRANBY, COLORADO.)

PUC. NO. 4005

December 17, 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 their PUC No. 4005 be suspended for six months from November 20, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

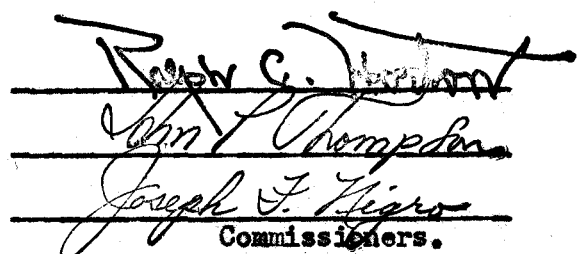
O R D E R

THE COMMISSION ORDERS:

That William H. & Edna S. Harrison, Dba Universal Cab Co., Granby, Colorado, be, and they are hereby, authorized to suspend their operations under PUC No. 4005 until May 20, 1959.

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 17th day of December 1958.

original

(Decision No. 51407)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHWESTERN TRANSPORTATION COMPANY,)
816 WATER STREET, CANON CITY, COLO-)
RADO, FOR AUTHORITY TO EXTEND OP-) APPLICATION NO. 16724-PP-Extension
ERATIONS UNDER PERMIT NO. B-5529.)
-----)

December 18, 1958

Appearances: Max C. Wilson, Esq., Canon
City, Colorado, for
Applicant.

S T A T E M E N T

By the Commission:

Applicant herein is presently the owner and operator of
Permit No. B-5529, authorizing transportation of:

crushed or pulverized limestone, in bulk, in
tank-type vehicles, between all points within
the State of Colorado, and burned lime, in-
cluding hydrated lime and quick lime, in
sacks and in bulk, in tank-type vehicles,
from plant of Colorado Lime Company, at Pike-
view, Colorado, to all points within the
State of Colorado.

By the above-styled application, said permit-holder seeks
authority to extend operations under said Permit No. B-5529, to in-
clude 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 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; crushed or pulverized limestone, in bulk, in dump trucks, from plant of Colorado Lime Company, at Pikeview, Colorado, to all points within the State of Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Stanley Blunt testified he is President and General Manager of applicant herein; that his company owns and operates Permit No. B-5529; that said company has ample and suitable equipment to carry on the proposed extended operation; that applicant's net worth is \$70,000; that his company has had many requests for the proposed extended service that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by the testimony at the hearing.

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

It does not appear that applicant's extended operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that Permit No. B-5529 be extended, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That applicant herein should be authorized to extend operations under Permit No. B-5529, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

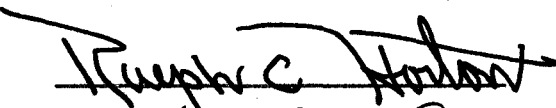
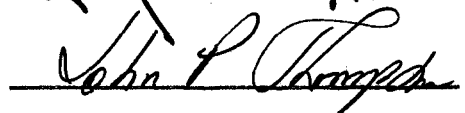
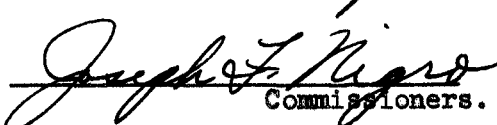
That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Southwestern Transportation Company, Canon City, Colorado, should be, and hereby is, authorized to extend operations under Permit No. B-5529, 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; crushed or pulverized limestone, in bulk, in dump trucks, from plant of Colorado

Lime Company, at Pikeview, Colorado, to all points within the State of Colorado, transportation of road-surfacing materials 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 18th day of December, 1958.

ea

regrual

(Decision No. 51408)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF) MARTIN M. OSLIE, 1218 NORTH PROS-) PECT, COLORADO SPRINGS, COLORADO,) FOR A CLASS "B" PERMIT TO OPERATE) AS A PRIVATE CARRIER BY MOTOR VE-) HICLE FOR HIRE.) -----)	APPLICATION NO. 16719-PP
---	--------------------------

December 18, 1958

Appearances: Martin M. Oslie, Colorado
Springs, Colorado, pro se.

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; 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, and requests that in the event authority herein sought is granted, operating rights be known as "Permit No. B-4046," being the number of a permit formerly held by him.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, 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 Edwin R. Lundborg, 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 he is presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1951 Chevrolet Dump Truck and a 1958 International Dump Truck; that he has a net worth of \$17,500; that he has received numerous requests for his proposed services; that he agrees that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Martin M. Oslie, 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, transportation of road-surfacing materials 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 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 operating rights herein granted shall bear the number
"B-4046."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frederic C. Horton
John P. Thompson
Joseph F. Riggio
Commissioners.

Dated at Denver, Colorado,
this 18th day of December, 1958.

ea

original

(Decision No. 51409)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORVAL V. LABERTEW, WHEATLAND,)
WYOMING, FOR AUTHORITY TO TRANSFER) PUC NO. 2864-I-Transfer
INTERSTATE OPERATING RIGHTS TO)
EVERETT WALN, WHEATLAND, WYOMING.)
-----)

December 18, 1958

S T A T E M E N T

By the Commission:

Heretofore, Norval V. Labertew, Wheatland, Wyoming, was 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. 2864-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Everett Waln, Wheatland, Wyoming.

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, as set forth in the Order following.

O R D E R

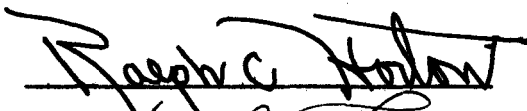

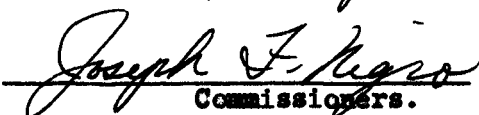
THE COMMISSION ORDERS:

That Norval V. Labertew, Wheatland, Wyoming, should be, and he hereby is, authorized to transfer all right, title, and interest, in and to PUC No. 2864-I to Everett Waln, Wheatland, Wyoming, 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 18th day of December, 1958.

ea

Original

(Decision No. 51510)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BILLY C. PAGE, ROUTE 2, COLORADO)
SPRINGS, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 16720-PP

December 18, 1958

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, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to con-

duct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel.

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

The records and files of the Commission disclose that applicant is qualified, financially and by experience, to conduct his proposed operations; that if authority herein sought is granted, and transportation of road-surfacing materials thereunder is limited to the use of dump trucks, the efficiency of common carrier services operating in the territory sought to be served by applicant will not be impaired.

Report of the Examiner recommends that permit issue to applicant herein, as limited by the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Billy C. Page, 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

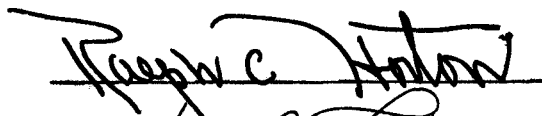


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 18th day of December, 1958.

original

(Decision No. 51411)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TED SMITH AND W. E. LUCAS, CO-)	
PARTNERS, DOING BUSINESS AS "SMITH)	
& LUCAS," BOX 157, COLORADO SPRINGS,)	APPLICATION NO. 16722-PP
COLORADO, FOR A CLASS "B" PERMIT TO)	
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

December 18, 1958

Appearances: Clifford Caron, Colorado Springs,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of 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, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Clifford Caron testified he is Chief Engineer of applicant company; that applicants have ample and suitable equipment with which to conduct the proposed operation; that their net worth is \$295,000; that they are presently operating under Temporary Authority issued by this Commission; that they have received many requests for their proposed service; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by the testimony at the hearing.

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

It does not appear that applicants' proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicants herein, as limited by the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Ted Smith and W. E. Lucas, co-partners, doing business as "Smith & Lucas," 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, 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

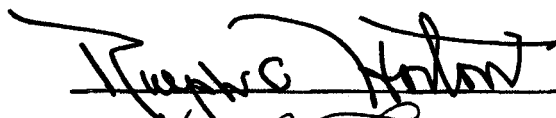


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their 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 applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of December, 1958.

mls

original

(Decision No. 51412)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MERTON C. SMITH, 411 SOUTH 26TH,
COLORADO SPRINGS, COLORADO, FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 16723-PP

December 18, 1958

Appearances: Merton C. Smith, Colorado
Springs, Colorado, pro se.

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, and requests that in the event authority herein sought is granted, operating rights be known as "Permit No. B-5332," being the number of a permit formerly held by him.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, November

28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1953 Ford Dump Truck which he will use in the conduct of his operations; that his net worth is \$4,000; that he has received many requests for his proposed service; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks, only.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as limited by the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Merton C. Smith, 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 rooing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials 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 authority sheets.

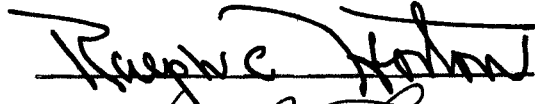
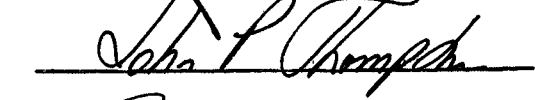

That the right of applicant to operate hereunder shall depend upoh his compliance with all present and future laws and rules

and regulations of the Commission.

That operating rights herein granted shall be known as
"Permit No. B-5332."

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 18th day of December, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GENE E. ERICKSON, DOING BUSINESS AS,))
"HOME INSULATION AND ROOFING CO.")
2400 WEST 10th. STREET,)
GREELEY, COLORADO.)

PERMIT NO. M-9265

December 17, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Gene E. Erickson, Dba Home Insulation & Roofing Co., Greeley, Colorado
requesting that Permit No. M-9265 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9265, heretofore issued to _____
Gene E. Erickson, Dba Home Insulation & Roofing Co., Greeley, Colorado be,
and the same is hereby, declared cancelled effective December 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 17th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN F. AND ERNESTINE H. PAGSDALE,)
DOING BUSINESS AS, "HERMOSA ORCHARDS")
ROUTE 1, POST OFFICE BOX 399,)
DURANGO, COLORADO)

PERMIT NO. M-15595

December 17, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
John F. & Ernestine H. Pagsdale, Dba Hermosa Orchards, Durango, Colorado
requesting that Permit No. M-15595 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15595, heretofore issued to _____
John F. & Ernestine H. Pagsdale, Dba Hermosa Orchards, Durango, Colorado be,
and the same is hereby, declared cancelled effective November 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hobbs
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 17th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS L. RANUM, DOING BUSINESS AS,)
"VAN'S EGG AND POULTRY")
3262 SOUTH DELAWARE,)
ENGLEWOOD, COLORADO.)
-----)

PERMIT NO. M-15327

December 17, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Thomas L. Ranum, Dba Van's Egg and Poultry, Englewood, Colorado

requesting that Permit No. M-15327 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15327, heretofore issued to _____

Thomas L. Tanum, Dba Van's Egg and Poultry, Englewood, Colorado be,

and the same is hereby, declared cancelled effective December 6, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Johnson
John P. Thompson
Joseph F. Fiero
Commissioners

Dated at Denver, Colorado,

this 17th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD F. RUDOLPH)
POST OFFICE BOX 145,)
FORT COLLINS, COLORADO.)
-----)

PERMIT NO. M-9527

December 17, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Richard F. Rudolph, Fort Collins, Colorado

requesting that Permit No. M-9527 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9527, heretofore issued to _____

Richard F. Rudolph, Fort Collins, Colorado

be,

and the same is hereby, declared cancelled effective December 6, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 17th day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SARAH AND PHILLIP MALOUFF, DOING)
BUSINESS AS, "MALOUFF'S GROCERY)
AND MARKET)
MAIN STREET,)
SAGUACHE, COLORADO.-----)

PERMIT NO. M-6546

December 17, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Sarah & Phillip Malouff, Dba Malouff's Grocery & Market, Saguache, Colorado
requesting that Permit No. M-6546 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6546, heretofore issued to _____
Sarah & Phillip Malouff, Dba Malouff's Grocery & Mkt., Saguache, Colorado. be,
and the same is hereby, declared cancelled effective November 29, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John Thompson
Joseph T. Negro
Commissioners

Dated at Denver, Colorado,

this 17th day of December, 1958.
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE E. MITCHELL)
POST OFFICE BOX 988,)
CRAIG, COLORADO)

PERMIT NO. B-5230

December 17, 1958

S T A T E M E N T

By the Commission:

On December 4, 1958, the Commission authorized Joe E. Mitchell, Craig, Colorado, to suspend operations under his permit B-5230 until May 3, 1959.

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-5230 should be, and the same hereby is, reinstated as of December 5, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Johnson
John P. Thompson
Joseph F. Negro
Commissioners.

Dated at Denver, Colorado,
this 17th day of December 1958.

ds

revised

(Decision No. 51419)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PAUL A. WITT, 1001 SOUTH WEBER,)	
COLORADO SPRINGS, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A)	APPLICATION NO. 16725-PP
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

December 19, 1958

Appearances: Paul A. Witt, Colorado Springs,
Colorado, pro se.

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, Colorado Springs, Colorado, November 28, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct

the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 presently operating under Temporary Authority issued by this Commission; that he has a 1956 Ford Dump Truck which he will use in the conduct of his operations; that he has a net worth of \$3,000; that he has received numerous requests for said services; that he agrees that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority sought, as limited by applicant's testimony.

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

It does not appear that applicant's operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Paul A. Witt, 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, transportation of road-surfacing materials to be limited to the use of dump trucks.

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

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

Richard C. Horton

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1958.
ea

original

(Decision No. 51420)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK BABBITT, DOING BUSINESS AS)
"BABBITT BROS. TRANSFER COMPANY,")
623 17TH AVENUE, BLOOMER, WISCONSIN,)
FOR AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO BABBITT BROS.,)
INC., 623 17TH AVENUE, BLOOMER,)
WISCONSIN.)
-----)

PUC NO. 2321-I-Transfer

December 19, 1958

S T A T E M E N T

By the Commission:

Heretofore, Frank Babbitt, doing business as "Babbitt Bros. Transfer Company," Bloomer, Wisconsin, was 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. 2321-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Babbitt Bros., Inc., Bloomer, Wisconsin.

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, as set forth in the Order following.

O R D E R

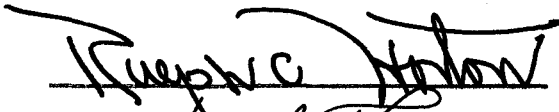


THE COMMISSION ORDERS:

That Frank Babbitt, doing business as Babbitt, Bros. Transfer Company," Bloomer, Wisconsin, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2321-I to Babbitt Bros., Inc., Bloomer, Wisconsin, subject to payment of out-

standing 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 19th day of December, 1958.

ea

original

(Decision No. 51421)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL DAMGAARD, HARRY DAMGAARD, AND)
E. A. MC DONALD, CO-PARTNERS, DOING)
BUSINESS AS "M & D PRODUCE," 1313)
DEXTER AVENUE, SEATTLE, WASHINGTON,)
FOR AUTHORITY TO TRANSFER INTER-)
STATE OPERATING RIGHTS TO M & D)
PRODUCE COMPANY, A CORPORATION,)
1313 DEXTER AVENUE, SEATTLE, WASH-)
INGTON.)
-----)

PUC NO. 2866-I-Transfer

December 19, 1958

S T A T E M E N T

By the Commission:

Heretofore, Carl Damgaard, Harry Damgaard and E. A. McDonald, co-partners, doing business as "M & D Produce," Seattle, Washington, 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. 2866-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to M & D Produce Company, a corporation, Seattle, Washington.

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, as set forth in the Order following.

O R D E R

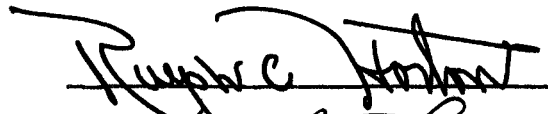
THE COMMISSION ORDERS:

That Carl Damgaard, Harry Damgaard, and E. A. McDonald, co-partners, doing business as "M & D Produce," Seattle, Washington, should

be, and hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2866-I to M & D Produce Company, a corporation, Seattle, Washington, 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 19th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
HOME LIGHT AND POWER COMPANY, 810)
NINTH STREET, GREELEY, COLORADO,)
FOR AN ORDER AUTHORIZING IT TO)
ISSUE A MAXIMUM OF 3,013 SHARES OF)
ITS COMMON STOCK TO BE PAID AS A 5%)
STOCK DIVIDEND.)
-----)

APPLICATION NO. 16782
Securities

S T A T E M E N T

By the Commission:

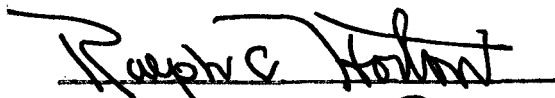


Upon consideration of the application filed December 16, 1958, by Home Light and Power Company, a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing January 2, 1959, at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before December 26, 1958, and should set forth the grounds of the proposed intervention and the position and interest of the petitioners, in the proceeding and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of December, 1958.

original

(Decision No. 51423)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK MC COWAN, JR., 1945 WATER)
STREET, BOULDER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 16727

December 19, 1958

Appearances: William O. DeSouchet, Esq.,
Boulder, Colorado, for
Applicant;
Richard C. Hopkins, Esq., of
Reynolds and Brotzman, Esqs.,
Boulder, Colorado, for
Charles A. Christman, Virgil
Coon, Russell Turner, Frank
Diaz, Raleigh A. Garrison,
Floyd H. Blanka, Frank J.
Eatmon, Edward M. Rogers,
Raymond E. Wilson, William
A. Haney, Bryan C. Boden,
E. E. Bernal, Thomas McGinn.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein sought a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash in Boulder, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, November 19, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Applicant requested permission to file an amended application, seeking private carrier, rather than common carrier authority.

Report of the Examiner recommends that said matter be continued, affording applicant herein an opportunity to file an amended application.

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 until such time as Applicant files an amended application.

O R D E R

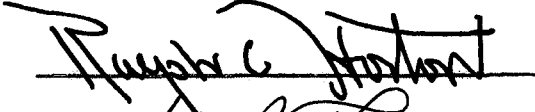


THE COMMISSION ORDERS:

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

That Application No. 16727 should be, and the same hereby is, continued, until such time as Applicant herein files an amended application with the Commission, seeking private carrier, rather than common carrier, authority.

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 19th day of December, 1958.

mls

original

(Decision No. 51424)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY G. GARRETT, ROUTE 1, BOX 143,)
LAFAYETTE, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY TO OPERATE AS A COMMON CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 16711

- - - - -

- - - - -
December 19, 1958
- - - - -

Appearances: Jerry G. Garrett, Lafayette,
Colorado, pro se.

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 trash in the Town of Louisville, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, November 19, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1948, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 is presently operating under Temporary

Authority issued by this Commission; that he is the owner of a 1938 Ford one-half ton pick-up truck; that his net worth is \$1,000; that he has received numerous requests for his services.

No one appeared in opposition to the granting of authority herein 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 the Report of the Examiner referred to therein should be approved.

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

O R D E R

THE COMMISSION ORDERS:

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

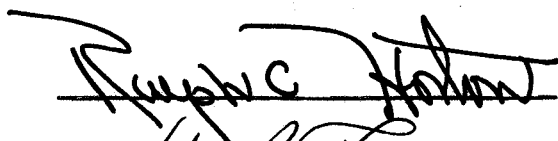

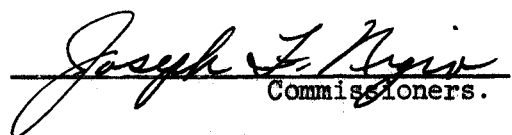
That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Jerry G. Garrett, Lafayette, Colorado, for the transportation of ashes, trash, and other waste materials in the Town of Louisville, Colorado, to regularly designated and approved dumps and disposal places, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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 19th day of December, 1958.

mls

original

(Decision No. 51425)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD R. CONDA, 3161 SEVENTH)
STREET, BOULDER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 16712-PP

December 19, 1958

Appearances: Leonard R. Conda, Boulder,
Colorado, pro se.

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; clay, from pits within a radius of fifty miles of Boulder, Colorado, to brick yards in said fifty-mile radius.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, November 19, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 presently operating under Temporary Authority issued by this Commission; that he has ample equipment with which to conduct his proposed operation; that he has a net worth of \$16,000; that he has received numerous requests for his services; that it is agreeable that he be limited to the use of dump trucks for transportation of road-surfacing materials.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That Leonard R. Conda, 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 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; clay, from pits within a radius of fifty miles of Boulder, Colorado, to brick yards in said fifty-mile radius, transportation of road-surfacing materials 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 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

Ruey C. Holton
John P. Campbell
Joseph F. Myers
Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD E. HUFF AND EDWARD L. HUFF,)
CO-PARTNERS, DOING BUSINESS AS)
"MURPH'S EXPRESS," 534 SOUTH BROAD-) APPLICATION NO. 16714-Extension
WAY, DENVER, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY, AUTHORIZING EXTENSION OF)
OPERATIONS UNDER PUC NO. 3589.)
-----)

December 19, 1958

Appearances: Robert G. McIlhenny, Esq., Denver,
Colorado, for Applicants;
Raymond B. Danks, Esq., Denver,
Colorado, for Colorado Transfer
and Warehousemen's Association,
Weicker Transfer and Storage
Company;
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Petroleum
Carriers;
E. B. Evans, Esq., Denver, Colo-
rado, for Westway Motor Freight;
Howard D. Hicks, Denver, Colorado,
for Centennial Truck Lines, Inc.;
Howard Yelverton, Denver, Colorado,
for Goldstein Transportation and
Storage, Inc.;
Hubert Work, Denver, Colorado, for
Weicker Transfer and Storage.

S T A T E M E N T

By the Commission:

Richard E. Huff and Edward L. Huff, co-partners, doing
business as "Murph's Express," Denver, Colorado, owners and oper-
ators of PUC No. 3589, which authorizes them to operate as a common
carrier by motor vehicle for hire, on call and demand, for the
transportation of:

general commodities, except commodities which,
because of their size or weight, require special
equipment, between points within the City and
County of Denver, State of Colorado,

by the above-styled application, seek authority to extend operations
under said PUC No. 3589 to include the right to transport general

commodities, except commodities which, because of their size, weight, and similar characteristics, require special equipment, within a radius of ten miles from the boundaries of the City and County of Denver, State of Colorado, including Arvada and Littleton, 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 24, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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, applicants herein amended their application to show that no authority to transport petroleum or petroleum products, in bulk, was sought.

Report of the Examiner further states that at the hearing, Richard E. Huff, one of applicants herein, testified that he and his brother, Edward L. Huff, are co-partners, having been in business for two years; that a substantial part of their business is transportation of household goods; that they use eight pieces of motor vehicle equipment, consisting of two vans and six stake-body trucks; that since the first of October, they have had approximately thirty telephone requests for transportation of household goods from, to, and within a ten-mile radius of the City and County of Denver; that during the past year and one-half, they have had approximately eighty calls seeking the same type of service.

Doris Coan testified she lives at 2727 Harlan, in Edgewater, Colorado; that she moved to said address from 2906 East Fifth Avenue, in Denver; that she had called applicants herein to render this service,

and found they did not have authority to perform said service; that she then had friends help her move; that she had moved between Denver and Lakewood several times in the past five years and had always had trouble getting someone to move her effects.

Donald J. Weatherman testified that he is Sales Representative for Ford Van Lines, nation-wide movers of household goods; that his company receives many calls for service from, to and between points within a ten-mile radius of Denver; that his company has received on an average of five calls per day for such service for the last eight months; that inasmuch as Ford Van Lines has no intrastate authority in Colorado, it could not render said service.

Irving Vivian testified he is connected with Everett Vonier, Inc., electrical suppliers serving Denver and Metropolitan Area; that his company receives large shipments of electrical supplies, including wire cable and conduit, from the East, by both truck and railroad; that railroad car-load shipments are broken down in Denver, and either stocked in a warehouse owned and operated by applicants herein, or delivered from the car to customers of Everett Vonier, Inc.; that applicants have performed all said service in the City and County of Denver, and have made arrangements for service by authorized motor vehicle carriers outside Denver; that he believes his company is at a disadvantage, in that it should have a carrier who could render service within a ten-mile radius of Denver.

In opposition to the granting of authority herein sought, Hubert Work testified he is Treasurer of Weicker Transfer and Storage Company; that his company has two hundred trucks which are not busy over sixty per cent of the time; that his company has authority to render all service in the area sought to be served by applicants herein; that Weicker is now serving this area by four routes, moving in four directions around Denver, with from one to two trips per day in each direction, as required.

Barry Bekins testified he is Manager of Bekins Van and Storage; that his company is presently operating two warehouses, and primarily transporting household goods within the area sought to be served by applicants herein; that his company operates fourteen units which are busy only sixty-five per cent of the time.

Howard Yelverton testified he is Traffic Manager for Goldstein Transportation and Storage, Inc.; that his company has authority to serve the area sought to be served by applicants herein, transporting general commodities; that Goldstein has every type of motor vehicle equipment, which is busy only sixty per cent of the time.

Howard Hicks testified he is Manager for Centennial Truck Lines, Inc.; that his company has more than a hundred pieces of motor vehicle equipment; that operations are on schedule, and that said company can serve all points on Highway No. 85, north and south of Denver; that any loss of revenue because of applicants' proposed extended operations would impair the ability of his company to render an adequate service.

E. B. Evans testified that he is President of Westway Motor Freight, which has authority to serve within a fifteen-mile radius of Golden, Buckley and Lowry Fields, and points two miles south and three miles north on Highway 40, east of Denver, all within the area sought to be served by applicants herein; that his company has forty pieces of equipment which are not busy at all times; that any reduction in revenue would impair the ability of his company to render an adequate service to the public.

Report of the Examiner further states that there are 300,000 residents in the area sought to be served by applicants herein; that therefore there are thousands of potential shippers in said area, yet applicants produced only one shipper witness; that telephone calls made to Ford Van Lines and to applicants are not unusual, inasmuch as Ford Van Lines advertises nationally, and applicants show nothing in the telephone directory to show they have a limited authority;

that applicants failed to prove public convenience and necessity for their proposed extended service.

Report of the 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 the above-styled application should be denied.

O R D E R

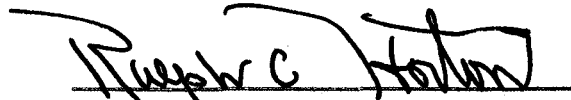
THE COMMISSION ORDERS:

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

That public convenience and necessity do not require applicants' proposed extended motor vehicle common carrier service, and that Application No. 16714 should be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LELAND BEEKEN, 302 EL PASO BOULE-)
VARD, MANITOU SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE)
-----)

APPLICATION NO. 16715-PP

December 19, 1958

Appearances: Leland Beeken, Manitou Springs,
Colorado, pro se.

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, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundberg, an employee of this Commission, to

conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1958 Ford Dump Truck; that he has a net worth of \$30,000; that he has received numerous requests for his proposed operations; that it is agreeable that he be limited to the use of dump trucks in transportation of road-surfacing materials.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as limited by the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as limited by 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 Leland Beeken, Manitou 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, transportation of road-surfacing materials 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 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 this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Rueph C. Hobart

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE CERTAIN INCREASES IN RATES)
AS DEFINED IN THIS DECISION.) CASE NO. 1585
-----)

December 19, 1958

Appearances: R. B. Danks, Esq., 105 Fillmore
Street, Denver, Colorado, for
Centennial Truck Lines; North-
eastern Motor Freight; Windecker
Truck Line; South Park Motor
Lines; Denver-Limon-Burlington
Transfer Co.; Denver-Loveland
Transportation Company; McKie
Transfer Company;
E. B. Evans, Esq., Denver, Colo-
rado, for Boulder-Denver Truck
Line; Westway Motor Freight, Inc.;
Harp Transportation Line;
Hubert Work, 1700 - 15th Street,
Denver, Colorado, for Weicker
Transfer and Storage Co.;
Carl F. DiProfio, 3327 Niagara St.,
Denver, Colorado, for Silver
Steel Co.;
Lyle Pearson, 3918 Goodnight, Pueblo,
Colorado, for N. O. Nelson Co.
of Colorado;
Fred T. Gibson, La Jara, Colorado,
for Gibson Truck Lines;
J. R. Scanlan, Golden, Colorado, for
Adolph Coors Co.; Coors Porcelain
Co.;
Robert C. Peterson, 1420 18th Street,
Denver, Colorado, for Denver-Limon-
Burlington Transfer Co.;
John B. Windecker, Pine, Colorado,
for Windecker Truck Line;
John M. Street, 2077 South Newton,
Denver, Colorado, for The Martin
Company;
L. B. Walker, Pueblo, Colorado, for
L. B. Walker Radio Co.;
George G. Garrett, Longmont, Colorado,
for McKie Transfer Co.;
J. A. Habiger, 500 So. Union, Pueblo,
Colorado, for Holmes Hardware;
Russell Robinson, Springfield, Colo-
rado, for K & K Transfer;
Clyde Amidon, 501 W. 44th, Denver,
Colorado, for Davis Bros., Inc.;
D. M. Smith, 1745 Wazee, Denver, Colo-
rado, for Haseco, Inc.;

R. Y. Handasyde, P. O. Box 245,
Arvada, Colorado, pro se;
O. E. Graddy, Pueblo, Colorado,
for National Broom Manufacturing
Co.;
J. R. Smith, 4060 Elati Street,
Denver, Colorado, for Colorado
Motor Carriers' Association;
Howard D. Hicks, 1601 Decatur St.,
Denver, Colorado, for Centennial
Truck Lines, Inc.;
Lois Mae Eshe, 2921 Walnut Street,
Denver, Colorado, for South Park
Motor Lines;
J. R. Arnold, 635 Locust Street,
Denver, Colorado, for North Eastern
Motor Freight, Inc.;
Floyd A. Henrikson, Loveland, Colo-
rado, for Denver-Loveland Trans-
portation Company;
Eugene Hamilton, 3201 Ringsby Court,
Denver, Colorado, for Ringsby
Truck Lines, Inc.;
Ernest Porter, P. O. Box 5482, Denver,
Colorado, for Rio Grande Motor Way,
Inc.; Larson Transportation Company;
R. E. Turano, 775 Wazee Street, Denver,
Colorado, for Rio Grande Motor Way,
Inc.; Larson Transportation Co.;
K. P. Williamson, 625 Cody Court, Denver,
Colorado, for Westway Motor Freight,
Inc.;
Melvin A. Chance, 2709 Spruce, Boulder,
Colorado, for Boulder-Denver Truck
Line;
Ike Harp, Meeker, Colorado, for Harp
Transportation Co.;
T. D. Fahey, 6300 Clermont, Denver,
Colorado, for Steel, Inc.;
S. J. Philipponne, Denver, Colorado,
and
T. S. Wood, Denver, Colorado, for the
staff of the Commission.

S T A T E M E N T

By the Commission:

This matter came on before the Commission in application of the Colorado Motor Carriers' Association No. 107, which asks for a general increase, as far as the motor carriers are concerned, of a minimum charge from \$2.00 to \$2.75 per shipment. Application No. 108 requests certain increases in connection with the Centennial Truck Line, et al, the line-haul and joint-line operations.

Under Decision No. 51216, dated November 7, 1958, this matter was set for hearing on December 11, 1958, with the possibility that it may run into December 12, which it did.

The Commission gave all the potential publication at its command relative to these requests.

At the hearings, we had testimony in support of the applicant's request and the shipper protestants, and we are cognizant of all the testimony that has been presented, and without going into the details, which would take a lengthy explanation and which we do not feel is essential, we arrive at these conclusions.

F I N D I N G S

THE COMMISSION FINDS, THAT:

1. The record substantiates the increase as requested by the Colorado Motor Carriers' Association in Application No. 108, which involves the increase asked for for the Centennial Truck Lines, Inc., the Rio Grande Motor Way, Inc., Larson Transportation Company, Harp Transportation Line, and Ringsby Truck Lines, Inc.

2. The minimum charge for shipments moving between points both located outside the metropolitan area of Denver, as the same is described in the following Order, has not been justified and should be denied, except as to shipments exchanged inside the said metropolitan area in interline service.

3. If in its local operation, if any carrier finds that the assessment of the proposed minimum charge is detrimental to its local business, it can and should advise its publishing agent, or by its own publication restrict the application of the proposed minimum charge in connection with its operation.

O R D E R

THE COMMISSION ORDERS, THAT:

1. The Statement and Findings be, and the same are hereby made a part hereof.

2. Application No. 107 is granted in limited form, so as to authorize the increase proposed in minimum charges, only on those

shipments which originate, terminate, or are interlined within the corporate limits of Denver or within five miles thereof; and in all other respects, is denied.

3. The general increase in rates proposed by Application 108 is approved.

4. This Order shall become effective forthwith.

5. The said increases as herein authorized shall become effective on January 19, 1959, upon notice to this Commission and to the general public by not less than ten (10) days' filing and posting, in the manner prescribed by law and the rules and regulations of the Commission.

6. On and after January 19, 1959, the carriers affected by this Order shall cease and desist from demanding, charging and collecting rates greater or less than those herein prescribed.

7. All motor vehicle common carriers who are affected by the changes herein prescribed shall publish or cause to be published new tariffs or changes prescribed herein.

8. 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 involved in this proceeding.

9. On and after January 19, 1959, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

10. On and after January 19, 1959, all affected private carriers by motor vehicle operating in competition with any motor vehicle common carriers, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.




11. The five (5) per cent increase previously authorized Centennial Truck Lines, Inc. shall remain in force and effect until the effective date of this Order.

12. 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.

13. 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.

14. Jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1958.

ea

original

(Decision No. 51429)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MERRILL V. GREENE, DOING BUSINESS)
AS "IXL DISTRIBUTOR," LIMON, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-)
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 16716-PP

December 22, 1958

Appearances: Leon H. Snyder, Esq., Colorado,
Springs, Colorado, for Appli-
cant.

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 churning cream, from Limon and Hugo, Colorado, via Highway No. 24, to Colorado Springs, Colorado, picking up cream en route.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 he is presently operating under Temporary Auth-

ority issued by this Commission; that he is the owner of a 1956 International ten-ton refrigerated truck, and has a net worth of \$20,000; that he has received many requests for his services.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Merrill V. Greene, doing business as "IXL Distributor," Limon, 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 churning cream, from Limon and Hugo, Colorado, via Highway No. 24, to Colorado Springs, Colorado, picking up cream en route.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amend-

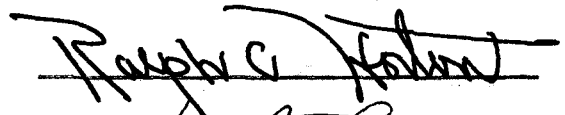

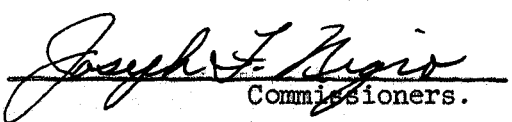
ments to this permit deemed advisable.

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 22nd day of December, 1958.

mls

original

(Decision No. 51430)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD L. MENNE, 5200 NORTH NEVADA,)
COLORADO SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 16717-PP

December 22, 1958

Appearances: Frieda Menne, Colorado Springs,
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

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

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, November 28, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Frieda Menne, wife of applicant herein, testified in his behalf, stating that applicant is the owner of a 1957 Dodge Dump Truck which he will use in his proposed operations; that he has a net worth of \$2,000; that he has received many requests for his proposed services; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by testimony on behalf of applicant.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, 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, 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 Harold L. Menne, 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, transportation of road-surfacing materials 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.

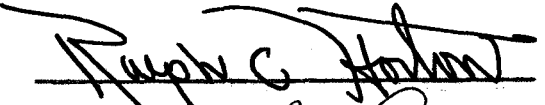


That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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 December, 1958.

mls

original

(Decision No. 51431)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LE ROY R. OCOBOCK, JR., 155 FACTORY)
AVENUE, LOVELAND, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 16704-PP

December 22, 1958

Appearances: LeRoy R. Ocobock, Jr., Love-
land, Colorado, pro se.

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, firt, 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, Greeley, Colorado, November 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, 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 Edwin R. Lundborg, 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 he is presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1955 Ford Dump Truck; that he has a net worth of \$10,000; that he has received numerous requests for his services; that he is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks..

No one appeared in opposition to granting authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's operations, as herein-after limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as limited by the following Order.

O R D E R

THE COMMISSION ORDERS:

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

That LeRoy R. Ocobock, Jr., Loveland, 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, transportation of road-surfacing materials 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.

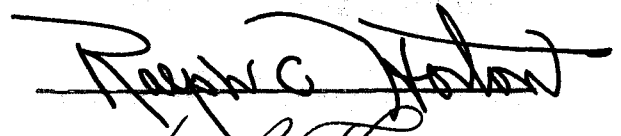
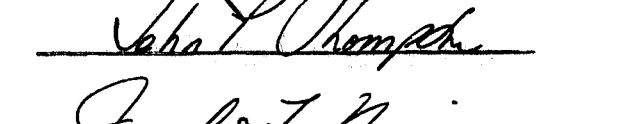

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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 December, 1958.

mls

original

(Decision No. 51432)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE DOWNING AND EVOGENE DOWNING,)
P. O. BOX 1133, GREELEY, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 16699

December 22, 1958

Appearances: George Downing, Greeley, Colo-
rado, for Applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash and rubbish, from point to point within the City Limits of Greeley, Colorado, and a radius of ten miles thereof.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, November 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, George Downing, one of applicants herein, testified applicants are the owner

of two 1941 Ford one and one-half-ton dump trucks; that they have a net worth of \$6,000; that they have received many requests for their proposed service.

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

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicants 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 applicants' motor vehicle common carrier service, on call and demand, and that certificates of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of George Downing and Evogene Downing, Greeley, Colorado, for the transportation of ashes, trash, and other waste materials, from points within the City Limits of Greeley, Colorado, and a ten-mile radius thereof, to regularly-designated and approved dumps and disposal places within said territory, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

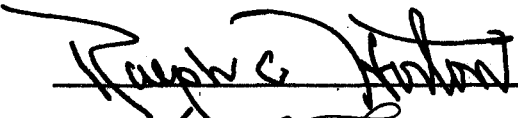


That applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by

Act of God, the public enemy or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

reginald

IN THE MATTER OF THE APPLICATION OF
GORDON CASS AND NEIL CASS, CO-
PARTNERS, BRIGGSDALE, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 3267
TO RALPH RICHARDS, GENERAL DELIVERY,
EATON, COLORADO.

APPLICATION NO. 16701-Transfer

December 22, 1958

S T A T E M E N T

Heretofore, Gordon Cass and Neil Cass, co-partners, Briggsdale, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation of:

said operating rights being known as "PUC No. 3267."

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, November 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

-1-

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Ralph Richards, transferee herein, testified he is the owner of a 1947 Ford one and one-half-ton truck, with milk bed; that he has a net worth of \$1,626, financial statement being on file with the Commission; that the consideration for transfer is \$2,500, of which \$400 has been paid; that a copy of the Agreement is also on file with the Commission; that neither transferors nor transferee have any proprietary or financial interest in any other permit or certificate issued by this Commission.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

That Gordon Cass and Neil Cass, co-partners, Briggsdale, Colorado, should be, and hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 3267 -- with authority

as set forth in the Statement preceding, which is made a part hereof, by reference -- to Ralph Richards, Eaton, Colorado, subject to payment of outstanding indebtedness against said operating rights, if any there be, whether secured or unsecured.

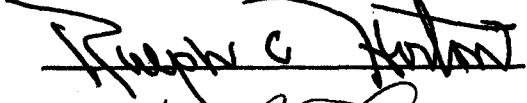


That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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




Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

original

(Decision No. 51434)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN KLINE, 115 12TH STREET,)
GREELEY, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY TO OPERATE AS A COMMON CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)
- - - - -)

APPLICATION NO. 16700

- - - - -
December 22, 1958
- - - - -

Appearances: John Kline, Greeley, Colo-
rado, pro se.

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, on call and demand, for the transportation of ashes, trash, and rubbish, within the City Limits of Greeley, Colorado, and a radius of ten miles thereof.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, November 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 of a 1948 Chevrolet Dump Truck; that he has a net worth of \$6,000; that he has had numerous requests for his proposed service.

No one appeared in opposition to the granting of authority herein 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 issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of John Kline, Greeley, Colorado, for the transportation of ashes, trash, and other waste materials, from points within the City Limits of Greeley, Colorado, and a ten-mile radius thereof, to regularly-designated and approved dumps and disposal places in said territory, 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

Rueph C. Horton

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

original

(Decision No. 51435)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PAUL B. DAVIS, 848 WEST TENTH,)	
LOVELAND, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE)	APPLICATION NO. 16702-PP
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

December 22, 1958

Appearances: Paul B. Davis, Loveland,
Colorado, pro se.

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; ore, from mills in Drake, Colorado, to mills in Loveland, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, November 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 he is presently operating under Temporary Authority issued by the Commission; that he has suitable equipment with which to conduct his operations; that he has a net worth of \$15,000; that he has had numerous requests for his services; that he agrees to limit the type of equipment to be used when transporting road-surfacing materials to dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by Applicant's testimony.

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Paul B. Davis, Loveland, 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; ore, from mills in Drake, Colorado, to mills in Loveland, Colorado, transportation of road-surfacing materials to be limited to the use of dump trucks.

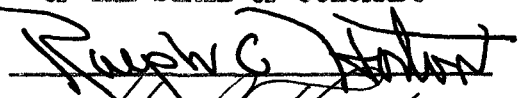
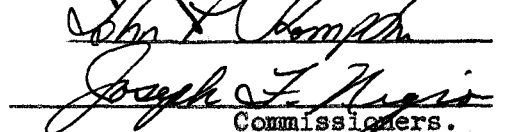
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured 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 December, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CLARK MACKEY AND HOWARD BOYER, CO-)	
PARTNERS, DOING BUSINESS AS "MACKEY)	
& BOYER," 2440 SEVENTH STREET,)	APPLICATION NO. 16703-PP
GREELEY, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

December 22, 1958

Appearances: Howard Boyer, Greeley, Colo-
rado, for Applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of beets, manure, and ensilage, from point to point within the Counties of Weld, Morgan, and Adams, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, November 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Howard Boyer, one of applicants herein, testified applicants are the owners of a 1948 two-ton Chevrolet, a 1953 two-ton Chevrolet, and a 1959

two-ton Chevrolet; that said partnership has a net worth of \$20,000; that they have received numerous requests for their proposed service.

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

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

It does not appear that applicants' proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicants.

Report of the Examiner recommends that permit issue to applicants 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 applicants herein, 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 Clark Mackey and Howard Boyer, co-partners, doing business as "Mackey & Boyer," Greeley, 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 beets, manure, and ensilage, from point to point within the Counties of Weld, Morgan, and Adams, State of Colorado.

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

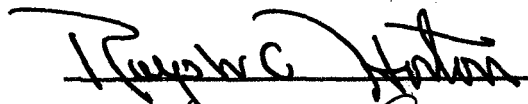


That this order is the permit herein provided for, but it

shall not become effective until 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




Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL C. SCHAEFER, DOING BUSINESS AS)
"VICTORY MOTOR EXPRESS," 950 CALU-)
MET LANE, DAYTON, OHIO, FOR AUTHOR-) PUC NO. 2477-I-Transfer
ITY TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO VICTORY EXPRESS, INC., 950)
CALUMET LANE, DAYTON, OHIO.)
- - - - -)

- - - - -
December 22, 1958
- - - - -

S T A T E M E N T

By the Commission:

Heretofore, Carl C. Schaefer, doing business as "Victory Motor Express," Dayton, Ohio, was granted a certificate of public convenience and necessity, authorizing him 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. 2477-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Victory Express, Inc., Dayton, Ohio.

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Carl C. Schaefer, doing business as "Victory Motor Express," Dayton, Ohio, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2477-I to Victory Express, Inc., Dayton, Ohio, subject to payment of out-

standing indebtedness against said operation, if any there be, 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. Higgins
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

original

(Decision No. 51438)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES E. EVANS, DOING BUSINESS AS)
"EVANS TRUCKING CO.," BERTHOUD,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 16487-PP
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
-----)

December 22, 1958

Appearances: James E. Evans, Berthoud,
Colorado, pro se.

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, Greeley, Colorado, November 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 he is presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1957 G.M.C. twin-screw dump truck, a 1950 Chevrolet two-ton truck, a 1949 Chevrolet two-ton truck, a 1946 Chevrolet two-ton truck, a 1947 Dodge two-ton truck, and a 1946 Dodge two-ton truck; that he has a net worth of \$30,000; that he has received numerous requests for his proposed operation; that he agrees to limit the type of equipment to be used when hauling road-surfacing materials to dump trucks.

No one appeared in protest to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that the granting of authority herein sought, as limited by the following Order, will impair the efficiency of any common carrier service 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 permit should issue to applicant herein, 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 James E. Evans, doing business as "Evans Trucking Company," Berthoud, 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

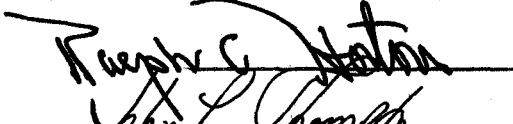
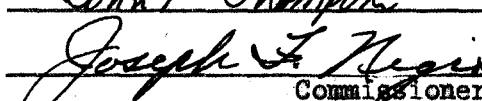
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 December, 1958.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JIM M. ARNEY, DOING BUSINESS AS,)
"WATER DELIVERY SERVICE")
2890 SANDRA AVENUE,)
GRAND JUNCTION, COLORADO.)
-----)

PERMIT NO. M-12160

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Jim M. Arney, Dba Water Delivery Service, Grand Junction, Colorado
requesting that Permit No. M-12160 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12160, heretofore issued to _____
Jim M. Arney, Dba Water Delivery Service, Grand Junction, Colorado be,
and the same is hereby, declared cancelled effective December 18, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray C. [Signature]
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES C. COATES)
300 SOUTH WINDEMERE AVENUE,)
LITTLETON, COLORADO.)
-----)

PERMIT NO. M-13874

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Charles C. Coates, Littleton, Colorado
requesting that Permit No. M-13874 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13874, heretofore issued to _____
Charles C. Coates, Littleton, Colorado be,
and the same is hereby, declared cancelled effective December 2, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ray C. Gordon
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ED JAGER, DOING BUSINESS AS,)
"LUNDELL FARM MACHINERY")
LAMAR, COLORADO.)
-----)

PERMIT NO. M-12897

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Ed Jager, Dba Lundell Farm Machinery, Lamar, Colorado
requesting that Permit No. M-12897 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12897, heretofore issued to _____
Ed Jager, Dba Lundell Farm Machinery, Lamar, Colorado be,
and the same is hereby, declared cancelled effective October 21, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

DEE HARRIS)

MOUNT IDA, ARKANSAS.)

PERMIT NO. M-6234

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Dee Harris, Mount Ida, Arkansas

requesting that Permit No. M-6234 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6234, heretofore issued to _____

Dee Harris, Mount Ida, Arkansas be,

and the same is hereby, declared cancelled effective December 16, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE N. ROGERS)
4343 SOUTH SANTA FE,)
LITTLETON, COLORADO.)
-----)

PERMIT NO. M-13994

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

George N. Rogers, 4343 S. Santa Fe, Littleton, Colorado

requesting that Permit No. M-13994 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13994, heretofore issued to _____

George N. Rogers, 4343 S. Santa Fe, Littleton, Colorado be,

and the same is hereby, declared cancelled effective December 19, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Gordon
John J. Thompson
Joseph F. Higgs
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS RICHARD BILYEU)
3116 ELIZABETH STREET)
PUEBLO, COLORADO.)
-----)

PERMIT NO. M-15701

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Thomas Richard Bileu, Pueblo, Colorado

requesting that Permit No. M-15701 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER


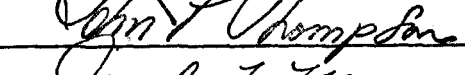

THE COMMISSION ORDERS:

That Permit No. M-15701, heretofore issued to _____

Thomas Richard Bileu, Pueblo, Colorado be,

and the same is hereby, declared cancelled effective November 28, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 1958.

ds

original

(Decision No. 51445)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ORVAL H. TJADEN, 2500 "O" STREET,)
AUBURN, NEBRASKA, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS) PUC NO. 3545-I-Transfer
TO FRANKLIN DOVEL, 1502 "N" STREET,)
AUBURN, NEBRASKA.)
-----)

December 22, 1958

S T A T E M E N T

By the Commission:

Heretofore, Orval H. Tjaden, Auburn, Nebraska, was 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, and PUC No. 3545-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Franklin Dovel, Auburn, Nebraska.

The records and files of the Commission fail to disclose any reason said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized, as set forth in the Order following.

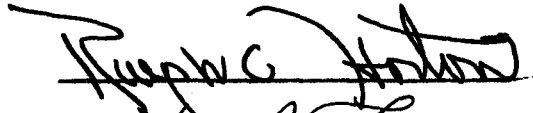


O R D E R

THE COMMISSION ORDERS:

That Orval H. Tjaden, Auburn, Nebraska, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3545-I to Franklin Dovel, Auburn, 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 22nd day of December, 1958.

ea

original

(Decision No. 51446)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GALLAGHER FREIGHT LINES, INC.,)
2424 ARAPAHOE STREET, DENVER, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO)
CONSOLIDATED FREIGHTWAYS, INC.,)
2424 ARAPAHOE STREET, DENVER,)
COLORADO.)
, - - - - -)

PUC NO. 689-I-Transfer

- - - - -
December 22, 1958
- - - - -

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Gallagher Freight Lines, Inc., Denver, Colo-
rado, was 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. 689-I
issued to it.

Said certificate-holder now seeks authority to transfer
said operating rights to Consolidated Freightways, Inc., Denver,
Colorado.

The records and files of the Commission fail to disclose
any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public
interest, and should be authorized, as set forth in the Order following.

O R D E R

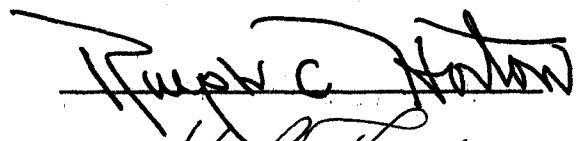


THE COMMISSION ORDERS:

That Gallagher Freight Lines, Inc., Denver, Colorado, should

be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 689-I to Consolidated Freightways, Inc., Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

revised

(Decision No. 51447)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. R. BLAKEMAN, DOING BUSINESS AS)
"BLAKEMAN MILLING COMPANY," PHIPPS-)
BURG, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 16696-PP

December 22, 1958

Appearances: C. R. Blakeman, Phippsburg,
Colorado, pro se;
Marion R. Smyser, Esq., Denver,
Colorado, for The Denver &
Rio Grande Western Railroad
Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B"
private carrier by motor vehicle for hire, for the transportation
of logs and rough lumber.

Said application was regularly set for hearing before the
Commission, at the Court House, Steamboat Springs, Colorado, Novem-
ber 13, 1958, at ten o'clock A. M., due notice thereof being for-
warded to all parties in interest.

On November 12, 1958, the Commission, as provided by law,
designated Edwin R. Lundborg, 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 Edwin R. Lundborg, 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, appli-
cant herein testified he is presently operating under Temporary
Authority issued by this Commission; that he has suitable equipment

for his proposed operations; that he has a net worth of \$45,000; that he has received numerous requests for his proposed operations.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 C. R. Blakeman, doing business as "Blakeman Milling Company," Phippsburg, 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 forest products, logs, and rough lumber, from forests, sawmills, and peeling plants, to points of storage and processing within the State of Colorado, without the right to perform town-to-town service.

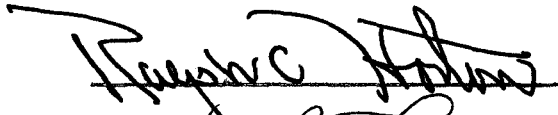


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 December, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PERRY F. STOKES, DOING BUSINESS AS)
"TRINIDAD AIR SERVICE," TRINIDAD,) APPLICATION NO. 8815
COLORADO, FOR A CERTIFICATE OF) SUPPLEMENTAL ORDER
PUBLIC CONVENIENCE AND NECESSITY.)
- - - - -)

- - - - -
December 22, 1958
- - - - -

S T A T E M E N T

By the Commission:

On May 10, 1948, the Commission entered its Decision No. 30448 in the above-styled application, granting to applicant herein a certificate of public convenience and necessity, authorizing him to operate as a common carrier, by aircraft, on call and demand, in interstate and intrastate commerce, for the transportation of:

passengers and property, between all
points in the State of Colorado.

The Commission is now in receipt of a communication from Perry F. Stokes, applicant herein, requesting authority to suspend operations under said operating rights for a period of six months.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

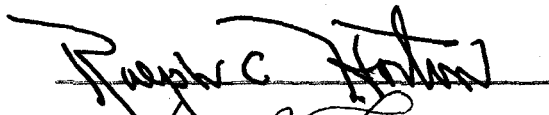


THE COMMISSION ORDERS:

That Perry F. Stokes, doing business as "Trinidad Air Service," Trinidad, Colorado, should be, and he hereby is, authorized to suspend operations under authority granted to him by Decision No. 30448, of date May 10, 1958, until June 1, 1959.

That unless said Perry F. Stokes shall, prior to expiration of said suspension period, reinstate said operating rights by

filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carriers by air, said operating rights, 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 22nd day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD O. WILLISON, ROUTE 1, GRAND)
JUNCTION, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 16661-PP
SUPPLEMENTAL ORDER

December 22, 1958

Appearances: Harold O. Willison, Grand
Junction, Colorado, pro se;
Leslie Kehl, Esq., Denver,
Colorado, for R. B. "Dick"
Wilson, Inc.

S T A T E M E N T

By the Commission:

On October 31, 1958, the Commission entered its Decision No. 51191 in the above-styled application, granting to applicant herein authority to operate as a Class "B" private carrier by motor vehicle for hire, said operating rights to be known as "Permit No. B-5215."

On November 19, 1958, request for cancellation of said operating rights was filed with the Commission by R. B. "Dick" Wilson, Inc., by Jones and Meiklejohn, Attorneys.

The records and files of the Commission disclose that heretofore, Harold O. Willison had been granted authority to operate as a Class "B" private carrier by motor vehicle for hire, said operating rights being known as "Permit No. B-5215;" that said permit has been cancelled by the Commission for failure of permittee to keep effective insurance on file with the Commission; that thereafter, proper insurance filing was made with the Commission by said permittee, and Permit No. B-5215 was restored to active status; that inasmuch as operating rights previously granted to applicant herein, and operating rights granted to him by Decision No. 51191 are duplicating, said Deci-

sion No. 51191 should be set aside, vacated, and held for naught,
as requested by Attorneys for Protestant herein.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 51191, of date October 31, 1958, should
be vacated, set aside, and held for naught.

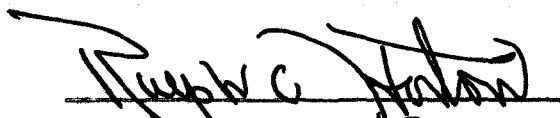


O R D E R

THE COMMISSION ORDERS:

That Decision No. 51191, of date October 31, 1958, should
be, and the same hereby is, vacated, set aside, and held for naught.

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 22nd day of December, 1958.

mls

original

(Decision No. 51450)

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, 4201 EAST AR-)
KANSAS AVENUE, DENVER, COLORADO, FOR)
AUTHORITY TO RELOCATE HIGHWAY-RAIL-)
ROAD GRADE CROSSING AND INSTALL)
GRADE CROSSING PROTECTION DEVICES)
ON STATE HIGHWAY NO. 141 NEAR WHITE-)
WATER, ON THE DENVER AND RIO GRANDE)
WESTERN RAILROAD COMPANY'S PROPER-)
TIES LOCATED AT RAILROAD SURVEY)
STATION 3227 + 97, IN THE SOUTHWEST)
QUARTER OF THE NORTHEAST QUARTER OF)
SECTION 14, TOWNSHIP 2-SOUTH, RANGE)
1-EAST OF THE UTE MERIDIAN, MESA)
COUNTY, COLORADO.)
-----)

APPLICATION NO. 15954

December 22, 1958

Appearances: George L. Zoellner, Esq.,
Denver, Colorado, for
Applicant;
J. L. McNeill, Denver, Colo-
rado, 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, including the owners of adjacent property, and the Chairman of the Board of Mesa County Commissioners, was set for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 3, 1958, where the matter was heard by the Commission and taken under advisement.

Purpose of the instant application is to secure Commission approval for construction of a new grade crossing on the relocation of State Highway No. 141 over trackage of the Denver & Rio Grande Western Railroad Company near Whitewater, Colorado. At the hearing, the following exhibits were received, after explanation given 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 of Plans for Project No. S 0141 (4), being a composite print to show location of the crossing in Mesa County with added details of profile and layout of the new approaches.

Exhibit B: Prepared statement of Mr. King regarding the project to explain further details of: Agreements, approvals, roads involved, need for crossing and statement of costs.

Exhibit C: (To be late-filed)
Agreement between Department of Highways and The Denver & Rio Grande Western Railroad Company regarding crossing site, construction, protection, costs and maintenance.

Mr. King explained that need for a new crossing results from the construction of a new bridge on Highway No. 141 over the Gunnison River. The new bridge is to be built in a new location that will eliminate a series of highway curves and provide a direct crossing approach to the railroad at a new point some 130 feet to the north of the present crossing. The crossing will involve one main track of the Montrose Branch of The Denver & Rio Grande Western Railroad Company. Rail traffic amounts to one freight train per day at 25 miles per hour maximum speed. Approximately 350 vehicles per day use the highway which is designed for speeds to 55 miles per hour. With construction of the new crossing, it is proposed that the old crossing will be removed. Resulting sight distances at the new crossing will be improved by more direct alignment and open approaches.

Proposed protection is to consist of two reflectorized cross-buck signs at the crossing and two reflectorized Advance Warning signs on the highway. Separation of the crossing grades or a higher type of protection is not indicated by the low volumes of vehicular and rail traffic at this time.

The new crossing is to be 40 feet in length and will consist of treated timber panels. The Department forces will furnish and install necessary signing. All costs related to the crossing improvements will be paid by Department of Highways with Federal Air participation. Railroad estimate for the crossing and related work is \$2,580.00.

Maintenance work after construction is completed will be by the Railroad Company in accordance with the agreement herein. Approvals for the proposed improvement have been given by The State Highway Commission; the Chief Engineer, Department of Highways; Bureau of Public Roads; and appropriate railroad officials.

After a consideration of the minor volume of traffic, the open vision at the crossing and slow train speeds, it appears then that the proposed location and crossbuck protection can be approved. No objections to the crossing change have been received by the Commission and none were offered at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

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

That public safety, convenience and necessity require the establishment, construction, use, and maintenance of a new highway-railroad grade crossing in the NE $\frac{1}{4}$ of Section 14, Township 2-South, Range 1-East, Ute Meridian, Mesa County, Colorado, and over the single track and right-of-way of The Denver & Rio Grande Western Railroad Company.

That the protective devices at the new crossing shall consist of two reflectorized crossbuck signs with added reflectorized advance warning signs.

O R D E R

THE COMMISSION ORDERS:

That authority is hereby granted for the abandonment of an existing crossing and the establishment, construction, operation and maintenance of a new public highway-railroad grade crossing on the relocation of State Highway No. 141 over the Rio Grande Montrose Branch, in the NE $\frac{1}{4}$ of Section 14, Township 2-South, Range 1-East, Ute Meridian, near Whitewater, Mesa County, Colorado.

That two standard reflectorized crossbucks with necessary added reflectorized Advance Warning Signs shall be installed at the

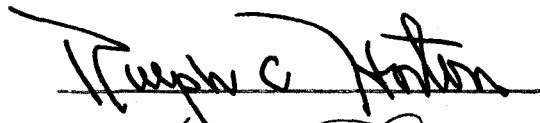


crossing and be in conformity with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That continuing maintenance of the rail crossing and cross-buck signs shall be by the Railroad Company, and maintenance of the other warning signs shall be by the Department of Highways.

That the work to be done, costs, installation and other maintenance shall be as indicated in the preceding Statement and Exhibits "A", "B", and "C," 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




Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

original

(Decision No. 51451)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GORDON MC CORMICK, WALTER MC COR-)
MICK, AND ED LUJAN, DOING BUSINESS)
AS "SAGUACHE TRUCK LINES," CENTER,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-963.)
- - - - -)

APPLICATION NO. 12792-PP-Extension

- - - - -
December 22, 1958
- - - - -

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein sought authority to extend operations under Permit No. B-963, to include the right to transport baled hay, grain, and alfalfa, from points within a radius of thirty-five miles of Saguache, Colorado, to Denver, Colorado, and intermediate points, and return, via Salida, Canon City, Colorado Springs and to Denver; and prepared stock feeds, from and to points in Colorado, to and from a radius of thirty-five miles of Saguache, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Alamosa, Colorado, March 18, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

Decision was never rendered in said matter, and inasmuch as the Commissioner who conducted hearing of the above-styled application is no longer on this Commission,

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 12792-PP should be, and the same hereby

is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Reuben C. Hinton
John P. Thompson
Joseph L. Higin
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

ea

original

(Decision No. 51452)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

NELSON MORGAN, DAYLE CALL, MELYN FLEMING,
DONA ALDEA, W. H. BENSCHIEDT, FLORENCE
BENSCHIEDT, CHARLES BENSCHIEDT, AND
GOERGE BENSCHIEDT, DOING BUSINESS AS
"WESTERN CANNING COMPANY," HUTCHINSON,
KANSAS,

Complainants,

vs.

CASE NO. 5145

CITIZENS UTILITIES COMPANY, LA JUNTA,
COLORADO,

Defendant.

December 22, 1958

Appearances: Thulemeyer and Stewart, Esqs.,
La Junta, Colorado, for
Defendant.

S T A T E M E N T

By the Commission:

On May 2, 1958, "Formal Complaint" was filed with the
Commission by Western Canning Company, against Citizens Utilities
Company, said matter being numbered "Case No. 5145."

The Commission is now in receipt of a communication from
Thulemeyer and Stewart, Attorneys for Defendant herein, enclosing
a Notice from Western Canning Company, signed by George Benschiedt,
Manager and General Partner, stating that all matters in controversy
raised by Complainant have been completely and fully settled, and
requesting dismissal of said case.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled case should be dismissed, as requested
by Complainant and Attorneys for Defendant.

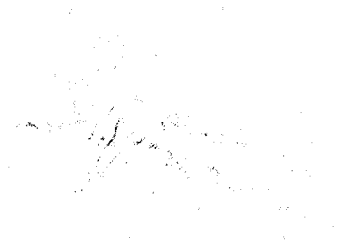
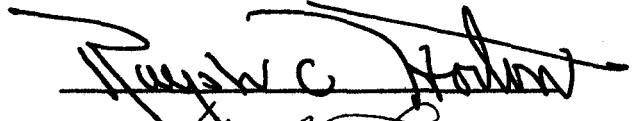

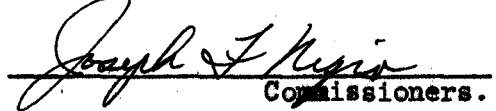
O R D E R

THE COMMISSION ORDERS:

That Case No. 5145 should be, and hereby is, dismissed,
upon request of Complainant and Thulemeyer and Stewart, Attorneys
for Defendant 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 22nd day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

FLORENCE M. SILKENSEN, DOING BUSINESS
AS, "SILKENSEN AND COMPANY"
3441 SOUTH BROADWAY,
ENGLEWOOD, COLORADO.

PERMIT NO. M-9240

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Florence M. Silkensen, Dba Silkensen & Co., Englewood, Colorado

requesting that Permit No. M-9240 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9240, heretofore issued to _____

Florence M. Silkensen, Dba Silkensen & Co., Englewood, Colorado be,

and the same is hereby, declared cancelled effective November 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray C. Gordon
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE DE BOER, DONALD NUCE AND)
ALBERT MC CALL)
1854 SOUTH GRANT STREET,)
DENVER 10, COLORADO.)
-----)

PERMIT NO. M-15605

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Clarence DeBoer, Donald Nuce & Albert McCall, Denver, Colorado

requesting that Permit No. M-15605 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15605, heretofore issued to _____

Clarence DeBoer, Donald Nuce & Albert McCall, Denver, Colorado be,

and the same is hereby, declared cancelled effective December 18, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hobart
John J. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CECIL MURRAY)
POST OFFICE BOX 503,)
VERNAL, UTAH)

PERMIT NO. B-3504

December 22, 1958

S T A T E M E N T

By the Commission:

On August 20, 1958, the Commission authorized Cecil Murray, Vernal, Utah, to suspend operations under his Permit No. B-3504 until January 1, 1959.

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:

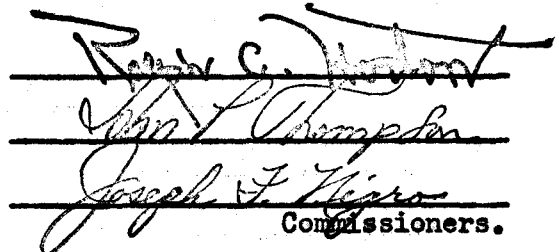
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3504 should be, and the same hereby is, reinstated as of December 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of December 1958.

ds

original

(Decision No. 51456)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
G. ROBERT MC GUIRE, DEL NORTE,)	PERMIT NO. B-1518
COLORADO.)	<u>PERMIT NO. B-1543</u>

December 22, 1958

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Permittee.

S T A T E M E N T

By the Commission:

G. Robert McGuire, Del Norte, Colorado, owner and operator of Permits Nos. B-1518 and B-1543, herein seeks authority to mortgage said operating rights to Richard E. Counour, for himself and as Trustee for the Rio Grande County Bank, of Del Nore, Colorado, to secure payment of the sum of \$2,527.91, in accordance with the terms and conditions set forth in "Chattel Mortgage of Motor Carrier Permits," of date July 28, 1958, said Mortgage, by reference, being made a part hereof.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted, ex parte.

O R D E R

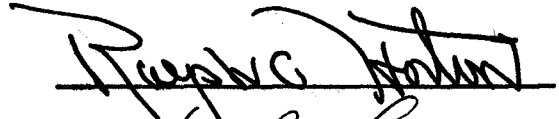

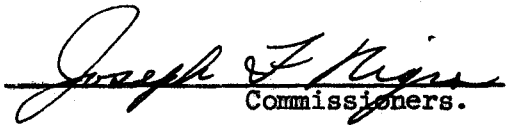
THE COMMISSION ORDERS:

That G. Robert McGuire, Del Norte, Colorado, should be, and he hereby is, authorized to mortgage all his right, title, and interest in and to Permits Nos. B-1518 and B-1543, to Richard E. Conour, Esq., Del Norte, Colorado, for himself and as Trustee for the Rio Grande County Bank, Del Norte, Colorado, to secure payment of the sum

of \$2,527.91, as set forth in the Statement preceding.

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 22nd day of December, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LOUIS KINCHELON, 2109 GILPIN)
STREET, DENVER, COLORADO.)

PERMIT NO. M-1585
CASE NO. 87689-INS.

December 22, 1958

S T A T E M E N T

By the Commission:

On December 4, 1958, in Case No. 87689-Ins., the Commission entered its Order, revoking Permit No. M-1585 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:

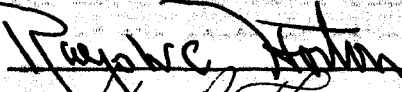
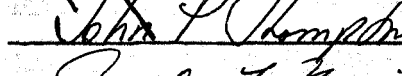
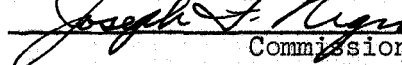
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1585 should be, and hereby is, reinstated, as of December 4, 1958, revocation order entered by the Commission on said date in Case No. 87689-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 22nd day of December, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
NATIONAL LEAD COMPANY, 2
KALAMATH STREET, DENVER, COLO-
RADO.

PERMIT NO. M-14101
CASE NO. 87698-INS.

December 22, 1958

S T A T E M E N T

By the Commission:

On December 4, 1958, in Case No. 87698-Ins., the Commission entered its Order, revoking Permit No. M-14101 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-14101 should be, and the same hereby is, reinstated, as of December 4, 1958, revocation Order entered by the Commission on said date in Case No. 87698-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 22nd day of December, 1958

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN L. RAUCH AND JOHN J. RAUCH,)
CO-PARTNERS, DOING BUSINESS AS") PERMIT NO. M-9127
"RAUCH MOTOR COMPANY," 225 SOUTH) CASE NO. 87730-INS.
COLLEGE, FORT COLLINS, COLORADO.)
-----)

December 22, 1958

S T A T E M E N T

By the Commission:

On December 4, 1958, in Case No. 87730-Ins., the Commission entered its Order, revoking Permit No. M-9127 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-9127 should be, and the same hereby is, reinstated, as of December 4, 1958, revocation order entered by the Commission on said date in Case No. 87730-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Burton
John P. Thompson
Joseph F. Regier
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GLENN L. NEWLAND, P. O. BOX 188,)
RIFLE, COLORADO.)

PERMIT NO. M-4552
CASE NO. 87814-INS.

December 22, 1958

S T A T E M E N T

By the Commission:

On December 4, 1958, in Case No. 87814-Ins., the Commission entered its Order, revoking Permit No. M-4552 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,

F I N D I N G S

THE COMMISSION FINDS:

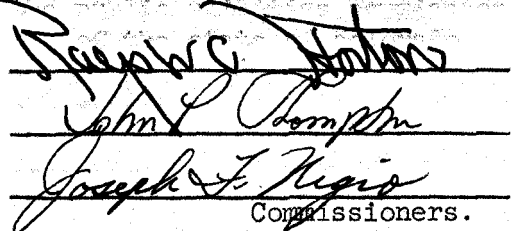
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-4552 should be, and the same hereby is, reinstated, as of December 4, 1958, revocation order entered by the Commission on said date in Case No. 87814-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 22nd day of December, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. H. SMITH, ROUTE 2, BOX 6,)
SCOTTSBLUFF, NEBRASKA)
-----)

PERMIT NO. M-12109
CASE NO. 87899-INS.

December 22, 1958

S T A T E M E N T

By the Commission:

On December 4, 1958, in Case No. 87899-Ins., the Commission entered its Order, revoking Permit No. M-12109 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-12109 should be, and the same hereby is, reinstated, as of December 4, 1958, revocation order entered by the Commission on said date in Case No. 87899-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Kahan
John L. Thompson
Joseph F. Riggs
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1958.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JULIO ZARAGOZA)
POST OFFICE BOX 514,)
FORT LUPTON, COLORADO.)

PERMIT NO. B-5623

December 22, 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-5623 be suspended for six months from December 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 Julio Zaragoza, Fort Lupton, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5623 until June 9, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Hobart
John Thompson
Joseph F. Negro
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December 1958

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ERLING L. NIELSEN)

ROUTE 1, POST OFFICE BOX 131,)
COLORADO SPRINGS, COLORADO.)

PERMIT NO. M-11363

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Erling L. Nielsen, Colorado Springs, Colorado

requesting that Permit No. M-11363 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11363, heretofore issued to _____

Erling L. Nielsen, Colorado Springs, Colorado

be,

and the same is hereby, declared cancelled effective December 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hooten
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ERLING L. NIELSEN)
ROUTE 1, POST OFFICE BOX 131,)
COLORADO SPRINGS, COLORADO.)

PERMIT NO. B-5231

December 22, 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-5231 be suspended for six months from December 15, 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 Erling L. Nielsen, Colorado Springs, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5231 until June 15, 1959.

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 Thompson
Joseph J. Negro
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. S. MC NULTY, DOING BUSINESS AS,)
"INDEPENDENT OIL COMPANY")
POST OFFICE BOX 133,)
MONTROSE, COLORADO.)
-----)

PERMIT NO. M-14333

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

C. S. McNulty, Dba Independent Oil Co., Montrose, Colorado

requesting that Permit No. M-14333 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14333, heretofore issued to _____

C. S. McNulty, Dba Independent Oil Co., Montrose, Colorado be,

and the same is hereby, declared cancelled effective August 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Brown
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

FRANK CHASE)
450 SHERIDAN)
DENVER 14, COLORADO.)
-----)

PERMIT NO. M-14769

December 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Frank Chase, Denver, Colorado

requesting that Permit No. M-14769 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14769, heretofore issued to _____

Frank Chase, Denver, Colorado be,

and the same is hereby, declared cancelled effective December 17, 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 22nd day of December, 1958.

ds

original

(Decision No. 51467)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) RAYMOND H. LUNN, JR., 415 EAST) LOCUST STREET, LITTLETON, COLORADO,) FOR A CERTIFICATE OF PUBLIC CONVEN-) IENCE AND NECESSITY, AUTHORIZING) EXTENSION OF OPERATIONS UNDER PUC) NO. 3906.) -----)	APPLICATION NO. 16705-Extension <u>SUPPLEMENTAL ORDER</u>
--	--

December 22, 1958

Appearances: Grant, Shafroth and Toll, Esqs.,
Denver, Colorado, by
John F. Shafroth, Esq., Denver,
Colorado, for Applicant;
Robert E. McLean, Esq., Denver,
Colorado, for Weber's Hauling
Service, Davis Hauling, Freddie's
Rubbish Removal, Al's Hauling
Service, Englewood-Littleton
Pick-up Service, Aurora Removal
Service, Arapahoe Rubbish Removal.

S T A T E M E N T

By the Commission:

On December 9, 1958, the Commission entered its Decision No. 51377 in the above-styled matter, granting a certificate of public convenience and necessity to applicant herein, authorizing extension of operations under PUC No. 3906.

On December 18, 1958, "Petition for Re-Hearing," was filed with the Commission in said matter, by Robert E. McLean, Attorney, in behalf of Weber's Hauling Service, Davis Hauling, Freddie's Rubbish Removal, Al's Hauling Service, Englewood-Littleton Pick-up Service, Aurora Removal Service, and Arapahoe Rubbish Removal.

The Commission has carefully considered said Petition for Re-Hearing, and each and every allegation therein contained.

F I N D I N G S

THE COMMISSION FINDS:

That said Petition for Re-Hearing should be denied.

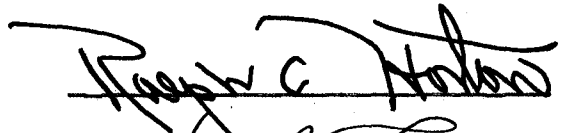


O R D E R

THE COMMISSION ORDERS:

That Petition for Re-Hearing filed herein by Robert E. McLean, Attorney, on December 18, 1958, on behalf of protestants, 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 22nd day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF PUBLIC SERVICE COMPANY OF COLORADO,
900 FIFTEENTH STREET, DENVER,
COLORADO, A CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE
OF COLORADO, FOR AN ORDER AUTHORIZING THE
ISSUANCE OF 167,600 SHARES OF ITS COMMON
STOCK AS A STOCK DIVIDEND.

APPLICATION NO. 16785
Securities

S T A T E M E N T

By the Commission:

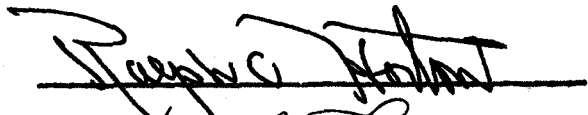
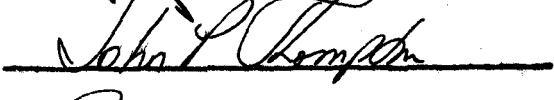

Upon consideration of the application filed December 22, 1958, by Public Service Company of Colorado, a Corporation, in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on January 6, 1959, at 9:30 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before December 31, 1958, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners, in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLIE A. BRUCE, DOING BUSINESS AS,)
"DENVER FROZEN FOOD CENTER")
2525 FEDERAL BLVD.,)
DENVER 11, COLORADO.)
-----)

PERMIT NO. M-12426

December 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Charlie A. Bruce, Dba Denver Frozen Food Center, Denver, Colorado
requesting that Permit No. M-12426 be cancelled.

FINDINGS

THE COMMISSION FINDS:


That the request should be granted.

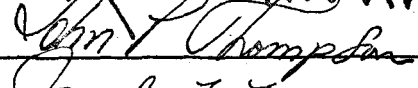
ORDER


THE COMMISSION ORDERS:

That Permit No. M-12426, heretofore issued to _____
Charlie A. Bruce, Dba Denver Frozen Food Center, Denver, Colorado be,
and the same is hereby, declared cancelled effective December 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,

this 24th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RALPH HOLT)
)
MINNEOLA, KANSAS.)
)
-----)

PERMIT NO. M-11853

December 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Ralph Holt, Minneola, Kansas
requesting that Permit No. M-11853 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11853, heretofore issued to _____
Ralph Holt, Minneola, Kansas be,
and the same is hereby, declared cancelled effective November 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hudson
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 24th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK R. SOTO)
120 WEST 8th,)
WALSENBURG, COLORADO.)
-----)

PERMIT NO. M-6009

December 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Frank R. Soto, Walsenburg, Colorado

requesting that Permit No. M-6009 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6009, heretofore issued to _____

Frank R. Soto, Walsenburg, Colorado be,

and the same is hereby, declared cancelled effective November 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 24th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VIRON L. GRAY)
2109 EAST 9th,)
PUEBLO, COLORADO.)

PERMIT NO. B-5324

December 24, 1958

S T A T E M E N T

By the Commission:

On July 29, 1958, the Commission entered its decision No. 50705, authorizing Viron L. Gray, Pueblo, Colorado, owner of Permit No. B-5324 to suspend operations under said operating rights until January 15, 1959.

The Commission is now in receipt of a request from said permit-holder requesting authority to further suspend operations under said Permit No. B-5324 for an additional period of six months.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

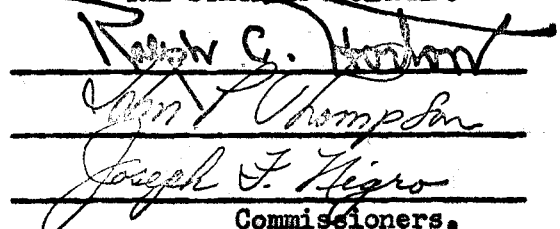
O R D E R

THE COMMISSION ORDERS:

That Viron L. Gray, Pueblo, Colorado, owner of Permit No. B-5324, should be, and he hereby is, authorized to further suspend operations under said Permit No. B-5324 until July 15, 1959.

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 24th day of December 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GORDON L. WILSON)
)
KREMMLING, COLORADO.)
)
-----)

PERMIT NO. B-5055

December 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Gordon L. Wilson, Kremmling, Colorado
requesting that Permit No. B-5055 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5055, heretofore issued to _____
Gordon L. Wilson, Kremmling, Colorado be,
and the same is hereby, declared cancelled effective November 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Gordon
John P. Thompson
Joseph F. Kigro
Commissioners

Dated at Denver, Colorado,

this 24th day of December, 195 8.

ds

original

(Decision No. 51474)

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, RIO GRANDE BUILD-)
ING, DENVER, COLORADO, TO WITHDRAW)
ITS AGENCY AT AUSTIN, COLORADO,)
FROM DECEMBER 1ST TO AUGUST 16TH)
OF EACH YEAR.)
-----)

APPLICATION NO. 16757

At a General Session of
The Public Utilities Com-
mission of the State of
Colorado, held at its
offices in Denver, Colo-
rado, December 24, 1958.

INVESTIGATION AND SUSPENSION DOCKET NO. 417

December 24, 1958

S T A T E M E N T

By the Commission:

On November 28, 1958, The Denver & Rio Grande Western
Railroad Company, by W. C. Horner, Superintendent of Transportation,
filed its petition under Rule No. 6 of the Commission's Rules and
Regulations Pertaining to Railroads Operating in the State of Colorado.

Request was made by petitioner for an order authorizing
the withdrawal of its agent from the Station at Austin, Delta County,
Colorado, effective December 30, 1958, and thereafter to only main-
tain an agent at Austin during the interval from August 16th to
December 1st, each year. Agency service at Austin is now provided
by an agent on duty from 9:00 A. M., until 6:00 P. M., Monday through
Friday on a year-around basis.

As indicated by petitioner, practically all of the carload
business at Austin has been handled during the months of September,
October and November. The less-than-carload business is being handled

in substituted truck service that provides direct pick-up and delivery service to patrons at Austin, Colorado. In the event there should be any carload shipments from or to Austin in the future, the billing for such shipments is proposed to be handled at Delta (8 miles east) or at Hotchkiss (17 miles west). No passengers, mail or express is handled on this branch line. As a matter then of more efficient and economical management, it is proposed to close the agency station at Austin during the interval when no merchandise is moving.

The intention of Applicant having been properly publicized by the posting of public notice at its station in Austin, the Commission has received numerous protests indicating that discontinuance of the agency service will cause great inconvenience to the residents of Austin and adjacent area.

It appears then that people and merchants of the Austin area are not in accord with the proposed station closing; therefore, in order to obtain a full understanding of this situation, it is necessary to suspend the effective date of the proposed closing so that a more complete investigation may be had. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 417 on the Commission's Docket.

F I N D I N G S

THE COMMISSION FINDS:

That the application of The Denver & Rio Grande Western Railroad Company to withdraw its agency station at Austin, Colorado, on a seasonal basis should be suspended pending a more complete investigation of the matter.

O R D E R

THE COMMISSION ORDERS:

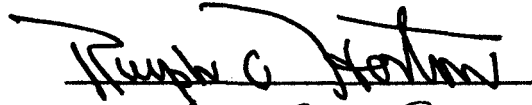


That the effective date of the proposed station closing at Austin, Colorado, by The Denver & Rio Grande Western Railroad Company, Denver, Colorado, be, and it hereby is, suspended for a period

of one hundred twenty (120) days from December 30, 1958, or until April 30, 1959, unless otherwise ordered.

That Application No. 16757, originally assigned to the instant proceedings, be, and it is hereby, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 417.

That a copy of this Order be filed with Application No. 16757 and with Investigation and Suspension Docket No. 417, and copies be served on T. A. White, Esq., Rio Grande Building, Denver, Colorado, Attorney for Applicant; and the following protestants herein: W. M. Epstein, General Chairman, The Order of Railroad Telegraphers, 633 Cooper Building, Denver 2, Colorado; Gay C. Williamson, General Merchandise, Austin, Colorado; Benson Palmer, Palmer & Co., Cedaredge, Colorado; Ferris M. Green, Superintendent, Agricultural Experiment Station, Austin, Colorado; Mr. and Mrs. Kenneth E. Cole, Local Grocery Store, Box 506, Austin, Colorado; Wendall Williamson, Austin, Colorado; Helge Hulteen, Antelope Hill Orchards, Austin, Colorado, and I. E. Williamson, Austin, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

RALPH H. CLEMENS)
1057 MAUNAIHI P. L.)
HONOLULU, HAWAII.)
-----)

PERMIT NO. M-3780

December 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Ralph H. Clemens, Honolulu, Hawaii

requesting that Permit No. M-3780 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3780, heretofore issued to _____

Ralph H. Clemens, Honolulu, Hawaii

be,

and the same is hereby, declared cancelled effective December 18, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. [Signature]
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 24th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LESLIE S. JAMES)
POST OFFICE BOX 232,)
BRUSH, COLORADO.)
-----)

PERMIT NO. M-11340

December 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Leslie S. James, Brush, Colorado

requesting that Permit No. M-11340 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

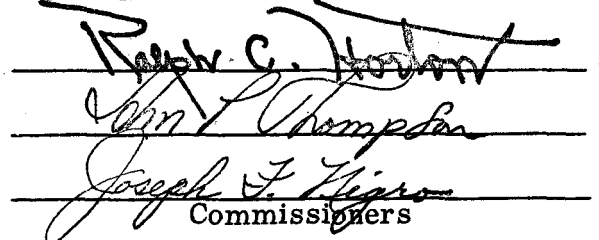
THE COMMISSION ORDERS:

That Permit No. M-11340, heretofore issued to _____

Leslie S. James, Brush, Colorado be,

and the same is hereby, declared cancelled effective November 28, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 24th day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
STANLEY T. KIELIAN)
7460 GREENWOOD BLVD.,)
DENVER 16, COLORADO.)
-----)

PERMIT NO. B-5450

December 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Stanley T. Kielian, Denver, Colorado
requesting that Permit No. B-5450 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5450, heretofore issued to _____
Stanley T. Kielian, Denver, Colorado _____ be,
and the same is hereby, declared cancelled effective October 24, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Johnson

John Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,
this 24th day of December, 195 8.

ds

original

(Decision No. 51478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
UNION PACIFIC RAILROAD COMPANY AND)	
THE WESTERN UNION TELEGRAPH COMPANY)	
FOR AUTHORITY TO ABANDON THE AGENCY)	APPLICATION NO. 6233
AT HARDIN, WELD COUNTY, COLORADO)	<u>SUPPLEMENTAL ORDER</u>
-----)	

December 26, 1958

S T A T E M E N T

By the Commission:

Pursuant to the Rules and Regulations of this Commission Pertaining to Railroads and Express Companies Operating in the State of Colorado, Union Pacific Railroad Company, by T. F. Shanahan, Superintendent, did, on September 22, 1958, file its petition requesting authority to discontinue Custodian and public telephone service at Hardin, Weld County, Colorado, effective January 1, 1959, and to thereafter remove the station building and erect a small storage shelter.

Hardin is located at Mile Post 135.4 on Applicant's main line, serving between Julesburg and LaSalle, Colorado, being also some 8 miles east from the Agency Station of Kersey, Colorado.

In the instant application, it is proposed that the services of a Custodian at Hardin should be withdrawn because small shipment freight business has declined to such a meager volume that there is no longer any justification to maintain the depot building or a Custodian. It is proposed that construction of a small shelter will adequately meet all storage needs at the station. Only a few families live in the area and there is actually no town at Hardin. No other changes in service are proposed, carload handling will be maintained and agent services will be available at Kersey.

Investigation by the Commission reveals the following: Principal occupation in the Hardin area is irrigated farming. No custodian services have been required for the handling of L.C.L. merchandise for the reason that no public shipments were made or received in the past six years. Principal need for a telephone is by railroad employees who desire to use the railroad private line to communicate with the train dispatcher.

The railroad has maintained the station building and warehouse largely for the service of its own employees. A section-man has lived in the depot, and only company material has been handled in the warehouse. Other living quarters for the Section Foreman are provided at Hardin, and the present occupant of the depot building now owns a home at Kersey.

It appears now that further maintenance of the Custodian and the station building cannot be rightfully justified from any standpoint of public benefit or contribution to safe railroad operation and that the less elaborate storage shelter will be amply adequate. As a matter of public information, a notice of the proposed Custodian removal was posted in a conspicuous location on the station at Hardin on November 28, 1958, wherein it was indicated that any protests to the proposal should be forwarded to the Commission.

No protests having been submitted, and none appearing in the Commission's files, the Commission determined to hear, and has heard, said matter forthwith and without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of a Custodian at the Hardin station, Hardin, Colorado.

That public convenience and necessity in the Hardin area and the absence of a Custodian will not justify the continued maintenance of the station building and a public telephone at Hardin.

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

That authority sought in the instant application should be granted.

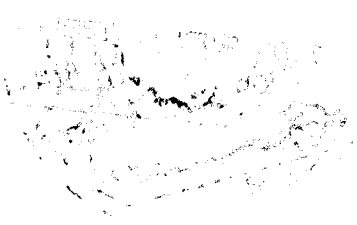
O R D E R

THE COMMISSION ORDERS:

That Applicant, Union Pacific Railroad Company, be, and it hereby is, authorized to discontinue Custodian and public telephone service at Hardin, Weld County, C olorado, and to thereafter remove the station building and erect a small storage shelter.

This Order shall become effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


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

Dated at Denver, Colorado,
this 26th day of December, 1958.

ea

revised

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN AIRPORT CORPORATION, ASPEN,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ITS OPERATING RIGHTS TO ASPEN AIR-) APPLICATION NO. 16760-Transfer
WAYS, INC., ASPEN, COLORADO.)
-----)

December 26, 1958

Appearances: R. B. Danks, Esq., Denver,
Colorado, for Applicant;
Barry, Hupp & Dawkins, Esqs.,
Denver, Colorado, for
Columbine Airlines, Inc.;
R. B. Hopf, Denver, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

The transferor herein is the owner and operator of a
certificate of public convenience and necessity to operate as a
common carrier by airplane, in intrastate and interstate commerce,
for the transportation of:

passengers and property, not on schedule,
but on call and demand, in irregular service,
between all points in the State of Colorado,
with Aspen, Colorado, as base of operation,
applicant not to establish an office or branch
for the purpose of developing business at any
town, place, or city other than Aspen, Colo-
rado, and nearby airports.

By application filed herein, Aspen Airport Corporation,
Aspen, Colorado, seeks authority to transfer its operating rights
to Aspen Airways, Inc., Aspen, 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, December 19, 1958, and at the conclusion
of evidence, the matter was taken under advisement.

C. B. Simons, Vice-President of the Transferee Colorado corporation, testified in support of the application. There was no testimony in protest.

It appears from the evidence that the transferee corporation is qualified financially and by experience, and has equipment suitable to the performance of the operation heretofore conducted by the Transferor. No reason appears why the transfer should not be approved. An order will be entered accordingly.

F I N D I N G S

THE COMMISSION FINDS:

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

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 Aspen Airport Corporation, Aspen, Colorado, should be, and it is hereby, authorized to transfer all its right, title, and interest in and to its certificate of public convenience and necessity to operate as a common carrier by airplane, in intrastate and interstate commerce, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Aspen Airways, Inc., Aspen, Colorado.

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

62-10011

DEAD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/1/83 BY SP-10/1/83

Joseph C. Hutton
John P. Thompson
Joseph F. Sigler
Commissioners.

Dated at Denver, Colorado,
this 26th day of December, 1958.

ea

original

(Decision No. 51480)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH BROWN THOMAS IV, DOING BUSI-)
NESS AS "THOMAS' MOUNTAIN FLYING)
SERVICE," ASPEN, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 16392
AND NECESSITY, AUTHORIZING HIM TO)
OPERATE AS A COMMON CARRIER, BY)
AIRPLANE.)
-----)

December 26, 1958

S T A T E M E N T

By the Commission:

By application filed April 17, 1958, applicant herein seeks authority to operate as a common carrier, by airplane, for the transportation of passengers and property, from and to Aspen, Colorado, and a five-mile radius thereof, to and from points within the State of Colorado, limited to the use of one four-place single-engine airplane.

The matter was regularly set for hearing on December 19, 1958, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice of the time and place of hearing being forwarded to all parties in interest.

When the matter was called for hearing, applicant requested that the application be dismissed.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application be dismissed at the request of applicant.

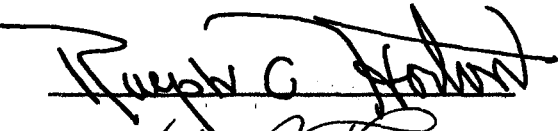

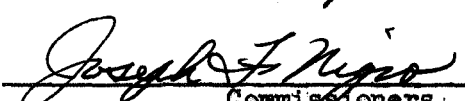
O R D E R

THE COMMISSION ORDERS:

That the instant application of Joseph Brown Thomas IV,

doing business as "Thomas' Mountain Flying Service," Aspen, Colorado, be, and the same hereby is, dismissed, at the request of applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of December, 1958.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
YAMPA VALLEY ELECTRIC ASSOCIATION,)
INC., A CORPORATION, STEAMBOAT)
SPRINGS, COLORADO, FOR ADJUSTMENT,) APPLICATION NO. 16698
REVISION AND CONSOLIDATION OF ITS)
RATES, RULES AND REGULATIONS.)
-----)

December 30, 1958

Appearances: Marvin L. Brown, Esq.,
Steamboat Springs, Colo-
rado, for Applicant;
P. M. Brown, Denver, Colo-
rado, for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

Yampa Valley Electric Association, Inc., hereinafter referred to as "Applicant," is a rural electric cooperative association, engaged in the business of generating, purchasing, transmitting, distributing and selling electricity to its member and non-member consumers in the Counties of Routt, Moffat, Eagle, Rio Blanco, and Grand, in the State of Colorado, and in Carbon County, in the State of Wyoming.

By its present application, filed October 24, 1958, Applicant seeks from this Commission an order approving proposed rates, rules and regulations.

The matter was set for hearing, and was heard, in the Public Room in the Routt County Court House in Steamboat Springs, Colorado, on December 9, 1958, at ten o'clock A. M., after due notice thereof had been forwarded to all interested parties. At the conclusion of the hearing, the matter was taken under advisement.

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

authority sought by the Applicant in this matter.

Applicant 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 and certified by the Secretary of State for the State of Colorado, has heretofore been filed with this Commission.

Applicant's witness, Mr. Glen Stukeley, is Manager of the Yampa Valley Electric Association, Inc. Applicant testified that they are the holders of a certificate of public convenience and necessity issued by this Commission in its Decision No. 50287, dated May 15, 1958, and is therefore subject to the jurisdiction of this Commission. He further testified that its tariff now on file with this Commission, in effect, contains two different sets of rates, rules and regulations applicable in separate areas throughout the entire territory served by Applicant. One set of rates are those which Yampa Valley Electric Association, Inc. made its own by adoption. These rates were originally those of the Colorado Utilities Corporation (hereinafter called "Colorado") acquired by Applicant in a transfer duly approved by this Commission in its Decision No. 37966, dated January 3, 1952, and are applicable in the territory formerly served by Colorado. Upon receiving the above-mentioned certificate of public convenience and necessity, and in accordance with the order contained in said decision (No. 50287), Applicant filed its rates which are applicable within the territory served by Applicant prior to its acquisition of Colorado Utilities Corporation. Seldom, if ever, are rates of separate utilities identical, or, in many instances, even similar. The rates of Colorado contain more than one schedule available to the same type of service, the principal difference being in specific and perhaps arbitrary qualifications of the consumers to determine which of the available rates might be applied. Apparently, Colorado did not comply with the provisions of its own rate schedules in all instances and Applicant did not attempt to transfer consumers

to a proper rate schedule nor did they attempt to apply many provisions contained in the schedules of Colorado since Colorado itself had been ignoring these provisions. These factors, in combination with Applicant's own original rate schedules, operated to produce duplicity, complexity, and undue discrimination in the application of its rates to its customers, even though they were within the same general class of service. Twenty-eight different rate schedules are now in existence, and it is proposed in the present application to reduce this number of rate schedules to fourteen. The only distinction as between customers in the same service classification that will exist under the proposed rates will be whether or not they live in urban or rural territory.

Pursuant to the requirements of the rules and regulations of this Commission, Applicant notified all its consumers by first-class mail, of the fact that it filed its application with this Commission for authority to revise and consolidate its rate schedules. In addition to the mailing of notices of its action, Applicant caused articles to be published in newspapers circulated throughout the area. It contacted municipal corporations explaining the nature of the change to be made in its rates, and as individuals made contact at its offices, an explanation of the effect of the proposed change in rates was made. The public should then have been well informed of Applicant's purposes.

Applicant's Board of Directors, at a regular meeting of the Board held in September, 1958, officially authorized the manager of the Association to make this application to the Commission.

It is not Applicant's intent to increase the gross revenues to the Association by this change in rates and, as a matter of fact, based on the test year used in estimating the effects on Applicant, the net results of the proposed rates over those presently in effect is a reduction of \$11,551, or 1.71% under income in the test year. This does not mean, however, that, in general, consumers will necessarily receive a reduction in their bill for electric service.

Applicant testified that it was impossible to combine two or more different rates into one, at the same time making no change in the gross income to the Applicant, without at some points adversely affecting one or more consumers.

Applicant introduced exhibits of the proposed rates, rules and regulations to accomplish the aforementioned intent; copies of notices mailed to consumers; its financial statement of October 31, 1958; a comparison of its schedules now existing to those to be placed in effect by title and number and a graphic comparison of its present and proposed residential and commercial schedules which would show the change any given consumer might anticipate. Exhibits were also presented to show the cash requirements and debt service requirements of Applicant along with a letter of explanation of these two exhibits by Applicant's certified public accountants. Inasmuch as these exhibits were not presented by the person preparing them, thereby precluding cross-examination, they were accepted by the Commission for what they were worth.

When asked if the Association were sufficiently strong financially to absorb the indicated reduction if the new rates were placed into effect, Applicant indicated, in his opinion, that this would be no problem at all. As an indication of the continuing growth of the Association, the following tabulation sets out the steady Annual Increases in Electric Operating Revenues:

<u>Year</u>	<u>% Increase over Previous Year</u>
1954	8.45
1955	6.0
1956	13.7
1957	11.3
1958	17.0 (Estimated)

It is not the purpose of the cooperative to operate at a profit. Its intent is only to cover its expenses of operation and cost of debt service requirements, and it was felt by Applicant, a small additional amount should be included to permit the Association to build up an equity position against some unknown time in the

future when it might not be possible for Applicant to obtain 100% financing from the United States Government for its plant expansion. If Applicant must resort to the open market to obtain monies for its anticipated continued growth and plant expansion, it must have a substantial equity in its own property in order to obtain financing at favorable interest rates.

Applicant further testified that its operation, while interstate in character, is substantially all in Colorado, as is shown below:

	<u>For Test Year 1957</u>	
	<u>Colorado</u>	<u>Wyoming</u>
Plant	95.6%	4.4%
Revenues	95.52%	4.48%

Witness for Applicant further testified that with the elimination of the confusion caused by the present large number of rates, and the reduction in number of schedules, a substantial labor savings is anticipated in its billing department.

There has been no prior action on the part of Applicant before this Commission for any rate changes.

Witness of the staff of the Commission testified he had made a complete study of the effect of the proposed change of rates on all classes of service for the test year, the twelve months period ending December 31, 1957. An exhibit was presented showing in detail the present rates and proposed rates by title, the average annual number of customers, the present and proposed revenue, the dollars and per cent increase or decrease to be anticipated by substitution of the proposed rates for the present rates and the aggregate per cent change to be anticipated for each class of service under the proposed rate. The exhibit disclosed that the average number of customers during the test year was 4,392 who paid the total of \$675,119 under the present rates, and under the proposed rates would have paid \$663,568, a decrease of \$11,551, or a per cent reduction of 1.71% in the aggregate revenues. Another exhibit was presented by the staff witness which showed for the test year the net rate base and rate of return for both present and proposed revenues. It further showed the utility

operating income, both present and proposed, including and excluding the Acquisition Adjustment of Applicant. These results are set forth below:

	<u>Present</u>	
	<u>With Acquisition Adjustment</u>	<u>Without Acquisition Adjustment</u>
<u>UTILITY OPERATING INCOME</u>	<u>\$118,940</u>	<u>\$129,887</u>
Rate of Return 1957 -	3.02%	3.30%
	<u>Proposed</u>	
<u>UTILITY OPERATING INCOME</u>	<u>\$107,389</u>	<u>\$118,336</u>
Rate of Return	2.73%	3.00%
<u>NET RATE BASE -</u>	\$3,940,494	

Staff witness considered the rate of return under either condition to be reasonable and not excessive. He further testified that it was his opinion that if the proposed rates were to be approved by the Commission that the utility would be able to continue its operations upon a sound financial basis.

It was brought out on cross-examination there were certain features in the rules and regulations that were objectionable. The following comments are on Applicant's Exhibit "A":

Sheet 72, Paragraph 5, an addition should be made to point out that the kilowatt hours furnished to the customer shall be billed at such rates as may be legally on file with the Commission from time to time.

Sheet No. 74, Paragraph 1, the following language should be deleted:

"The customer in said service agreement shall be required to apply for membership in and subscribe to one share of capital stock in the corporation. This provision shall be waived upon written demand of the customer."

Sheet 74, Paragraph 3, the following language should be deleted:

". . . . are made a part of these rules and regulations and therein"

Sheet 87, the paragraph concerning power cost adjustment should be deleted.

Sheets Nos. 96, 97, 98 and 99, being sample forms of contracts, should be removed since they are not a part of the rules and regulations.

In other instances, the language contained in the rules and regulations were not sufficiently clear, and it was agreed these points would be clarified by Applicant in conference with a member of the staff of the Commission. It was further pointed out that in the rate section of Exhibit "A", a rearrangement of the rate schedules should be made to place all rates within the same general class on succeeding pages.

F I N D I N G S

THE COMMISSION FINDS:

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

That the Commission has jurisdiction of the Yampa Valley Electric Association, Inc., and of the subject matter herein.

That the Commission is fully advised in the matter.

That the rates, rules and regulations of Yampa Valley Electric Association, Inc., contained in its tariff No. 2, now on file with this Commission are unjust, unreasonable, and discriminatory, and should be cancelled.

That the rates, rules and regulations as submitted in Exhibit "A" of the instant application, and as corrected in accordance with the above Statement, are just, reasonable and non-discriminatory, and should be permitted to be filed with this Commission.

That the Yampa Valley Electric Association, Inc., should continue to keep its books and records in accordance with the Uniform System of Accounts, and should also continue its practices in compliance with the Rules and Regulations Governing Electric and Gas Utilities, as prescribed by this Commission.

O R D E R

THE COMMISSION ORDERS:

That the rates, rules and regulations of Yampa Valley Electric Association, Inc., contained in its Tariff No. 2, as now on file with this Commission, are unjust, unreasonable and discriminatory, and shall be cancelled.

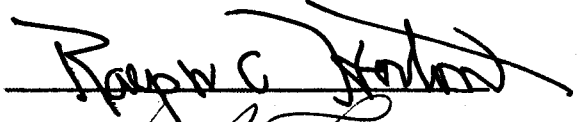
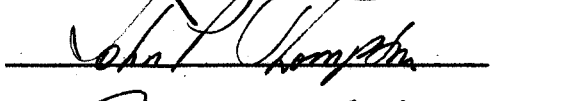

That the rates, rules and regulations submitted as Exhibit "A" in this application, corrected in accordance with the comments on Applicant's Exhibit "A" in the above Statement, are just, reasonable and non-discriminatory, and are permitted to be filed with this Commission.

That the effective date of cancellation of Applicant's present rates, rules and regulations and concurrently therewith the effective date of the proposed rates, rules and regulations contained in Applicant's Exhibit "A", as above corrected, shall be effective on all meter readings on and after January 1, 1959.

That Yampa Valley Electric Association, Inc. shall file its proposed rates, rules and regulations on not less than one (1) day prior to the effective date thereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1958.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
SHERWIN-WILLIAMS COMPANY, 618)	PERMIT NO. M-14217
NORTH TEJON STREET, COLORADO)	CASE NO. 87924-INS.
SPRINGS, COLORADO.)	
-----)	

December 30, 1958

S T A T E M E N T

By the Commission:

On December 4, 1958, the Commission entered its Order in Case No. 87924-Ins., revoking Permit No. M-14217 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:

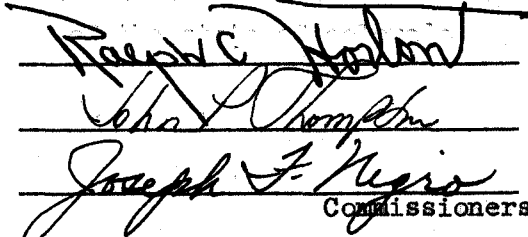
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-14217 should be, and the same hereby is, reinstated, as of December 4, 1958, revocation order entered by the Commission on said date in Case No. 87924-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 30th day of December, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN AIRWAYS, INC., ASPEN, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC) APPLICATION NO. 16761-Extension
CONVENIENCE AND NECESSITY, AUTHOR-)
IZING EXTENSION OF OPERATIONS.)

IN THE MATTER OF THE APPLICATION OF)
COLUMBINE AIRLINES, INC., A COLO-)
RADO CORPORATION, 300 EAST 9TH)
AVENUE, DENVER, COLORADO, FOR A CER-) APPLICATION NO. 16762-Amended
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY, TO RENDER SERVICE BY AIR-)
CRAFT.)

December 30, 1958

Appearances: R. B. Danks, Esq., Denver, Colo-
rado, for Aspen Airways, Inc.;
Barry, Hupp & Dawkins, Esqs.,
Denver, Colorado, for Colum-
bine Airlines, Inc.;
Carbon & Walsmith, Esqs., Denver,
Colorado, for Helicopters,
Inc.;
R. G. Kopplitz, Denver, Colorado,
pro se;
Ed Drapela, Aurora, Colorado, pro
se, and for Rocky Mountain
Aviation, Clinton Aviation, &
Kramer Flying Service;
Gordon B. Warren, Gunnison, Colo-
rado, pro se;
W. F. Bridgeman, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By application filed November 28, 1958, the applicant
Aspen Airways, Inc., seeks to have its authority extended to auth-
orize a scheduled service for the transportation of passengers and
property by airplane between Denver, Colorado, on the one hand, and
Aspen, Colorado, and Rifle, Colorado, and airports in the vicinity

thereof, on the other, with the proviso that no flights shall be required on days when there are no passenger reservations at any of the points named. The application mentions no restriction as to size of aircraft to be used.

By application filed November 21, 1958, as amended, the applicant Columbine Airlines, Inc., seeks authority to render the same service between the same points, subject, however, to a restriction that the aircraft used shall be multi-engine aircraft weighing not less than 12,500 pounds, and to the further condition that if service be not instituted within two years the certificate shall become void without further action by the Commission.

At the hearing both applicants declared they had no intention or desire to perform helicopter service and asked that any authority granted them prohibit the use of helicopters.

Upon due notice to interested persons, the two applications were set for hearing and heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 19, 1958, on a consolidated record. At the conclusion of the evidence, the matters were taken under advisement and now stand submitted for decision.

The Applicant Aspen Airways, Inc., produced as witnesses Mr. C. B. Simons, its Vice-President; Mr. T. J. Sardy, an Aspen businessman and Pitkin County Commissioner; Mr. W. V. N. Jones, an Aspen Motel operator; Mr. Clinton D. Stewart, an Aspen Attorney; Mr. Mark Stephens, Secretary-Manager of the Glenwood Springs Chamber of Commerce; and Mr. James Parry, an Aspen Motel operator.

The Applicant Columbine Airlines, Inc., produced two of its officers and adduced evidence in support of its application from the witnesses for Aspen Airways, Inc.

It appears from the evidence that Aspen Airways, Inc., and its predecessors have conducted an air taxi service, on call and de-

mand, from Aspen for several years. This is the presently existing local operation serving the Aspen area, which has no scheduled service at present. This applicant employs a fully qualified former air line pilot as its pilot and uses a five passenger twin engine Cessna 310 in its present operation. Like all air taxi service, the present operation requires the customer to charter the aircraft with pilot; rates now range from \$80.00 for a single passenger charter to \$100.00 total for a four passenger charter to Denver. This applicant believes that additional volume of traffic can be developed through the operation of a scheduled service to and from Denver at a rate of \$22.50 per passenger. Experience indicates that the operation will break even at an average of two passengers in each direction each trip. The aircraft would be specifically reserved to perform the scheduled service, and the air taxi operation would not be permitted to impair the scheduled operation. Any member of the public wishing to ride on the scheduled operation could do so at the scheduled rate and would not be required to pay the existing charter rate. The only occasion upon which the schedule would not be operated would be (a) when no one wanted to ride in either direction on a particular day, or (b) when the field at either end was closed to operations of this type. In this regard, it is noted that though the pilot holds instrument ratings, the aircraft is not certificated for operations of this type in this difficult terrain, and that accordingly weather conditions might prohibit operation. If so, the same conditions would also prohibit air taxi operations and consequently it does not appear that the public could be herded to the higher rate service at the convenience of the operator.

There appears to be some possibility that business may be developed to support some sort of scheduled service, but the full extent of such service has not been determined; and the purpose of Aspen Airways, Inc., in applying seems to be to explore the matter in actual

operation.

Columbine Airlines, Inc., is a trade name used in Colorado by a Wyoming corporation, Aeronautics Services Corporation. The application of this company is to serve Aspen on a scheduled basis with large fixed-wing aircraft. Mr. Ralph S. Johnson, one of the principal officials of this applicant, appears to be qualified beyond question for the conduct of such an operation, and this company appears to have assets sufficient to perform such an operation, although it does not at present have the specific type of aircraft which it recommends for use on this particular transportation.

The businessmen from Aspen who appeared testified that Aspen is an expanding resort area, located quite inconveniently with respect to surface transportation; it is particularly suited, however, to the use of air transportation.. Because of attractions in the area, it competes especially as to the ski business, with the principal European ski resorts. To compete effectively, it must be accessible in approximately the same time, at approximately the same cost as the famous resorts on the Continent to East Coast patrons. Present surface transportation difficulties put the Aspen area at a disadvantage in this respect and the businessmen have appeared in the hope that some improvement in its transportation service can be obtained. It appears that the Aspen Airport is located at approximately three and one-half miles from the town, at an elevation of approximately 7,500 feet, with a single paved runway 5,200 feet long, 60 feet wide, the runway area being 6,000 feet long by 200 feet wide overall. The area is mountainous and the terrain difficult and as a result the Aspen airport presents a difficult operating situation for large aircraft. We have no doubt that with proper attention and training these difficulties can be overcome, but we must recognize that a scheduled operation by a large aircraft would require the most careful preparation and supervision prior to certification. Among problems which must be

considered is the problem of air traffic control at the Aspen Airport. It appears that the altitude, difficult terrain, and other circumstances require that a commitment to land be made at higher elevation above the ground at this airport than is common at airports, and that the commitment once made is almost impossible to change, except for the possible use of JATO. Also, the terrain appears to compel the use of only a single traffic pattern. The possibility that light aircraft using this compelled pattern may thoughtlessly cut out the heavier aircraft after the commitment to land has been made by the heavier aircraft is a problem which would require close attention, both prior and subsequent to certification.

In summary, the difficult operational problems can doubtless be solved, but would require a good deal of effort and time prior to certification. Certainly no operation of this type should be permitted to commence without the most careful preparation, conducted under close supervision of the Commission. So far as general qualifications are concerned, however, the principal officials of Columbine appear qualified to conduct such an operation; and although they do not possess the requisite aircraft at present, we believe that they are financially able to acquire it.

It does not appear to us, however, that at the present time the evidence warrants the expenditure by any one of the time and money necessary to prepare for such a heavy aircraft operation. The only evidence concerning volume of traffic which might move is the hearsay testimony of one of the officials of Columbine to the effect that one of the travel agencies at Aspen participated directly or indirectly in the ticketing of approximately 1,900 passengers using air line service somewhere in the United States during a recent twelve-month period. We do not know that those passengers would have used a large aircraft scheduled service out of Aspen had such a service been in existence. Attempts to conclude that a larger volume of traffic would move on

heavy aircraft scheduled service can be fairly characterized only as conjectural. Interested as we are in the transportation service of every community in the State, we would join with the applicants and the citizens of this area in hoping that the volume of business done in that area could be substantially increased. We must recognize, however, that our hope, like theirs, is at present only a hope and nothing more.

This is not an application for authority to serve an intermediate point en route to other points, to pick up revenue passengers at only the cost of let down and take off. The service would be confined to the terminal points only: Denver, Aspen, and Rifle. It would be purely intrastate, unassisted by Federal subsidy. It must therefore stand alone, entirely on its own merits, as to feasibility.

It appears to us that in the present state of events, the best method of evaluating the likely success of any scheduled service between these points, and thereby of evaluating the public convenience and necessity for such service, is to allow the applicant Aspen Airways, Inc., to institute scheduled service in its present aircraft, or if it desires, aircraft somewhat larger, and give the matter a thorough trial. Aspen Airways, Inc., is the air operator which with its predecessors has actually been serving Aspen these several years. If additional business can be obtained, and if that operator is willing to commit its time and resources to the service of the public, we feel it should have the first opportunity to obtain the additional business. We must also recognize that the institution of too much service can well so divide the revenues that neither operator could continue its operations, thereby leaving Aspen with no service at all. If actual scheduled operation in light aircraft gives promise of success for the use of the far more expensive heavy aircraft, we can then determine who should be authorized to commence the heavier aircraft service.

It appears to us that a year's operation should be sufficient to assay the need, and we will accordingly issue temporary authority to Aspen Airways, Inc., for a period of approximately one year to accomplish this result. We will also require monthly reports of this operator as to its traffic, separated into non-scheduled traffic and scheduled traffic, so that at the end of a year we will be able to determine the success of this experiment.

In order that our records may be cleared, we will dismiss the application of Columbine Airlines, Inc., without prejudice to the filing of a new application by that applicant in the future, when more data is available.

It appears to us that the question of scheduled service to Rifle must also be set aside for the moment. The Rifle Airport is not yet improved with paved runways; there was no evidence of any likely regular movement of traffic out of this Airport. While we certainly favor improved service to Rifle in principle, the evidence here does not support a finding that it is economically feasible. We will therefore set this question aside for the moment, trusting that the Rifle Airport authority will pursue the matter a year from now when better data should be available.

Orders 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 Applicant Aspen Airways, Inc., should be permitted to experiment with scheduled service in light aircraft for a period of approximately one year from the effective date of this Order, for the purpose of evaluating the possible demand for scheduled service into and out of Aspen, and should be required to make monthly reports as to the number of passengers transported in each direction by scheduled

service, as one category, and as a second category, the number of passengers transported each month and revenues derived therefrom in air taxi service into or out of the Aspen Airport.

That the application of Columbine Airlines, Inc., should be dismissed, without prejudice to the refiling of an application at some future period.

O R D E R

THE COMMISSION ORDERS:

The foregoing Statement and Findings are by reference incorporated hereinto and made a part hereof.

That Aspen Airways, Inc., Aspen, Colorado, should be, and hereby is, authorized to experiment with scheduled service in light aircraft for a period of approximately one year from the effective date of this Order, for the purpose of evaluating the possible demand for scheduled service out of Aspen; and should be, and hereby is, required, to make monthly reports as to the number of passengers transported in each direction by scheduled service, as one category, and as a second category, the number of passengers transported each month and revenues derived therefrom in air taxi service, into or out of the Aspen Airport; and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor; said certificate shall expire without further Order of the Commission on February 1, 1960, unless sooner extended.

That the use of helicopters and of aircraft weighing more than 12,500 pounds in such scheduled service be, and the same hereby is, expressly prohibited.

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission, within thirty (30) days from date hereof, and such rates so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall

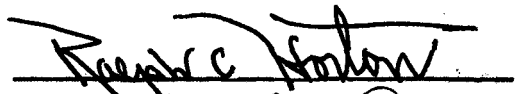

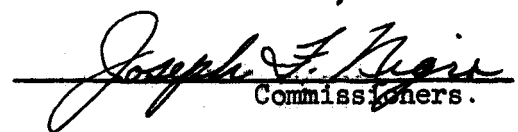
be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

The applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

That Application No. 16762-Amended, of Columbine Airlines, Inc., Denver, Colorado, should be, and the same hereby is, dismissed, without prejudice.

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, 1958.

mls.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANKLIN C. DOUGLAS, DOING BUSINESS)
AS, "WESTERN WHOLESALE OF COLORADO")
3501 SOUTH SANTA FE,)
DENVER, COLORADO.)

PERMIT NO. M-15196

December 31, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Franklin C. Douglas, Dba Western Wholesale of Colorado, Denver, Colorado
requesting that Permit No. M-15196 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15196, heretofore issued to _____
Franklin C. Douglas, Dba Western Wholesale of Colorado, Denver, Colorado be,
and the same is hereby, declared cancelled effective December 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 31st day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANKLIN C. DOUGLAS, DOING)
BUSINESS AS, "WESTERN WHOLESALE)
OF COLORADO")
3501 SOUTH SANTA FE,)
DENVER, COLORADO.)

PUC NO. 4049-I

December 31, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Franklin C. Douglas, Dba Western Wholesale of Colorado, Denver, Colorado, requesting that Certificate of Public Convenience and Necessity No. PUC-4049-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

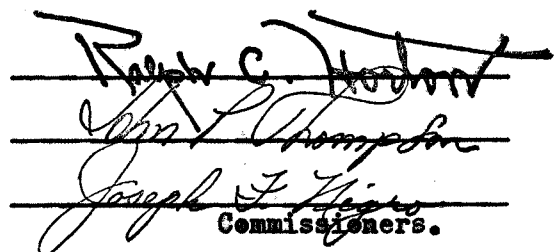
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. PUC-4049-I, heretofore issued to Franklin C. Douglas, Dba Western Wholesale of Colorado, Denver, Colorado, be, and the same is hereby, declared cancelled effective December 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 31st day of December 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MONEY EXPRESS, INC.)
1310 SOUTH RACE STREET,)
DENVER 10, COLORADO.)
-----)

PERMIT NO. B-4552

December 31, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Money Express, Inc., Denver, Colorado

requesting that Permit No. B-4552 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4552, heretofore issued to _____

Money Express, Inc., Denver, Colorado

be,

and the same is hereby, declared cancelled effective December 18, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. [Signature]
John T. Thompson
Joseph F. Higgins
Commissioners

Dated at Denver, Colorado,

this 31st day of December, 195 8

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HUBERT P. SHIRRELL)
WALDEN, COLORADO.)

PERMIT NO. B-5226

December 31, 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-5226 be suspended for six months from December 12, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

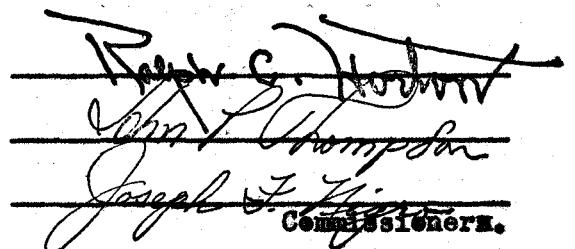
O R D E R

THE COMMISSION ORDERS:

That Hubert P. Shirrell, Walden, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5226 until June 12, 1959.

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 31st day of December 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THURMAN T. PEARCE)
1818 PENNSYLVANIA STREET,)
DENVER 3, COLORADO.)

PERMIT NO. B-3711

December 31, 1958

S T A T E M E N T

By the Commission:

On September 17, 1958, the Commission entered its Decision No. 50942, authorizing Thurman T. Pearce, Denver, Colorado, owner of Permit B-3711 to suspend operations under said operating rights until December 27, 1958.

The Commission is now in receipt of a request from said permit-holder, requesting authority to further suspend operations under said Permit No. B-3711 for an additional period of six months.

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 Thurman T. Pearce, Denver, Colorado, owner of Permit No. B-3711, should be, and he hereby is, authorized to further suspend operations under said permit until June 27, 1959.

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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. [Signature]
John T. Thompson
Joseph F. Negro
Commissioners.

Dated at Denver, Colorado,
this 31st day of December 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DONALD WEDEKIND)
BRIGHTON, COLORADO.)
-----)

PERMIT NO. M-13753

December 31, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Donald Wedekind, Brighton, Colorado

requesting that Permit No. M-13753 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13753, heretofore issued to _____

Donald Wedekind, Brighton, Colorado

be,

and the same is hereby, declared cancelled effective December 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert G. Hooten
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 31st day of December, 195 8.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
G. G. CAMPBELL)
)
FLAGLER, COLORADO.)
)
-----)

PERMIT NO. M-7671

December 31, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

G. G. Campbell, Flagler, Colorado

requesting that Permit No. M-7671 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7671, heretofore issued to _____

G. G. Campbell, Flagler, Colorado be,

and the same is hereby, declared cancelled effective December 22, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John V. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 31st day of December, 195 8

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THE THRELKELD CORPORATION, DOING)
BUSINESS AS, "THRELKELD COMPANY")
1546 BLAKE STREET)
DENVER, COLORADO.)
-----)

PERMIT NO. M-6306

December 31, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
The Threlkeld Corporation, Dba Threlkeld Co., Denver, Colorado
requesting that Permit No. M-6306 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6306, heretofore issued to _____
The Threlkeld Corporation, Dba Threlkeld Co., Denver, Colorado be,
and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hudson
Ben J. Thompson
Joseph F. Higgins
Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FORREST ARCHIE GREEN DOING BUSINESS)
AS, "FORREST ARCHIE GREEN TRUCK)
LINE)
#575 SOUTH ELATI)
ENGLEWOOD, COLORADO.)

PUC NO. 851 & I

December 31, 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. 851 & I be suspended for six months from January 1, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

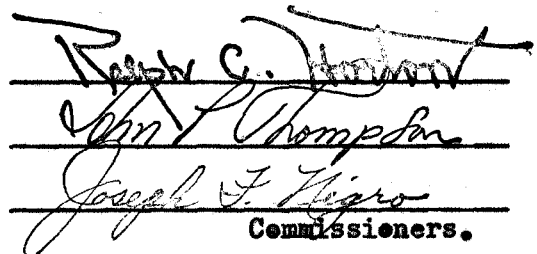
O R D E R

THE COMMISSION ORDERS:

That Ferrest Archie Green, Dba Ferrest Archie Green Truck Line, Englewood, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 851 & I until July 1, 1959.

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 31st day of December 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FORREST ARCHIE GREEN, DOING)
BUSINESS AS, "FORREST ARCHIE)
GREEN TRUCK LINE")
4575 SOUTH ELATI)
ENGLEWOOD, COLORADO.)

PERMIT NO. B-5658

December 31, 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-5658 be suspended for six months from January 1, 1959.

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 Ferrest Archie Green, Dba Ferrest Archie Green Truck Line, Englewood, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5658 until July 1, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John Thompson
Joseph J. Negro
Commissioners.

Dated at Denver, Colorado,
this 31st day of December 1958

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FERGUSON TRUCKING COMPANY, INC.)
POST OFFICE BOX 637, 103 NORTH)
2nd. STREET,)
ARTESIA, NEW MEXICO.)

PUC NO. 1913 & I

December 31, 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 their PUC No. 1913 & I be suspended for six months from December 25, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

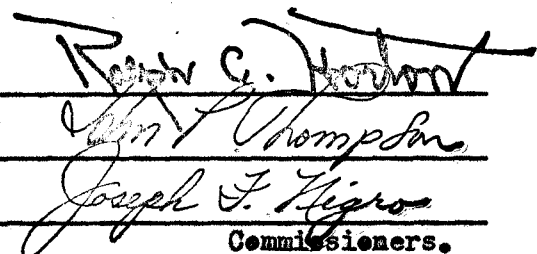
O R D E R

THE COMMISSION ORDERS:

That Ferguson Trucking Company, Inc., Artesia, New Mexico, be, and they are hereby, authorized to suspend their operations under PUC No. 1913 & I until June 25, 1959.

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 31st day of December 1958

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
REX VANDERSLICE)
244 WEST BELLEVIEW,)
LITTLETON, COLORADO.)

PERMIT NO. B-5579

December 31, 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-5579 be suspended for six months from December 28, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

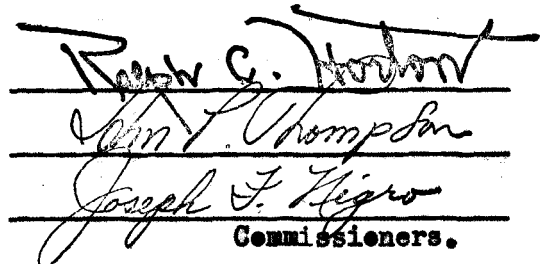
O R D E R

THE COMMISSION ORDERS:

That Rex Vanderslice, Littleton, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5579 until June 28, 1959.

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 31st day of December 1958.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN L. HOWELL)
4552 WEST HILL)
DENVER 19, COLORADO.)

PERMIT NO. B-4939

December 31, 1958

S T A T E M E N T

By the Commission:

On June 30, 1958, the Commission entered its Decision No. 50512, authorizing John L. Howell, Denver, Colorado, owner of Permit No. B-4939 to suspend operations under said operating rights until December 2, 1958.

The Commission is now in receipt of a request from said permittee, requesting authority to further suspend operations under said Permit No. B-4939 for an additional period of six months.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

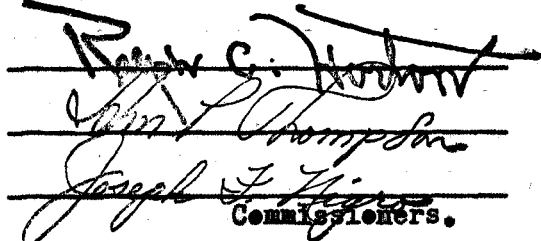
O R D E R

THE COMMISSION ORDERS:

That John L. Howell, Denver, Colorado, owner of Permit No. B-4939, should be, and he hereby is, authorized to further suspend operations under said Permit No. B-4939 until June 2, 1959.

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 31st day of December 1958.

original

(Decision No. 51497)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RULES AND REGULATIONS PERTAINING TO)
RAILROADS AND EXPRESS COMPANIES OP-)
ERATING IN THE STATE OF COLORADO.)
-----)

CASE NO. 5023
SUPPLEMENTAL ORDER

December 31, 1958

S T A T E M E N T

By the Commission:

On March 4, 1958, by Decision No. 49746, being after a hearing with the receipt of extensive testimony and advisory evidence, a series of rules and regulations were issued specifying the installation of certain health and safety equipment on Railroad Trains and Cabooses operating in Colorado. Said rules are to become effective on or before December 31, 1958, and are entitled as follows:

RULE NO. 7

Installation and Maintenance by Railroads
of Electric Marker Warning Lights on Rear
of Trains.

RULE NO 8

Installation and Maintenance by Railroads
of Adequate Electrical Lighting within
Cabooses.

RULE NO. 9

Installation and Maintenance by Railroads
of Sanitary Drinking Water Facilities in
Cabooses.

RULE NO. 10

Installation and Maintenance by Railroads
of First Aid Kits in Cabooses.

In compliance with the above decision, the railroads have proceeded with the necessary installations, but in numerous instances have encountered delays in securing proper equipment, and under the

terms of our Order have petitioned for additional time beyond December 31, 1958, in which to complete the necessary work.

In order to more fully determine the facts relating to the requests for additional time and to acquaint all interested parties with the difficulties involved, the Commission's Staff has made an investigation and submitted its report with suggested recommendations.

It appears that on December 18, 1958, members of the Staff met at Denver, Colorado, with representatives of the Railroads and the Brotherhood of Railroad Trainmen. Principal delay has related to short supplies of electrical equipment for the caboose lighting and the desire to accumulate all required equipment in order to quickly equip each caboose on a routine work schedule. In this manner, it is planned that the cabooses would only be out of service for a minimum time since there is active need for this equipment. Further; good reports were given regarding the marker lighting, drinking water units, and first aid supplies. After examination of the separate problems of each railroad, the Staff conference concluded with the establishment of certain maximum time limits and the mutual understandings between all parties that the work would be concluded as soon as possible in advance of the extension limit. Following is a summary of the progress reported and the requested extension limits:

MEETING SUMMARY

<u>Line</u>	<u>Caboose</u>		<u>Reasons</u>	<u>Extension Date</u>
	<u>Completions</u>	<u>To Be Done</u>		
AT&SF		10	Shipment delays. Wiring material.	Jan.31,1959
CB&Q	No Report		No extension requested.	--
CRI&P	0	3	Material shortage.	Mar.31,1959
C&S	5	35	Assemble all equipment.	Mar.25,1959
Colo.& Wyo.	No Report		Completed (per Mr.Skinner)	--
D&RGW	40	41	Wiring material delays.	Aug.31,1959
			Water Bottles on hand-(Work in progress)	Mar. 1,1959
Great Western	5 4 Steam Engines	0 3 Diesel Engines	Heavy beet harvest needs.	Feb.15,1959
Mo. Pac.	No Report		No extension requested.	--
San Luis Central	No cabooses		One engine only - complete	--
Southern San Luis Valley	No cabooses		Two Diesel engines - complete	--
Union Pac.	15	15	Labor strike. Delco-Remy Generator Plant	Mar. 1,1959

After reviewing the requests as set forth above, we believe that an extension of time beyond March 31, 1959, on the basis of present evidence, is not warranted, and consequently, we will give our approval on extensions up to but not beyond said date.

F I N D I N G S

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

That the Commission is advised in the instant matter.

That extensions of time within which to comply with our Order in Decision No. 49746 should be granted, as set forth in the Order herein.

O R D E R

THE COMMISSION ORDERS:

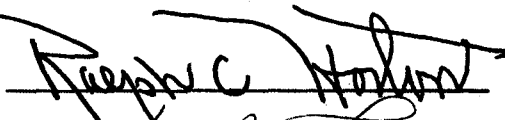
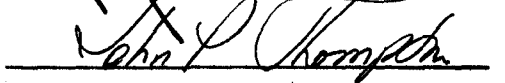
That in conformance with Decision No. 49746 of this Commission in Case No. 5023 relating to the installation of certain health and safety equipment on Railroad Trains and Cabooses operating in Colorado, and for good cause shown in the manner as specified therein, the time of compliance with the specifications of said Order and Decision is hereby extended to the dates as follows:

Atchison, Topeka and Santa Fe RR. Co. . .	January 31, 1959
Chicago, Rock Island & Pacific Ry. Co. . .	March 31, 1959
Colorado & Southern Railway Co.	March 25, 1959
Denver & Rio Grande Western RR. Co.	March 31, 1959
(Note: Coooose Drinking Water	
facilities by Rule No. 9	March 1, 1959
Great Western Railway	
For Diesel engines	February 15, 1959
Union Pacific Railroad Co.	March 1, 1959

That jurisdiction by the Commission in the instant matter is hereby retained to make such further rules or modifications as may become necessary.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1958.

ea

original

(Decision No. 51498)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HENRY KAUPP, JR., 2619 ELIZABETH STREET, DENVER, COLORADO, FOR AU- THORITY TO TRANSFER PUC NO. 3236 TO JOHN MOORE, 69 WEST CEDAR, DENVER, COLORADO. -----	}	APPLICATION NO. 16772-Transfer
---	---	--------------------------------

January 6, 1959

Appearances: Kripke and McLean, Esqs.,
Denver, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Henry Kaupp, Jr., Denver, Colorado, was au-
thorized to operate as a common carrier by motor vehicle for hire,
for the transportation of:

ashes, trash, and other refuse, from point
to point within the City and County of Denver,
and from points in the City and County of
Denver, to officially-designated and approved
dumps and disposal plants in the Counties of
Adams, Arapahoe, and Jefferson, State of Colorado,

said operating rights being known as "PUC No. 3236."

By the above-styled application, said certificate-holder
seeks authority to transfer said PUC No. 3236 to John Moore, 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,
December 29, 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 PUC No. 3236 and one 1955 G.M.C. dump truck, is the
sum of \$6,000, \$1,000 of which has been paid down, \$5,000 to be paid

upon approval of said transfer by the Commission; that there are no outstanding unpaid operating obligations against said operating rights; that transferee is qualified, pecuniarily and otherwise, to carry on said operations; that transferee has a net worth of \$17,000.

No one appeared in opposition to transfer herein 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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Henry Kaupp, Jr., Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3236 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to John Moore, 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 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


Ralph C. Hobart
John P. Tompkins
Joseph J. Higgins
Commissioners.

Dated at Denver, Colorado,
this 6th day of January, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN G. WINKELMAN)
700 NICHOLS BLVD.,)
COLORADO SPRINGS, COLORADO.)
-----)

PERMIT NO. M-15289

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
John G. Winkelman, Colorado Springs, Colorado
requesting that Permit No. M-15289 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15289, heretofore issued to _____
John G. Winkelman, Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective January 5, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Gordon
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 7th day of January, 195 9.
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SKAGGS DRUG CENTER, INC.)
500 - 16TH STREET,)
DENVER 2, COLORADO.)
-----)

PERMIT NO. M-13154

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Skaggs Drug Center, Inc., Denver 2, Colorado
requesting that Permit No. M-13154 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13154, heretofore issued to _____
Skaggs Drug Center, Inc., Denver 2, Colorado be,
and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond G. Hootman
John P. Thompson
Joseph F. Higo
Commissioners

Dated at Denver, Colorado,

this 7th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL P. SCHNEIDER)
PAONIA, COLORADO.)
-----)

PERMIT NO. M-10658

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Virgil P. Schneider, Paonia, Colorado
requesting that Permit No. M-10658 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10658, heretofore issued to _____
Virgil P. Schneider, Paonia, Colorado be,
and the same is hereby, declared cancelled effective December 28, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray C. Brown
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 7th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL D. DAVIDSON AND JOHN D.)
CHUDACOFF, DOING BUSINESS AS,)
"DAVIDSON-CHUDACOFF VIRGIL COMPANY")
715 EAST 8th STREET,)
LOS ANGELES, 21, CALIFORNIA.)

PERMIT NO. M-4084

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from
Los Angeles, California
Virgil D. Davidson & John D. Chudacoff, Dba Davidson-Chudacoff Virgil Co.,
requesting that Permit No. M-4084 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4084, heretofore issued to
Los Angeles, California
Virgil D. Davidson & John D. Chudacoff, Dba Davidson-Chudacoff Virgil Co., be,
and the same is hereby, declared cancelled effective September 30, 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 7th day of January, 1959

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK LIEBL)
)
STRATTON, COLORADO.)
-----)

PERMIT NO. M-11803

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Frank Liebl, Stratton, Colorado
requesting that Permit No. M-11803 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11803, heretofore issued to _____
Frank Liebl, Stratton, Colorado be,
and the same is hereby, declared cancelled effective December 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Gordon
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 7th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

HENRY H. SCOTT, DOING BUSINESS AS,
"SCOTTY'S BAKERY"
217 WEST MAGNOLIA
FORT COLLINS, COLORADO.

PERMIT NO. M-14464

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Henry H. Scott, Dba Scotty's Bakery, Fort Collins, Colorado
requesting that Permit No. M-14464 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14464, heretofore issued to _____
Henry H. Scott, Dba Scotty's Bakery, Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective December 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 7th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOE E. DIETRICH, DOING BUSINESS AS,)
"DIETRICH HEATING AND METAL WORKS)
RAINBOW BLVD.,)
SALIDA, COLORADO.)
-----)

PERMIT NO. M-5359

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Joe E. Dietrich, Dba Dietrich Heating & Metal Works, Salida, Colorado
requesting that Permit No. M-5359 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5359, heretofore issued to _____
Joe E. Dietrich, Dba Dietrich Heating & Metal Works, Salida, Colorado be,
and the same is hereby, declared cancelled effective November 14, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Johnson
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 7th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD LEO COLLINS)
POST OFFICE BOX 642,)
ROCKY FORD, COLORADO.)
-----)

PERMIT NO. M-15666

January 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Floyd Leo Collins, Rocky Ford, Colorado
requesting that Permit No. M-15666 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15666, heretofore issued to _____
Floyd Leo Collins, Rocky Ford, Colorado be,
and the same is hereby, declared cancelled effective October 12, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ray C. Brown
John Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 7th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GLENN R. KUBAL)
1032 LA PORTE AVENUE,)
FORT COLLINS, COLORADO.)

PERMIT NO. B-5613

January 7, 1959

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-5613 be suspended for six months from December 12, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

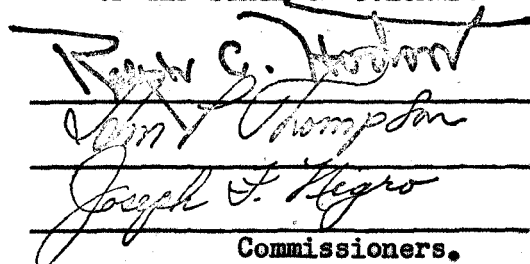
O R D E R

THE COMMISSION ORDERS:

That Glenn R. Kubal, Fort Collins, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5613 until June 12, 1959.

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 7th day of January 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM R. ROMERO)
3006 WELTON STREET,)
DENVER 5, COLORADO.)

PERMIT NO. B-5309

January 7, 1959

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-5309 be suspended for six months from November 28, 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 William R. Romero, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5309 until May 28, 1959.

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 J. Thompson
Joseph J. Higgins

Commissioners.

Dated at Denver, Colorado,
this 7th day of January 1959.

ds

revised

(Decision No. 51509)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
HOME LIGHT AND POWER COMPANY, 810)	
NINTH STREET, GREELEY, COLORADO,)	
FOR AN ORDER AUTHORIZING IT TO)	APPLICATION NO. 16782-Securities
ISSUE A MAXIMUM OF 3,013 SHARES)	
OF ITS COMMON STOCK TO BE PAID)	
AS A 5% STOCK DIVIDEND.)	
-----)	

January 7, 1959

Appearances: John R. Clayton, Esq.,
Greeley, Colorado,
for Applicant;
E. R. Lundborg, Esq.,
Denver, Colorado, and
E. R. Thompson, Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Applicant herein, Home Light and Power Company, a Colo-
rado corporation, pursuant to Section 115-1-4, Colorado Revised
Statutes, 1953, filed with this Commission, on December 16, 1958,
its application for an order of this Commission authorizing Appli-
cant to issue a maximum of 3,013 new shares of its Common Stock
to be paid as a stock dividend of 5% on its presently issued and
outstanding Common Stock.

Said application was set for hearing, with notice to all
interested parties, in compliance with the statutes of Colorado
and the rules and regulations of this Commission. On January 2,
1959, a public hearing was held at ten o'clock A. M., in the Com-
mission's Hearing Room, 330 State Office Building, Denver, Colorado,
and at the conclusion thereof, the matter was taken under advisement
by the Commission.

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

Mr. W. A. Terry, President of Home Light and Power Company, testified to the following matters, summarily set forth below:

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

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

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

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

and there has been authorized an initial series of 3,000 shares of 4-1/2% Cumulative Preferred Stock. Of such authorized capital stock, there were issued and outstanding on October 31, 1958, 60,261 shares of Common Stock and 3,000 shares of 4-1/2% Cumulative Preferred Stock.

Pursuant to that certain Indenture of Mortgage and Deed of Trust, dated as of January 1, 1951, between Applicant and The Denver National Bank, as Trustee, as supplemented, Applicant has heretofore issued and there are now outstanding \$1,433,000 principal amount of First Mortgage Bonds 3% Series, due January 1, 1976, \$485,000 principal amount of First Mortgage Bonds 3-3/4% Series, due August 1, 1982, and \$591,000 principal amount of First Mortgage Bonds 4% Series, due February 1, 1986. Other than current liabilities and the long-term debt referred to above, Applicant has no outstanding indebtedness as of October 31, 1958.

As evidence of the Company's current year's earnings and financial position at October 31, 1958, Applicant introduced into evidence its Balance Sheet, Exhibit A, and its Statement of Income for the twelve months ended October 31, 1958, Exhibit C. The balance sheet indicated that the book value of the Common Stock, excluding the amount restricted for deferred Federal income taxes was \$47.96. Net Income for this twelve month period was \$276,385, or approximately four times bond interest charges. At October 31, 1958, Applicant had Earned Surplus or undivided earning in the aggregate amount of \$1,010,514.56, of which \$42,360.95 is restricted for payment of future Federal income taxes under accounting procedure authorized by Decision No. 47650 of this Commission.

Applicant proposes to set aside of Earned Surplus or undivided earnings of the Company a maximum of \$132,574.20 as a stock dividend to the Common Stock now outstanding and to issue not to exceed a maximum of 3,013 new shares of its Common Stock to be paid as a stock dividend of 5%, payable on or about February 2, 1959, to its Common Stockholders of record at the close of business on

December 20, 1958. In payment of said stock dividend, the Company proposes to issue Common Stock certificates representing such number of whole shares of fully paid and non-assessable Common Stock of the Company as said shareholders shall severally be entitled to thereby. In any and all cases in which the amount of stock dividend to which a stockholder is entitled shall include less than one share, fractional shares will not be issued, but payment of an amount equivalent to such fractional shares based on the value of one share being \$44 as established by the Board of Directors of Applicant will be made in cash to the stockholder entitled to receive the same.

Applicant's witness further testified that cash dividends in the amount of \$9,066.20 will be paid to "fractional" holders of 4,161 shares in lieu of 206 and 1/20th dividend shares; and, therefore, only 2,807 shares of new stock will actually be issued, thus raising the total number of outstanding common shares to 63,068.

The pro forma adjustment entries to the Balance Sheet of Applicant as of October 31, 1958, giving effect to the issuance of the five per cent stock dividend are as follows:

	<u>Debit</u>	<u>Credit</u>
Earned Surplus	\$123,508	
Common Stock		\$70,175
Premium on Capital Stock		53,333

This entry records the issuance of 2,807 shares of common capital stock, par value \$25 per share, as a stock dividend to common stockholders of record at close of business on December 20, 1958. For the purpose of this stock dividend declaration, a value of \$44 per share has been determined by the Board of Directors of the Company. This entry charges Earned Surplus with the total value of 2,807 shares at \$44 per share and credits the Common Stock account with the total par value of such shares amounting to \$70,175. The excess of the declared value, \$44 per share, over the par value, \$25 per share, amounts to \$19 per share or a total of \$53,333 on 2,807 shares and is credited to Premium on Capital Stock.

Earned Surplus	\$9,066.20	
Cash		\$9,066.20

This entry records the payment in cash for stock dividend fractions of less than one share in amounts equivalent to such fraction based on the value of one share being \$44. The total amount required for cash payment of fractions totaling 4,121/20ths is \$9,066.20.

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

F I N D I N G S

THE COMMISSION FINDS:

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

That this Commission has jurisdiction of said Applicant and the subject matter of the instant application.

That this Commission is fully advised in the premises.

That the proposed issuance of a maximum of 3,013 shares of Common Stock by Applicant to be paid as a stock dividend of 5% on Applicant's presently issued and outstanding Common Stock as hereinabove set forth is not inconsistent with the public interest; that the purpose or purposes thereof are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That the order or orders sought should be issued, and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Home Light and Power Company, be, and it is hereby, authorized and empowered to issue a maximum of 3,013 shares of its Common Stock to be paid as a stock dividend of 5% on its presently issued and outstanding Common Stock.

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

That the securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification; and that within sixty (60) days from the issuance and delivery of the securities authorized to be issued herein, Applicant

shall make a verified report to this Commission of such serial numbers placed on such securities as are issued.

That Home Light and Power Company be, and it is hereby directed, in reflecting in its accounts the consummation of the payment of the stock dividend authorized herein, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric Utilities prescribed by this Commission.

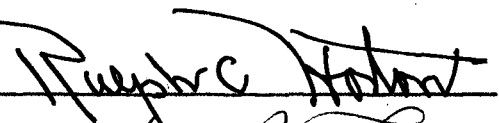


That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, shares of Common Stock to be issued by Applicant hereunder on the part of the State of Colorado.

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

ORDERED, that the authority herein granted shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 7th day of January, 1959.




Commissioners.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WIDEFIELD HOMES WATER COMPANY, 1405)
SOUTH EIGHTH STREET, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF PUBLIC) APPLICATION NO. 16667
CONVENIENCE AND NECESSITY TO SUPPLY)
WATER TO WIDEFIELD HOMES SUBDIVISIONS.)
-----)

January 8, 1959

Appearances: Frank G. Stinemeyer, Esq.,
Denver, Colorado, of
Stinemeyer & Stinemeyer,
for Widefield Homes Water
Company;
Frederick T. Henry, Esq.,
Colorado Springs, Colorado,
for Protestant City of
Colorado Springs;
Karl R. Ross, Esq., Colorado
Springs, Colorado, for
Protestant South Suburban
Water Company;
V. O. Purvis, Jr., Denver,
Colorado, for F. H. A.
Joseph M. McNulty, Denver,
Colorado, and
E. R. Thompson, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

By application filed October 7, 1958, Widefield Homes Water Company, a Colorado corporation, requested this Commission to issue a certificate of public convenience and necessity, under which said corporation could furnish the water service to a new housing development to be known as the Widefield Homes Subdivisions, in El Paso County, Colorado, several miles north of the Town of Fountain, and just west of Fountain Valley School.

After due notice and one re-setting, a hearing was held, commencing on December 1, 1958, at ten o'clock A. M., and continuing

until 12:00 noon, on December 3, 1958, in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and at the conclusion of said hearing, the matter was taken under advisement by the Commission.

Widefield Homes Water Company is a Colorado corporation organized under the laws of this state on September 8, 1958. By its Certificate of Incorporation, attached to the application as Exhibit 1 thereof, the company is authorized and empowered to acquire and develop for sale and distribution for domestic, residential and commercial use, water and water rights from all sources, and to conduct other and related activities. The authorized capital stock of the company is 50,000 shares without par value or class, with full voting rights and as issued to be fully paid and non-assessable. The officers are: Jules H. Watson, President; Dean Stanley, Vice-President; and Frederick W. Short, Secretary-Treasurer. The directors are, in addition to the officers above-named, Theodore A. Rehm and Frank G. Stinemeyer, and Harold A. Briggs is the Company Manager, elected for the first year. The company's By-Laws, attached to the application as Exhibit 2, are in the usual form.

At the hearing, Mr. Jules H. Watson, the President of the company, testified that his company had been organized to construct, install, maintain and operate the necessary facilities to provide domestic water to serve residents in the new housing development in Widefield Homes Subdivisions, being constructed by Widefield Homes, Inc., a Colorado corporation, and Widefield Homes Construction Company, also a Colorado corporation. The development is located in Sections 18 and 19 of Township 15-South, Range 65-West of the 6th P. M., and in Section 24 of Township 15-South, Range 66-West of the 6th P. M., in El Paso County, and, as aforesaid, is about three miles north of the Town of Fountain in said County.

From the testimony, it appears that Widefield Homes, Inc., and associated corporations are planning approximately 950 homes in

the particular area described in the application. The land is held under an option-trust arrangement by the First National Bank of Colorado Springs, under option to Widefield Homes, Inc., and associated construction corporation, whereby lands are purchased as homes are constructed thereon for sale. Mr. Jules H. Watson, President of applicant, is also President of Widefield Homes, Inc., and has had extensive previous experience in housing development.

Exhibit 7, attached to the application, which was introduced at the hearing, is a plat map of the Section, showing the proposed area to be served divided into streets, lots, shopping and commercial areas, school zones, parks, etc. Upon this map has been superimposed the location of the wells, pumping system, and pipe lines to distribute the water to residents of the area. Further testimony revealed that the sanitary sewer facilities and service for the area had been constructed for the present development of some 35 houses, and would be continued, by a statutory Sanitation District.

Testimony shows that the construction project has been planned in five stages, each of said stages covering one year and the full development being planned with a total of not less than 950 houses by the end of five years. The first stage of the development, as included in the first Federal Housing Administration application, is for 53 residence units, and of these some 35 have now been completed and the majority of the same have been sold. At present the first stage of the development with respect to the furnishing of water facilities is covered by a form of Trust Deed, introduced as petitioner's Exhibit L, being a form approved by the Federal Housing Administration, and which guarantees and assures continuation of water service to the purchasers of homes, with agreed rates and procedures for adjusting rates and adjusting other problems of service. This Trust Deed is presently between Widefield Homes Utilities Association, a not-for-profit instrumentality of Widefield

Homes, Inc. and with the Standard Mortgage Company of Phoenix, Arizona, as Trustee, for the use of the home-owners.

Applicant presently secures its water supply from underground water sources, and specifically from a well which has been referred to in the hearing as Well No. 1, which was drilled and completed by May 23, 1952, being a 16-inch metal-cased well, 71 feet in depth, and which at the time of drilling was shown to have had a static water level of 29 feet, and to have a capacity of delivering 1150 gallons of water per minute. The testimony adduced on behalf of Applicant, and particularly from the reports and testimony of Mr. E. D. Jenkins, of the U. S. Geological Survey, Ground Water Section, and that of Mr. C. L. Chatfield, shows that since the time of drilling this Well No. 1 was used, with the exception of the years since the commencement of the development, for irrigating some 200 acres of land, and by the application of something in excess of an average of 300 acre feet per annum, by means of a sprinkling system. The amount of gallonage reported for this well, on July 15, 1954, was 720 gallons per minute, according to the records and testimony of Mr. Jenkins.

Testimony by the applicant's engineers, Mr. Chatfield and Mr. Charles Meyer, confirmed by certain reports of Mr. Jenkins under the designation of the "Lichtenberg Well," shows that there was also drilled in the location shown on Exhibit 7, and completed on January 26, 1957, another well, which has been referred to in the hearing as Well No. 2. The drilling data in evidence with reference to this well shows that it was 75 feet in depth and is cased with a 24-inch galvanized casing and delivered as of date of drilling 1165 gallons per minute. No U. S. G. S. report of gallonage was given on this well, but applicant's engineers estimated its capacity to be approximately equal to that of Well No. 1. This well is now connected by means of a pump house, with Well No. 1, so that both wells can now be used for supplying the system presently constructed.

Statement in the record by applicant's officers, engineers and counsel is that applicant in obtaining water for the system that is finally to serve the 950 house unit is relying strongly upon the water to be used from Well No. 4 which is on land contiguous to the lands on which the Widefield Homes Subdivisions have been platted, known as the "Barnes Ranch." The testimony shows that although this well has not yet been connected to the system, the rights of way for the pipe line and agreement for under-passing the State highway and railroad rights of way have been obtained and that this well could be connected to the system in a matter of two or three weeks in the event of any emergency requiring the same. The U. S. G. S. data, testified to by Mr. Jenkins, and incorporated into Exhibit F, introduced in evidence, shows that this well was drilled in 1950 to a depth of 42.8 feet. It is a well with a 24-inch galvanized casing and the testimony of C. L. Chatfield shows that it produces about 650 gallons per minute. Mr. Chatfield stated that his investigation showed that since being drilled the water had been used during a substantial number of years to produce some 300 acre feet per annum, although the evidence shows that the well has not been used to any great extent in recent years for irrigation.

The testimony of applicant's engineers and that of Mr. Jenkins is unanimous in the conclusion that Well No. 4 on the Barnes Ranch is uniquely located with respect to deriving underground waters available in the area. Mr. Jenkins' testimony as to the geology and hydrology at this well location is that the underground or buried channel of an old river bed, which is the aquifer from which the many wells in the Widefield area derive their water, intersects at the point of said well location the channel of the present Fountain River or Fountain Creek, as it also is called in the testimony, including the subsurface channels of the present stream. By reason of this intersection, the Well No. 4 is supplied by waters flowing both through the old buried aquifer as well as from the subsurface waters of the present river channel and the supply of this well is therefore

one of the most certain, if not the most certain in the Widefield area. Page 35 of said Exhibit F, prepared by Mr. Jenkins, the same being a graph of static water level fluctuations during a period of great drouth and during a period of heavy pumping by the protestants, City of Colorado Springs and South Suburban Water Co., shows that the marked drawdown effect shown in these wells and in wells immediately adjacent thereto was not in any substantial degree indicated in the graph of the Well No. 4.

In any application for supplying water service to the public, the Commission is concerned, along with other matters, of the availability of water and with the financial ability of the applicant. In the instant application, there was considerable testimony regarding the availability of water. Undoubtedly, Mr. Jenkins has a great knowledge of the water situation in the Widefield area since he has conducted a study of the so-called "Widefield aquifer." His study has been conducted in the area by the taking of data from various wells over a long period of time and according to his calculations, based on the amount of water pumped in recent years and considering the diminishing use of water for agricultural irrigation in this area, there is sufficient water to supply the needs of applicant for the development of the 950 homes as proposed for the Widefield subdivision. While the City of Colorado Springs and South Suburban Water Company have protested the granting of this application, it was also Mr. Jenkins' opinion that the wells to be used by applicant, being downstream on the aquifer from the Colorado Springs wells, probably would not interfere with the wells of the protestants.

Mr. Raphael Moses testified in regard to the legal situation as far as the water in question was concerned. The gist of his testimony was to the effect that since no underground water law exists at the present time that would prevent the use of the wells proposed by applicant, the Widefield Water Company would certainly be in no different position than any others in the area using wells for domestic water. In fact, one of the applicant's wells precedes

in point of time the wells of the protestants and if underground water was allocated upon a first in time basis, this well would be very valuable as far as a priority is concerned. However, since there is no specific underground law prohibiting the use of this water, he could only speculate as to what features might be considered by the legislature, if such a law were to be enacted. In view of the testimony that water is available and that applicant would be in no different position, and possibly in a better position than others in the same general area using well water, we do not feel that we should deny the application as far as the water situation is concerned.

Once having established that water is available, we are next concerned with the financial ability of the applicant. It is quite evidence from the testimony and the exhibits presented in this matter that applicant has or can have available to it sufficient financing to carry out this project. The preponderance of the testimony in regard to financing was to the effect that the backers of this project were willing, individually and collectively, to finance this operation so that the water company could be developed in accordance with the needs for service. The witnesses testified that should a certificate be granted, they would purchase stock in the company and they have submitted as an exhibit an agreement for said purchase of stock. A grant in aid of construction for the initial phase of the development has also been agreed to. This agreement and stock purchase plan was submitted as Exhibit "M". A further agreement was submitted in form of Exhibit "N", again to the effect that certain individuals pledged individually and collectively to aid the water company financially as the need arises. Neither of these Exhibits were executed copies, but the witnesses all agreed that should the certificate sought herein be granted, they would file properly signed and executed

copies with the Commission as a pledge of their intentions to financially support the water company. It is apparent that financing is available and the witnesses who testified are financially capable of building the water system.

All the testimony in regard to financing had to do with "grants in aid of construction" and the purchase of stock as funds were needed to build and operate this system. However, as a sound financial safeguard to the water company, at least during the development period, we feel some additional funds should be available to the water company until such time as it can stand on its own feet. These funds should be in the control of the water company for whatever corporate purposes that might arise, and in addition to the actual money needed for construction and normal operating costs. The funds we have in mind would be in the nature of a "contingency fund." This contingent fund could be in the form of cash in the bank or a type of security that could be utilized by the company if the need arose. This fund would not be co-mingled with working capital but in addition thereto.

We will not at this time spell out in detail the amount that should be placed at the disposal of the corporation or the form of the asset. We believe this contingent fund should be readily available, and will let applicant propose a method of handling this matter. Before the certificate to be issued herein shall be in full force and effect, we will require applicant to submit for Commission approval, a plan whereby a contingent fund will be set up for the use of the utility for an indefinite period of time or until such time as the proposed 950 homes have been built. If applicant desires to withdraw the contingent fund prior to completion of the project, written request may be made to the Commission stating the reasons why the fund is no longer needed. Written approval will be necessary for the withdrawal prior to the comple-

tion of the proposed 950 home project.

Several of the individuals who have set up the Widefield Water Company are also either officers, directors or majority stockholders in the Widefield Homes Construction Company or Widefield Homes, Inc. Because of this, we recognize that there may be an absence of "arm's length" bargaining in the interchange of certain assets involved in the construction and operation of the proposed water company. For accounting purposes only, we will accept the figures as shown on Exhibit "M" as the cost of the first phase of the water system, which includes land and water rights as well as certain facilities; but we reserve the right, should the occasion arise in a rate case where valuation may be an issue, to make such further findings in regard to these items as may be necessary and proper at that time. Set forth in Exhibit "G" is an estimate of the cost for the construction of the water system, in the amount of approximately \$426,000. The fee for the issuance of the certificate will be based on said amount, but again, this figure will not be binding upon the Commission should the question of rates or valuation be at issue in the future.

F I N D I N G S

THE COMMISSION FINDS:

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

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

That the Commission is fully advised in the premises.

That public convenience and necessity require the construction, maintenance and operation of a water system in portions of Sections 18 and 19 of Township 15-South, Range 65-West of the 6th P. M. and in Section 24 of Township 15-South, Range 66-West of the 6th P. M., El Paso County, Colorado, as set forth in the Order herein, and

that a certificate of public convenience and necessity should issue therefor.

That the certificate to be issued herein should be conditioned upon the following:

- a. Filing with the Commission of an executed copy of Exhibit "M".
- b. Filing with the Commission of an executed copy of Exhibit "N".
- c. Filing of a plan setting up a "contingency fund" acceptable to the Commission.

That upon compliance with the above conditions, the Commission should enter a Supplemental Order granting the certificate as prayed for.

O R D E R

THE COMMISSION ORDERS:

That, subject to certain conditions set out herein, this Order shall be taken, deemed and held to be a certificate of public convenience and necessity to the Widefield Homes Water Company for the construction, maintenance and operation of a water system to supply service to 950 houses, or the equivalent number of water taps in the area set forth as follows:

That portion of the Southwest Half of the Southwest Quarter of the Southwest Quarter of Section 18, more particularly described as: Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 18, thence southeasterly in a straight line to the Southeast corner of said Southwest Quarter of the Southwest Quarter, thence West to the Southwest corner of said Southwest Quarter of the Southwest Quarter, thence North to the place of beginning; and

The Northeast Quarter of the Northeast Quarter, the West Half of the Northeast Quarter and the Northwest Quarter of Section 19, except the South 30 feet of the Southeast Quarter of the Northwest Quarter of Section 19, and except that part of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 19, described as follows: A triangular piece of land described as follows: Beginning at a point on the North line of the aforesaid Section 19,

said point being 2337.8 feet East from the Northwest corner of said Section 19; thence South 66° 54' East 665.0 feet; thence North 53° 11' East 435.4 feet to a point on the North line of said Section 19; thence West along the North line of said Section 19, 959.9 feet to the point of beginning, in Township 15 South, Range 65 West of the 6th P. M.

That portion of the South Half of the Northeast Quarter of Section 24, lying East of the right of way of the Atchison, Topeka and Santa Fe Railway Company; the East 32.69 acres of the Northeast Quarter of the Northeast Quarter of Section 24; also that portion of the Northeast Quarter of the Northwest Quarter of Section 24 lying East of the right of way of the Atchison, Topeka & Santa Fe Railway Company and south of the Fountain Valley School Road, all in Township 15 South, Range 66 West of the 6th P. M. and that part of the Northwest Quarter of the Northeast Quarter of Section 24, lying East of the Atchison, Topeka & Santa Fe Railroad, and the west 7.31 acres of the Northeast Quarter of the Northeast Quarter of said Section 24 in Township 15 South, Range 66 West of the 6th P. M., all as more fully shown on Exhibit No. 7, a map attached to the instant application which, by reference, is made a part hereof.

That the granting of the certificate sought herein be, and it hereby is, conditioned upon the following:

- a. Filing with the Commission of an executed copy of Exhibit "M".
- b. Filing with the Commission of an executed copy of Exhibit "N".
- c. Filing of a plan setting up a "contingency fund" acceptable to the Commission.

That upon compliance with the above conditions, the Commission shall issue a Supplemental Order granting the certificate as set forth herein.

That applicant shall construct, maintain and operate the water system in accordance with good engineering practices and in conformity with the rules and regulations of this Commission and the Department of Public Health of the State of Colorado.

That a copy of the written approval of the Department of Public Health of the State of Colorado for the present water system

be filed with this Commission.

That as additional units of the water system are completed and approved by the Department of Public Health, copies of said approvals shall be filed with this Commission.

That at least fifteen (15) days prior to the rendering of water service in the designated area under the certificate, applicant shall file with this Commission, the rates, rules and regulations under which it proposes to render said water service.

That applicant shall at the completion of its construction program file with this Commission separately, the "as constructed" plans of the water system, together with the itemized cost of said system.

That applicant shall maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by the Commission.


That applicant shall, beginning with April 1, 1959, and every three months thereafter until further notice by the Commission, report in writing to this Commission the status of the development of the water system construction; this report to show as it pertains to said system the number of wells in use as of the date of said report; the drilling of any new wells and use of the same; the production in gallons per minute from each well with the corresponding drawdown, if known; the wells planned to be used or drilled in the area by applicant in the next three months' period; the number of finished houses in the area, the number of houses expected to be finished in the area in the next three months, the capacity of the water storage available when storage shall have commenced, together with the amount of water in storage, and the proposed construction of any storage facilities planned in the next three month period.


That the Commission shall retain jurisdiction of this matter to issue such further order or orders as may be necessary.


That Applicant be, and it hereby is, granted one (1) year from the effective date of this Order within which to comply with the conditions necessary for the issuance of the Supplemental Order, or this Order shall become null and void.

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 8th day of January, 1959.

ea

original

(Decision No. 51511)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
DENVER, COLORADO, A CORPORATION OR-) APPLICATION NO. 16785-Securities
GANIZED AND EXISTING UNDER THE LAWS)
OF THE STATE OF COLORADO, FOR AN)
ORDER AUTHORIZING THE ISSUANCE OF)
167,600 SHARES OF ITS COMMON STOCK)
AS A STOCK DIVIDEND.)

January 8, 1959

Appearances: Lee, Bryans, Kelly & Stansfield,
Esqs., Denver, Colorado, by E.
A. Stansfield, Esq., for Appli-
cant;
E. R. Lundborg, Esq., Denver,
Colorado, and
E. R. Thompson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

Pursuant to Section 115-1-4, Colorado Revised Statutes,
1953, Public Service Company of Colorado, a Colorado corporation,
hereinafter called "Applicant," filed with this Commission, on De-
cember 22, 1958, its application for an Order of this Commission
authorizing Applicant to issue 167,600 shares of its Common Stock
as a 5% stock dividend to the holders of the outstanding Common
Stock of Applicant of record January 14, 1959.

By Decision No. 51468, dated December 23, 1958, this
Commission ordered that a public hearing be held upon the afore-
said application on January 6, 1959, at 9:30 o'clock A. M., 330
State Office Building, Denver, Colorado. Interested parties,
municipalities, and representatives of interested consumers or
security holders of the Applicant, and other persons whose parti-

cipation in the matter was in the public interest were invited to intervene in the proceedings. Petitions of Intervention were to be filed with this Commission on or before December 31, 1958.

The hearing on the aforesaid application was held on January 6, 1959, after due notice to all interested parties, and the matter was heard and then taken under advisement by the Commission. No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Witness for Applicant, Mr. W. D. Virtue, Executive Vice President and Treasurer, testified to the following matters summarily set forth below:

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

Applicant is the owner of all the capital stock, except directors' qualifying shares, of Cheyenne Light, Fuel and Power Company, a Wyoming corporation, and all of the outstanding capital stock of Colorado-Wyoming Gas Company, a Delaware corporation, Green and Clear Lakes Company, a New York corporation, The Pueblo Gas and Fuel Company, a Colorado corporation, and Western Slope Gas Company, a Colorado corporation. Applicant is also the owner of all the capital stock of 1480 Welton, Inc., a Colorado corporation, and also holds a controlling interest in two other relatively small companies.

Under Applicant's Composite Certificate of Incorporation, a copy of which is on file with the Commission, the authorized capital

stock of Applicant consists of \$115,000,000 par value, divided into 5,000,000 shares of Common Stock of the par value of \$10 each, and 650,000 shares of Cumulative Preferred Stock of the par value of \$100 each. The Cumulative Preferred Stock is authorized to be issuable in one or more series, and there has been authorized an initial series of 175,000 shares of 4-1/4% Cumulative Preferred Stock, a series of 100,000 shares of 4.20% Cumulative Preferred Stock, a series of 65,000 shares of 4-1/2% Cumulative Preferred Stock, and a series of 160,000 shares of 4.64% Cumulative Preferred Stock. Of such authorized Common Stock, there were issued and outstanding on November 30, 1958, 3,352,000 shares. Of such authorized Cumulative Preferred Stock there were issued and outstanding on November 30, 1958, 175,000 shares of 4-1/4% Cumulative Preferred Stock, 100,000 shares of 4.20% Cumulative Preferred Stock, 65,000 shares of 4-1/2% Cumulative Preferred Stock and 160,000 shares of 4.64% Cumulative Preferred Stock.

Pursuant to that certain Indenture of Mortgage and Deed of Trust dated as of December 1, 1939, between the Applicant and Guaranty Trust Company of New York, as Trustee, as supplemented, Applicant has heretofore issued and there were outstanding as of November 30, 1958, \$40,000,000 principal amount of First Mortgage Bonds, 2-7/8% Series due 1977, \$10,000,000 principal amount of First Mortgage Bonds, 3-1/8% Series due 1978, \$15,000,000 principal amount of First Mortgage Bonds, 3-1/4% Series due 1981, \$20,000,000 principal amount of First Mortgage Bonds, 3-1/8% Series due 1984 and \$30,000,000 principal amount of First Mortgage Bonds, 4-3/8% Series due 1987. A condensed description of said Indenture of Mortgage and Deed of Trust and a condensed description of the Bonds authorized and issued by Applicant were introduced at the hearing in this matter as Exhibits "A" and "B" respectively.

For the twelve months ended October 31, 1958, Applicant re-

ported operating revenues of \$86,382,906, and net income, that is, the amount available for dividends and surplus, of \$10,391,145, as reflected on Exhibit "F" introduced at the hearing in this matter. Said Exhibit "F" also showed that for the twelve months ended October 31, 1958, the amount of \$1,827,450 was appropriated for Cumulative Preferred Stock dividends, and the amount of \$6,033,600 for Common Stock dividends. At October 31, 1958, the earned surplus account of the Company aggregated \$21,178,738.

As of October 31, 1958, the Applicant's interim condensed balance sheet is as follows:

ASSETS

Property, Plant, Equipment, and Investments	\$305,623,345
Cash	5,986,161
Other Current Assets	22,350,626
Deferred Charges	<u>3,454,616</u>
TOTAL ASSETS -	\$337,414,748

LIABILITIES

Capital Stock	\$ 83,520,000
Premiums on Capital Stock	27,203,290
Earned Surplus	21,178,738
Earned Surplus Restricted for Future Federal Income Taxes	8,583,700
Funded Debt	115,000,000
Current Liabilities	18,949,537
Other Liabilities	2,293,771
Reserves	51,390,090
Contributions in Aid of Construction	<u>9,295,622</u>
TOTAL LIABILITIES -	\$337,414,748

Applicant by the instant application proposes to issue 167,600 shares of its Common Stock as a 5% stock dividend, payable on February 20, 1959, to the holders of its Common Stock of record on January 14, 1959. The proposed stock dividend will be paid at the rate of one share for each twenty shares of Common Stock outstanding on the record date. No fractional shares of Common Stock are to be issued, but in lieu of fractional shares, Applicant proposes to issue Order Forms for fractional interests. The Order Form representing a fractional interest will permit the holders

thereof on or before March 20, 1959, either (a) to purchase other fractional interests so as to become entitled to one full share, or (b) to sell his fractional interest, at prices determined by the Agents appointed to handle the orders based on the then prevailing market price of Applicant's Common Stock on the New York Stock Exchange. Applicant has appointed the Guaranty Trust Company of New York and The First National Bank of Denver, as Agents to handle, without charge to the holders of such Forms, orders for purchases or sales of such fractional interests. If, after giving effect to all requests for purchases or for sales of fractional interests received on or before March 20, 1959, there shall remain any of the shares of Common Stock represented by fractional interests, Guaranty Trust Company of New York, Agent, will sell such remaining shares on the New York Exchange and remit the proceeds to those entitled thereto.

The proposed stock dividend will be recorded on Applicant's books at the price of \$44.00 per share. Such price was the approximate market price of Applicant's Common Stock on the date the proposed stock dividend was declared by Applicant's Board of Directors, adjusted to reflect the increase in the number of shares to be issued as the proposed stock dividend.

Applicant proposes to record the issuance of the contemplated stock dividend on its books by transferring from its earned surplus account for each share to be issued in connection with the proposed stock dividend an amount equivalent to the sum of \$44.00. Of such sum an amount equivalent to \$10.00 per share, the par value of Applicant's Common Stock will be credited to its common capital stock account and an amount equivalent to the sum of \$34.00 per share will be credited to its premium on capital stock account. The aggregate amount to be transferred from Applicant's earned surplus account of \$21,178,738 to reflect the issuance of the proposed 5% stock divi-

dividend will be \$7,374,400. Applicant's witness further testified that in declaring the stock dividend, the Board of Directors of the Applicant gave consideration to the desirability of capitalizing a portion of the undistributed earnings of the Applicant re-invested in property. The issuance of the proposed stock dividend will not affect Applicant's capitalization ratios which at October 30, 1958, were:

	<u>Percent</u>
Debt	46.6%
Preferred Stock	20.2%
Common Stock and Surplus	<u>33.2%</u>
	100 %

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

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, Public Service Company of Colorado, a Colorado corporation, is a public utility, as defined by Section 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Applicant and the subject matter of the instant application.

That this Commission is fully advised in the premises.

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

That the proposed issuance by Applicant of 167,600 shares of Common Stock to be distributed as 5% stock dividend on Applicant's issued and outstanding Common Stock as hereinabove set forth is not inconsistent with the public interest; and that the purpose or purposes thereof are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That the order or orders sought should be issued and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado be, and it hereby is, authorized and empowered to issue 167,600 shares of its Common Stock to be distributed as a stock dividend of 5% on all shares of its Common Stock issued and outstanding on January 14, 1959:

That in lieu of issuing fractional shares, Applicant is authorized to issue Order Forms for fractional interests whereby the holder of such Order Form may purchase other fractional interests so as to become entitled to one full share or be permitted to sell his fractional interest.

That Public Service Company of Colorado be, and it hereby is, authorized and empowered to take such steps, actions and proceedings as may, in conformity with applicable laws and regulations, be necessary, incidental or appropriate to the full accomplishment of the transaction herein authorized.

That the securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification; that within sixty (60) days from the issuance and delivery of the first of said securities authorized to be issued hereunder, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are issued.

That Public Service Company of Colorado be, and it hereby is, directed in reflecting in its accounts consummation of the distribution of the 5% stock dividend authorized herein, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by this Commission.

That nothing herein shall be construed to imply any recom-

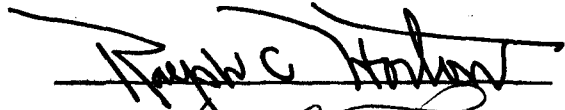


mendation or guaranty of, or any obligation with respect to, said shares of Common Stock to be issued by Applicant hereunder, or the dividends thereon, on the part of the State of Colorado.

That within ninety (90) days from the date of the first delivery of the securities authorized to be issued hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issuance of said 167,600 shares of Common Stock, the expenses incident to such issuance, accompanying such report with a new balance sheet reflecting the issuance of said securities and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such issuance.

That the Commission shall retain jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as to it may seem to be proper and desirable.

That the authority herein granted shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILSON HALEY, DOING BUSINESS AS)
"WILSON HALEY WATER CO.," BOX 14,)
STERLING, COLORADO, FOR A CERTIFI-) APPLICATION NO. 16729
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

January 8, 1959

Appearances: Wolvington and Carleton, Esqs.,
Sterling, Colorado, for
Applicant;
Barry, Hupp and Dawkins, Esqs.,
Denver, Colorado, for Basin
Truck Company;
Jones and Meiklejohn, Esqs.,
Denver, Colorado, for
R. B. "Dick" Wilson, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of drilling mud, drilling oil, and other drilling liquids for the drilling of oil and gas wells, only, from and to drilling operations of oil and gas wells within a radius of twenty-five miles of such drilling operations.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, November 26, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 his company's principal business is that of hauling water under a Class "M" permit, to drilling sites; that the drilling of oil and gas wells requires the use of mud and oil, in addition to water; that he desires to engage in transportation of mud and oil, on a for-hire basis, so that along with his water-hauling business, he will be in a position to offer a fully-integrated service to drilling customers; that he has seven trucks, with tanks of varying capacities; that his equipment is stationed and serviced in Sterling, Colorado, only; that his principal and only office is in Sterling, Colorado, where he employs five persons; that his current net worth is \$35,000; that the principal sites of his water-hauling operations for the last year have been in counties generally north of Denver County; that he does not want to serve the Four Corners Area, as there is no need for service there; that the two witnesses appearing in support of his application are the only customers he knows of who would use his service, if authority herein sought is granted.

Melton Fry, of Sterling, Colorado, a tool pusher for H L M Drilling Company, located in Denver, appeared in support of the instant application, testifying that applicant herein has hauled all water for drilling operations of his company for the past year; that it would be convenient for him to use the proposed service of applicant because he is always on the oil or gas well site with his water; that his company has only one rig in operation at present; that his company's chief base of operations has been in counties north of Denver County; that he is authorized by his company to place orders for the purchase of oil used and needed in drilling operations; that all such oil is purchased from Western Crude

Marketers, Inc., of Sterling, Colorado, who, in return, determines and selects the carrier to do the hauling; that he has authority, however, to select the shipper for drilling mud; that he has used other authorized motor carriers in the past, and has found their services to be satisfactory; that his main reason for supporting the applicant's application was because of friendship.

J. C. Willman, of Sterling, Colorado, drilling superintendent for Garvey Drilling Oil Company, also testified in support of the instant application, stating that his company's principal drilling sites have been in counties north of Denver County; that applicant has hauled water for his company; that generally it would be more convenient for his company to have the same carrier haul oil that hauls the water for drilling operations; that oil used by his company is purchased by him through Western Crude Marketers, Inc., who, in return, routes the oil; that he has, in the past, used other authorized motor carrier services, and has found their services to be satisfactory.

In opposition to the granting of authority herein sought, Mike Gerih, Terminal Manager at Sterling, Colorado, for R. B. "Dick" Wilson, Inc., vigorously protested, stating his company has state-wide authority to render all service in the area sought to be served by applicant herein; that his company has more than ample equipment (Exhibits Nos. 1 and 2) to take care of all drilling operations in the counties, generally, north of Denver County, to which applicant's evidence related; that his company has idle equipment on hand, due to falling off of drilling operations; that recently, due to decline of business, his company has cut five trucks for those used to serve the area herein sought to be served by applicant; that no additional carrier service is needed in said area because available business is not present.

Bill Craig, Truck Superintendent of Basin Truck Company, also appeared and testified in opposition to the granting of authority herein sought, stating his company has state-wide authority to render

all service in the area sought to be served by applicant herein; that between Western Crude Marketers, Inc., and Basin Truck Company (former company owns two-thirds interest in latter), they have more than adequate equipment to take care of any and all present and future drilling operations in the area applicant seeks to serve; that due to declining drilling business, his company has much idle equipment; that his company has hauled for the two witnesses who testified on behalf of applicant, and has never received any service complaints from them; that the granting of additional authority, at a time when drilling operations are at a low ebb would impair the ability of his company to render adequate service to the public; that his company has never rejected an offer to haul the commodities sought to be transported by applicant herein.

Report of said Examiner further states that applicant failed to produce proof of need for additional service in the territory sought to be served by him; that applicant failed to show that existing services are inadequate; that applicant failed to show available traffic will warrant an additional service; that because of limited traffic available, the creation of applicant's proposed new service would seriously impair and endanger the operations of existing carriers, contrary to public interest; that applicant failed to sustain burden of proof in establishing that present or future public convenience and necessity require, or will require, the proposed new operation of applicant.

Report of the 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 motor vehicle common carrier services, and that the

instant 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 public convenience and necessity do not require applicant's proposed motor vehicle common carrier operations, and that Application No. 16729 should be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


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

Dated at Denver, Colorado,
this 8th day of January, 1959.

ea

original

(Decision No. 51513)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARNOLD D. THORSON, DOING BUSINESS)
AS "A. D. THORSON TRAILER SERVICE,")
5900 WEST 56TH AVENUE, ARVADA, COLO-) APPLICATION NO. 16767-Transfer
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 2649 TO COLORADO TRAILER TOWING &)
WRECKER SERVICE, INC., 5900 WEST)
56TH AVENUE, ARVADA, COLORADO.)
-----)

January 8, 1959

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado,
for Applicants;
Howard Hicks, Denver, Colo-
rado, for Centennial
Truck Lines;
Raymond B. Danks, Esq.,
Denver, Colorado, for
copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, Arnold D. Thorson, doing business as "A. D. Thorson Trailer Service," Arvada, Colorado, was granted a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

private house trailers, in tow-away service, only, from point to point within a radius of fifty miles of Denver, Colorado; transportation of coach, house, commercial, laboratory, cabin bungalow, and special-purpose trailers, not including trailers used for transportation of freight, in tow-away service, between all points in the State of Colorado, and in each of the home-rule cities thereof,

said operating rights being known as "PUC No. 2649."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 2649 to Colorado Trailer Towing & Wrecker Service, Inc., Arvada, 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 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that there are no outstanding unpaid operating obligations against operating rights herein sought to be transferred; that transferor owns substantially all stock of transferee.

No one appeared in opposition to the granting of authority herein 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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Arnold D. Thorson, doing business as "A. D. Thorson Trailer Service," Arvada, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2649 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Colorado Trailer Towing & Wrecker Service, Inc., Arvada, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

The tariff of rates, rules and regulations of transferer 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 transferer 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. Houtart
John P. Thompson
Joseph F. Tiers
Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1959.

ea

original

(Decision No. 51514)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
COLORADO TRAILER TOWING & WRECKER
SERVICE, INC., 5900 WEST 56TH
AVENUE, ARVADA, COLORADO, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION
OF OPERATIONS UNDER PUC NO. 2649.

APPLICATION NO. 16773-Extension

January 9, 1959

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado,
for Applicant;
Howard Hicks, Denver,
Colorado, for Cen-
tennial Truck Lines.

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 51513,
of date January 8, 1959, entered by the Commission in Application
No. 16767, applicant herein acquired PUC No. 2649 from Arnold D.
Thorson, doing business as "A. D. Thorson Trailer Service," Arvada,
Colorado.

By the above-styled application, applicant herein sought
a certificate of public convenience and necessity, authorizing ex-
tension of operations under said PUC No. 2649 to include the right
to transport, by truck or trailer, repossessed, wrecked, or abandoned
automobiles and trucks in the ordinary course of business, and to
operate a wrecker service, state-wide.

Said application was regularly set for hearing before the
Commission at the Hearing Room of the Commission, 330 State Office
Building, Denver, Colorado, December 29, 1958, at ten o'clock A. M.,
due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, applicant's attorney requested dismissal of the above-styled application.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be dismissed, as requested by Attorney for Applicant herein.

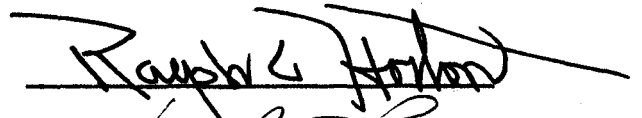


O R D E R

THE COMMISSION ORDERS:

That Application No. 16773 should be, and the same hereby is, dismissed, upon 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 9th day of January, 1959.

ea

revised

(Decision No. 51515)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD F. MARTIN, DOING BUSINESS AS)
"MARTIN EXPRESS," 2601 WEST 14TH)
AVENUE, DENVER, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PUC NO. 3639 TO)
HENRY HILES, ROBERT WALKER, ROY)
WALKER, AND KEITH ALEXANDER, CO-)
PARTNERS, DOING BUSINESS AS "EAST)
DENVER TRANSFER AND STORAGE COMPANY,")
2601 WEST 14TH AVENUE, DENVER, COLO-)
RADO.)

APPLICATION NO. 16771-Transfer

January 9, 1959

Appearances: Wendell A. Peters, Esq., Denver,
Colorado, for Applicant;
Raymond B. Danks, Esq., Denver,
Colorado, for copy of Order;
Howard Hicks, Denver, Colorado,
for Centennial Truck Line;
George R. Henry, Sterling, Colo-
rado, for copy of Order.

S T A T E M E N T

By the Commission:

By the above-styled application, Edward F. Martin, Denver, Colorado, owner and operator of PUC No. 3639, seeks authority to transfer said operating rights to Henry Hiles, Robert Walker, Roy Walker and Keith Alexander, co-partners, doing business as "East Denver Transfer and Storage Company," 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 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, applicants herein requested that said matter be continued, to be re-set for hearing before the Commission at a later date to be determined by

the Commission.

Inasmuch as no objection was interposed thereto,

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, and the above-styled application should be continued, as set forth in the Order following.

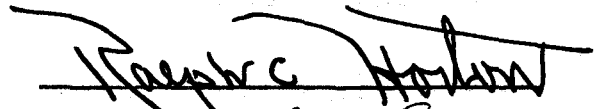

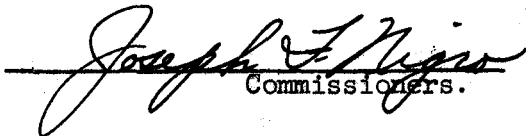
O R D E R

THE COMMISSION ORDERS:

That Application No. 16771 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 9th day of January, 1959.

mls

original

(Decision No. 51516)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED BRONCUCIA, 120 EAST 70TH)
AVENUE, DENVER, COLORADO, FOR AUTH-) APPLICATION NO. 16788-PP-Extension
ORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-4755.)

January 9, 1959

Appearances: Howard Yelverton, Denver,
Colorado, for Goldstein
Transportation and Storage.

S T A T E M E N T

By the Commission:

This is an application for authority to transport gilsapare (gilsonite), a road-surfacing material, from Denver, Colorado, to points within the State of Colorado, for Asphalt Paving Company, of Denver, Colorado, only, in dump trucks only.

This application for extension was regularly set for hearing at 330 State Office Building, Denver, Colorado, on January 6, 1959, at ten o'clock A. M., after due notice to all interested parties, including applicant.

When the matter was called for hearing at said time and place, applicant failed to appear, and the protestant, Goldstein Transportation and Storage Company, moved to dismiss the application for lack of prosecution.

No good cause being shown to the Commission for applicant's failure to appear, we feel that the motion of protestant is well taken and should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed for lack of

prosecution.

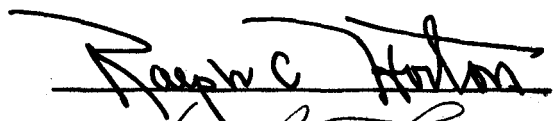


O R D E R

THE COMMISSION ORDERS:

That the motion of protestant should be granted and the instant application of Alfred Broncucia be, and the same is hereby, dismissed for lack of prosecution.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 1959.

mls

original

(Decision No. 51517)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
DANIEL LOOS, DOING BUSINESS AS
"DENVER WASTE DISPOSAL COMPANY,"
1952 CHAMPA STREET, DENVER, COLO-
RADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16789-PP

January 9, 1959

Appearances: Robert G. McIlhenny, Esq.,
Denver, Colorado, for
Applicant;
Kripke & McLean, Esqs.,
Denver, Colorado, for
Weber's Hauling Service,
Derby Waste Disposal,
F & P Trash Hauling, and
Mangus Trash Haulers.

S T A T E M E N T

By the Commission:

This is an application for authority to operate as a Class
"B" private carrier by motor vehicle for hire, for the transportation
of ashes and trash, for Union Supply Company, only, 5460 Colorado
Boulevard, Denver, Colorado, to disposal dumps.

The application was regularly set for hearing, after appro-
priate notice to all interested parties, at 330 State Office Building,
Denver, Colorado, on January 6, 1959, at ten o'clock A. M., where the
matter was heard and taken under advisement by the Commission.

The applicant is an authorized common carrier, hauling
ashes and trash within the corporate limits of the City and County of
Denver, having been engaged in this business approximately twenty
years. While so engaged, he hauled the ashes and trash of Union Supply
Company. In approximately 1954, the Union Supply Company moved its

offices to 5460 Colorado Boulevard, which is beyond the city limits of Denver. Applicant, however, continued to haul this customer's trash, admittedly without authority. The applicant pleaded ignorance of the illegality of his operations.

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

The application was supported by the Treasurer of Union Supply Company, who stated that his company received a highly personalized, and specialized service from the applicant. He testified as to the nature of the service rendered and the reliability of the employees of the applicant, since the employees of a trash hauler would have access to storerooms and buildings where a valuable inventory is maintained. This witness testified that if the applicant were not granted authority from this Commission, Union Supply Company would continue to haul its own ashes and trash.

The matter was vigorously protested by certificated carriers in the area, all of whom have the necessary equipment, and are able to serve this customer, stating they are ready, willing and able to do so. All of these protestants testified that they could use additional business, and that there is no need for additional carriers in the area. They all concede, however, that they have never hauled for this customer.

In view of the fact that this customer has been receiving the highly personalized, and specialized service of one carrier in whom it has a great deal of confidence and faith, especially as to the trustworthiness of his employees, and in view of the fact that none of these certificated carriers have ever had occasion to haul the ashes and trash of this customer and would not do so if this applicant should not be granted authority, we deem it compatible with the public interest to grant the authority as requested.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought hereunder is compatible with the public interest, would not impair the services of common carriers authorized to serve in the area, and should be granted.

O R D E R

THE COMMISSION ORDERS:

That Daniel Loos, doing business as "Denver Waste Disposal Company," Denver, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ashes and trash, for Union Supply Company, only, 5460 Colorado Boulevard, Denver, Colorado,


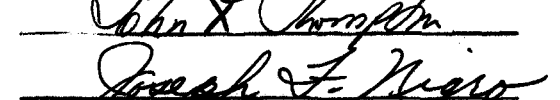

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured 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 9th day of January, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
PLATEAU NATURAL GAS COMPANY, COLORADO)	
SPRINGS, COLORADO, A CORPORATION)	
ORGANIZED AND EXISTING UNDER THE LAWS)	APPLICATION NO. 16819
OF THE STATE OF COLORADO, FOR AN ORDER)	Securities
AUTHORIZING THE ISSUANCE OF \$1,300,000)	
PRINCIPAL AMOUNT OF ITS FIRST MORTGAGE)	
BONDS)	

S T A T E M E N T

By the Commission:

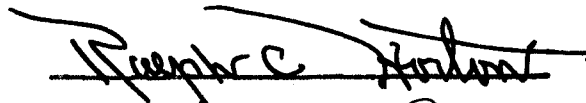


Upon consideration of the application filed January 7, 1959, by Plateau Natural Gas Company, a Corporation, in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on January 19, 1959, at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before January 14, 1959, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners, in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1959.

original

(Decision No. 51519)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES EDWARD SAND, 5501 NORTH)
PENNSYLVANIA STREET, DENVER, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 16790-PP

January 9, 1959

Appearances: Charles Edward Sand, Denver,
Colorado, pro se;
R. B. Danks, Esq., Denver,
Colorado, for Colorado
Transfer & Warehousemen's
Association;
Howard D. Hicks, Denver,
Colorado, for Centennial
Truck Lines.

S T A T E M E N T

By the Commission:

This is an application for authority to operate as a Class
"B" private carrier by motor vehicle for hire, for the transportation
of baled rags, between points within the City and County of Denver,
and a thirty mile radius thereof.

The application was regularly set for hearing at 330 State
Office Building, Denver, Colorado, on January 6, 1959, at ten o'clock
A. M., after appropriate notice to all interested parties, where the
matter was heard and taken under advisement by the Commission.

The applicant adduced testimony and established that he is
in the junk business and that from time to time he is called upon by
the United Iron and Metal Company, located within the City and County
of Denver, to haul rags from various junk and rag dealers to the
United Iron works plants.

The applicant testified that he would restrict his opera-

tions to the transportation for United Iron & Metal Company, only, using only one truck and restricting his area to a five-mile radius of Denver.

The net worth of the applicant was established to the satisfaction of the Commission.

No testimony was adduced on behalf of the protestants.

In view of the nature of the service required and the restrictions on the authority sought, we find that the application, restricted to one truck, operating within the City and County of Denver and a five-mile radius thereof, is compatible with the public interest and should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the authority herein sought is compatible with the public interest and should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Charles Edward Sand, 5501 North Pennsylvania Street, Denver, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled rags, between points within the City and County of Denver, and a 5-mile radius thereof, said operations to be limited to the use of one truck, for United Iron and Metal Company, only.

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

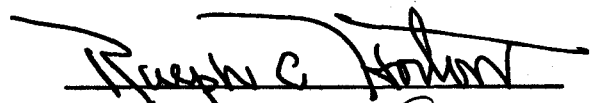


That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their

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.

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 9th day of January, 1959.

mls

signal

(Decision No. 51520)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN B. ABLE, DOING BUSINESS AS)
"MONTEZUMA TRUCK LINE," DURANGO,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 16786-Transfer
TO W. F. CHRISTENSEN, 305 EAST)
BROADWAY, FARMINGTON, NEW MEXICO,)
A PORTION OF PUC NO. 360.)
-----)

IN THE MATTER OF THE APPLICATION OF)
JOHN B. ABLE, DOING BUSINESS AS)
"MONTEZUMA TRUCK LINE," DURANGO,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 16787-Transfer
PUC NO. 848 TO W. F. CHRISTENSEN,)
305 EAST BROADWAY, FARMINGTON,)
NEW MEXICO.)
-----)

January 9, 1959

Appearances: Marion F. Jones, Esq.,
Denver, Colorado,
for Transferor and
Transferee;
Howard Yelverton, Denver,
Colorado, for Goldstein
Transportation and Storage
Company, and as his interest
may appear.

S T A T E M E N T

By the Commission:

This is an application to transfer PUC No. 848 and a
portion of PUC No. 360, from John B. Able, doing business as
"Montezuma Truck Line," Durango, Colorado, to W. F. Christensen,
of Farmington, New Mexico.

The authority under PUC No. 848 provides as follows:

Transportation, not on schedule, of farm products,
including livestock, and farm supplies including
feed, building materials, used furniture, farm
machinery and equipment, and coal, sand, gravel
and road contractor's supplies, machinery and
equipment from point to point in an area extending
50 miles north and 30 miles east of Dolores, Colo-
rado, and the Colorado state line on the south
and west, and from and to points in said area

to and from points in said State of Colorado, PROVIDED, applicant shall not establish a line-haul service on schedule under this order, and shall not transport merchandise or otherwise operate in competition with certified line-haul common carriers.

The authority under PUC No. 360 & I provides as follows:

Transportation of freight between points in the territory bounded on the west by Colorado-Utah state line, on the south by the Colorado-New Mexico state line, and on the north and east by a line running through Dolores and Mancos; provided, however, that he shall not engage in transporting freight between the towns of Cortez, Mancos and Dolores or any of them.

Transportation of all commodities into, out of, and between points within a 50-mile radius of Cortez, Colorado, and from said area to and from other points in the State of Colorado, save and except that no authority is granted applicant to transport commodities between points now served by scheduled motor truck common carriers, with the exception of livestock and farm products.

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.

The applications were regularly set for hearing, and heard, after appropriate notice to all interested parties, at 330 State Office Building, Denver, Colorado, on January 6, 1959, at ten o'clock A. M., and at the conclusion thereof, the matters were taken under advisement by the Commission.

It is the intention of the parties that transferor shall transfer all of PUC No. 848, subject to cancellation of this Commission of all authority thereunder save and except the right to transfer used furniture or household goods. The transferor likewise proposes to transfer that part of PUC No. 360 which provides for the transfer business within the city limits of Cortez, Colorado.

The transferor, John B. Able, being the owner of Certificates Nos. PUC-360 and PUC-848, which are substantially duplicating certificates, proposes to continue the operation of a general cartage business in the designated area in southwest Colorado, except that he desires to retire from the household furniture moving business and

the general cartage business in Cortez.

The transferee, W. F. Christensen, has had experience in the household goods moving business in New Mexico and holds authority to perform such service in that state, and is likewise well equipped to do so. It is his intention to operate a warehouse in Cortez from which he would operate the storage business, household goods moving operation, and a general transfer business within the city of Cortez.

Normally, the severance and transfer of a certificate is frowned upon by this Commission, however, in those instances when the public interest will not be impaired and public service will not be curtailed, and, as a matter of fact in the instant case public service will be improved, we deem that such a severance and transfer is compatible with the public interest. We shall accordingly make an appropriate order to effect the transfer in conformity with the contract between the parties.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That PUC No. 848 be, and the same is hereby, transferred from John B. Able, doing business as "Montezuma Truck Line," Durango, Colorado, to W. F. Christensen, Farmington, New Mexico, and that the description of the commodity therein described as "used furniture," be, and the same is hereby, converted to read: "household goods."

That all authority under PUC No. 848, save and except the transportation of household goods within the area provided therein and subject to other limitations therein, be, and the same are hereby, revoked and cancelled.

That PUC No. 360 be, and the same is hereby, severed insofar as it provides for authority to transport freight within the city of Cortez, Colorado, and that said authority to do so, be, and

the same is hereby, transferred from John B. Able, doing business as "Montezuma Truck Line," Durango, Colorado, to W. F. Christensen, Farmington, New Mexico, and that a new number be designated therefor.

That PUC No. 360 be, and the same is hereby, restricted and limited to provide the following limitation:

"Provided that the carrier shall have no authority to transport freight within the city of Cortez, Colorado."

That the transfer of authority under PUC No. 848 and PUC No. 360 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 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 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

Robert C. Harkins

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 9th day of January, 1959.

ea

original

(Decision No. 51521)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE ROCK ISLAND MOTOR TRANSIT)
COMPANY, 444 SEVENTEENTH STREET,)
DENVER, COLORADO.)

PUC No. 2607
PUC NO. 2607-I

January 12, 1959

Appearances: Hodges, Silverstein, Hodges and
Harrington, Esqs., Denver, Colo-
rado, for certificate-holder.

S T A T E M E N T

By the Commission:

On June 19, 1958, the above-named applicant, by Decision No. 50461, was authorized to suspend a portion of its operations under PUC No. 2607 and PUC No. 2607-I, until December 23, 1958, said portion being the common carrier authority for:

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.

The Commission is now in receipt of a communication from Hodges, Silverstein, Hodges and Harrington, Attorneys for said certificate-holder, requesting an additional six-months suspension of the above portion of operations under said PUC No. 2607 and PUC No. 2607-I.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

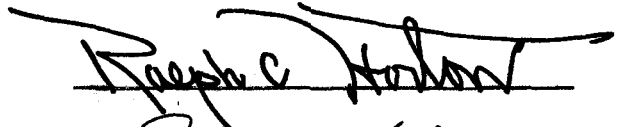
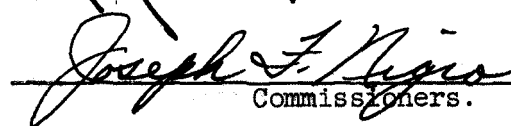
O R D E R

THE COMMISSION ORDERS:

That The Rock Island Motor Transit Company, Denver, Colorado, should be, and hereby is, authorized to further suspend a portion of its operations under PUC No. 2607 and PUC No. 2607-I, said portion being fully set forth in the above and foregoing Statement, which is made a part hereof, by reference, nunc pro tunc, from December 23, 1958, until June 23, 1959.

That unless said certificate-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 this Commission applicable to common carrier certificates, said operating rights, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER JOHN P. THOMPSON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of January, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALICE FRANCES BLAKLEY, DOING BUSI-)
NESS AS "BLAKLEY LIVESTOCK TRUCKING)
COMPANY," UNION STOCKYARDS, DENVER,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 16746-Transfer
PUC NO. 435 AND PUC NO. 435-I TO)
BLAKLEY LIVESTOCK TRUCKING CO., INC.,)
UNION STOCKYARDS, DENVER, COLORADO.)
-----)

January 12, 1959

Appearances: John Lewis, Esq., Denver,
Colorado, and
Robert Sunshine, Esq.,
Denver, Colorado, for
Transferor;
Byron M. Myers, Esq.,
Englewood, Colorado,
for Transferee.

S T A T E M E N T

By the Commission:

Heretofore, Alice Frances Blakley, doing business as
"Blakley Livestock Trucking Company," Denver, Colorado, was granted
a certificate of public convenience and necessity, authorizing
operations as a common carrier by motor vehicle for hire, for the
transportation of:

livestock, between Denver and all points in the
State of Colorado, subject to the following
terms and conditions:

(a) That applicant shall not have any branch
office, agencies, or agents outside the City
of Denver for the solicitation and conduct
of business;

livestock, including horses and mules, from,
to, and between points within the State of
Colorado;

freight, in interstate commerce, only, between
all points in the State of 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,

said operating rights being known as "PUC No. 435 and PUC No. 435-I."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 435 and PUC No. 435-I to Blakley Livestock Trucking Co., 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 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 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 the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Wilbur Maxwell testified he is Manager for transferor herein, and has held such position for the past five years; that transferor is selling her livestock transportation business because of health reasons; that the transfer is being made subject to an Agreement of Sale introduced and marked "Exhibit No. 1;" that any outstanding obligations are provided for in said agreement; that approval of chattel mortgage is sought.

Floyd M. Sack testified he is Director in the corporation transferee herein; that said corporation is a Colorado corporation, and that its financial condition is shown by financial statement marked "Exhibit No. 2."

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

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

Report of the Examiner recommends that transfer herein sought be authorized and chattel mortgage 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 Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be approved, as set forth in the Order following.

That chattel mortgage of operating rights herein authorized to be transferred should be approved.

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 Alice Frances Blakley, doing business as "Blakley Livestock Trucking Company," Denver, Colorado, should be, and she hereby is, authorized to transfer all right, title, and interest in and to PUC No. 435 and PUC No. 435-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Blakley Livestock Trucking Co., Inc., 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 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.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That Blakley Livestock Trucking Co., Inc., Denver, Colorado, transferee herein, is hereby authorized to mortgage all right, title, and interest in and to PUC No. 435 and PUC No. 435-I to Alice Frances Blakley, Denver, Colorado, transferor herein, to secure payment of the sum of \$40,000.00, as set forth in "Agreement," executed by said applicants herein on October 27, 1958.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Reginald C. Norton

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
THRIFTY TRAILER MART, 845 U.S.)	PERMIT NO. M-14042
HIGHWAY 50, GRAND JUNCTION,)	CASE NO. 87922-INS.
COLORADO.)	
-----)	

January 9, 1959

S T A T E M E N T

By the Commission:

On December 4, 1958, the Commission entered its Order in Case No. 87922-Ins., revoking Permit No. M-14042 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:

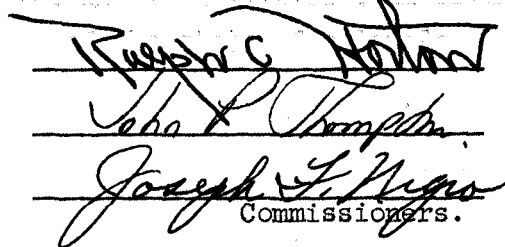
That said operating rights should be resotred to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-14042 should be, and the same hereby is, reinstated, as of December 4, 1958, revocation order entered by the Commission on said date in Case No. 87922-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, 1959.

original

(Decision No. 51524)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. R. HADDEN, 216 EAST SEVENTH)
STREET, LEADVILLE, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-5590 TO HERMAN SALBERG AND A.)
JOSEPHINE SALBERG, CO-PARTNERS,)
DOING BUSINESS AS "JO'S GIFT &)
RECORD SHOP," 217 EAST NINTH)
STREET, LEADVILLE, COLORADO.)
-----)

APPLICATION NO. 16820-PP-Transfer

January 12, 1959

S T A T E M E N T

By the Commission:

Heretofore, J. R. Hadden, Leadville, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

packages and freight, for the Railway Express Agency, Inc., only, within the City Limits of Leadville, Colorado, using only one half-ton pick-up truck to conduct said operations,

said operating rights being known as "Permit No. B-5590."

By the instant application, said permit-holder seeks authority to transfer Permit No. B-5590 to Herman Salberg and A. Josephine Salberg, co-partners, doing business as "Jo's Gift & Record Shop," Leadville, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that transferees are qualified, pecuniarily and otherwise, to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said permit, the Commission determined to hear, and

has heard, said application, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

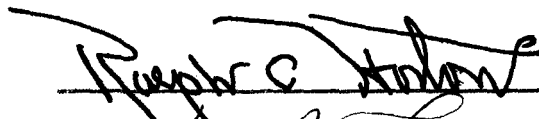
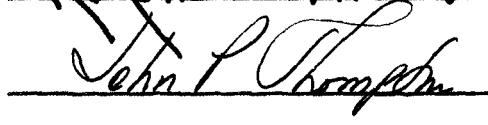

That J. R. Hadden, Leadville, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5590 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Herman Salberg and A. Josephine Salberg, co-partners, doing business as "Jo's Gift & Record Shop," Leadville, 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 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 transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

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 12th day of January, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN MINIMUM CHARGE)
AS FILED IN APPLICATION NO.)
107 BY COLORADO MOTOR CARRIERS')
ASSOCIATION, AGENT WHEREIN)
CERTAIN PARTIES APPEARING AT)
HEARING REQUEST EFFECTIVE DATE)
AS SET FORTH IN DECISION NO.)
51428 BE POSTPONED.)

CASE NO. 1585

January 8, 1959

S T A T E M E N T

By the Commission:

By an Order dated December 19, 1958 (Decision No. 51428), the Commission entered an order prescribing an increase in minimum charges, only on those shipments which originate, terminate, or are interlined within the corporate limits of Denver or within five miles thereof from \$2.00 to \$2.75, inter alia.

The effective date of the above-referred to order is January 19, 1959, on ten days' filing and posting.

The Commission has received timely petitions from Davis Bros., Inc., Hassco, Inc., Silver Steel Company, and the Denver Chamber of Commerce, whose principal offices are in Denver, and all of whom have a pecuniary interest in this cause, requesting that the effective date of said order, insofar as it pertains to the minimum charge as heretofore outlines, be postponed and that a rehearing be held for the purpose of permitting the said petitioners to present testimony showing that the said minimum charge insofar as it applies only in Denver or within five miles thereof, is discriminatory and prejudicial to the shippers located within the City of Denver or within five miles thereof, and unlawfully preferential to locations outside of said area.

That Centennial Truck Lines have heretofore been operating under a temporary increase authorized by this Commission pending final determination of this cause.

F I N D I N G S

THE COMMISSION FINDS, That:

In order to assure a full and complete hearing because of wide public interest, said petitions should be granted, and that Decision No. 51428 should be set aside and held for naught, and rehearing in the matter should be held.

That Centennial Truck Lines should be authorized to continue operating under the temporary increases authorized by this Commission until rehearing in this matter and final determination thereof.


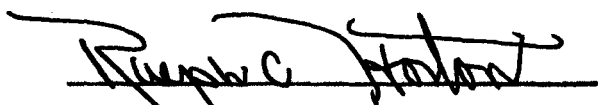
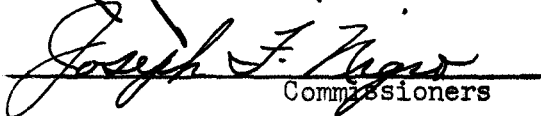
O R D E R

THE COMMISSION ORDERS:

That Order entered in Case No. 1585 by Decision No. 51428, dated December 19, 1958, be, and the same is hereby, set aside and held for naught, and that the several petitions for rehearing be, and the same are hereby granted and a further hearing to be held at a time and place set by the Commission.

That Centennial Truck Lines be, and it is hereby, authorized to continue operations under the temporary increases heretofore authorized by this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 8th day of January, 1959.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN MINIMUM CHARGE)	
AS FILED IN APPLICATION NO.)	
107 BY COLORADO MOTOR CARRIERS')	
ASSOCIATION, AGENT, WHEREIN)	CASE NO. 1585
CERTAIN PARTIES APPEARING AT)	<u>AMENDED ORDER</u>
HEARING REQUEST EFFECTIVE DATE)	
AS SET FORTH IN DECISION NO.)	
51428 BE POSTPONED)	
-----)	

January 9, 1959

S T A T E M E N T

By the Commission:

By an Order dated December 19, 1958 (Decision No. 51428), the Commission entered an order prescribing an increase in minimum charges, only on those shipments which originate, terminate, or are interlined within the corporate limits of Denver or within five miles thereof from \$2.00 to \$2.75, inter alia.

The effective date of the above-referred to order is January 19, 1959, on ten days' filing and posting.

The Commission has received timely petitions from Davis Bros., Inc., Hassco, Inc., Silver Steel Company, and the Denver Chamber of Commerce, whose principal offices are in Denver, and all of whom have a pecuniary interest in this cause, requesting that the effective date of said order, insofar as it pertains to the minimum charge as heretofore outlined, be postponed and that a rehearing be held for the purpose of permitting the said petitioners to present testimony showing that the said minimum charge insofar as it applies only in Denver or within five miles thereof, is discriminatory and prejudicial to the shippers located within the City of Denver or within five miles thereof, and unlawfully preferential to locations outside of said area.

By Decision No. 51525, dated January 8, 1959, we granted rehearing as to the order dated December 19, 1958 cited above. It now appears that through inadvertence and clerical error in the language used, we inadvertently set aside our approval of increases sought under Application No. 108. This administrative error should be corrected.

This matter arose as a result of the consolidation for administrative purposes of hearing on two separate applications. The first application filed was No. 107, which sought an increase in minimum charges. The second application was No. 108, in which a limited number of line-haul carriers sought a general percentage increase in class rates. These applications, separately filed, were for the convenience of the Commission set for hearing, and heard on a joint record, at which time the carriers interested in the separate applications presented separate justification for each of the two applications. Pursuing administrative convenience, we decided both matters in a single decision, viz., the decision of December 19, 1958 cited above. In that decision we granted the general increase but restricted the increase in minimum charges so that it applied only to shipments originating, terminating or interlined in the Denver Metropolitan area.

No objection was made by anyone to our decision approving the general increases. The time within which objections could be filed has expired. We know of no factual or legal justification for setting aside that approval.

Objection was filed, however, to the approval of minimum charges, and our purpose in Decision No. 51525, dated January 8, 1959 was to grant rehearing on this subject only.

Our order granting rehearing specifically mentioned Application No. 107 only, that is, the application concerning minimum charges and the opening paragraph of that decision set forth our concern only with minimum charges as did the balance of the Statement in that decision.

By our order, however, we set aside the consolidated decision which affected both the general increase and the increase in minimum charges. Our Findings and Order therefore do not conform to either our purpose or our statement of fact explaining the matter and the Findings and Order should be corrected nunc pro tunc as of January 8, 1959, to conform to the Statement. An Order will be entered accordingly.

F I N D I N G S

THE COMMISSION FINDS:

Our Decision No. 51525, dated January 8, 1959, should be corrected nunc pro tunc, as of January 8, 1959, to read as follows:

"The Commission Finds, That:

"In order to assure a full and complete hearing because of wide public interest, the petitions mentioned in the Statement portion of this decision should be granted, and Decision No. 51428 should be set aside and held for naught insofar as it applies to Colorado Motor Carriers' Association Application No. 107 seeking increases in minimum charges, and rehearing in the matter should be held,"

and that the Order entered in Decision No. 51525 should be corrected nunc pro tunc, as of January 8, 1959, to read as follows:

"The Commission orders, That:

"The order entered by Decision No. 51428, dated December 19, 1958, in Case No. 1585, be, and the same is hereby, set aside and held for naught, to the extent that it grants increases in minimum charges sought in Colorado Motor Carriers' Association Application No. 107; and that the several petitions for rehearing on this subject be, and the same are hereby, granted, and a further hearing to be held at a time and place set by the Commission."

O R D E R

THE COMMISSION ORDERS:

That our Decision No. 51525, dated January 8, 1959, be, and hereby is, corrected nunc pro tunc, as of January 8, 1959, to read as set forth in the foregoing Findings.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
Joseph F. Regis
Commissioners.

COMMISSIONER THOMPSON NOT PARTICIPATING.
Dated at Denver, Colorado,
this 9th day of January, 1959.

original

(Decision No. 51527)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
GAS & ELECTRIC BUILDING, DENVER,)
COLORADO, FOR A CERTIFICATE OF CON-)
VENIENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS IN THE TOWN OF)
NEDERLAND, COUNTY OF BOULDER, STATE)
OF COLORADO, FOR THE PURCHASE,)
GENERATION, TRANSMISSION, DISTRI-)
BUTION AND SALE OF ELECTRICITY IN)
SAID TOWN.)
-----)

APPLICATION NO. 16776

January 13, 1959

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., by
Bryant O'Donnell, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado;
E. R. Lundborg, Esq.,
Denver, Colorado,
E. R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

By the instant application, Public Service Company of Colorado, hereinafter called the "Applicant," seeks a certificate of public convenience and necessity to exercise certain franchise rights granted by the Board of Trustees of the Town of Nederland, Boulder County, Colorado, in and by Ordinance No. 91 of September 2, 1958, for the purchase, generation, transmission, and distribution and sale of electrical energy to the Town of Nederland and the inhabitants thereof.

After due notice to all interested parties, the matter was set for hearing, and heard, on January 5, 1959, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion of said hearing, taken under advisement.

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation, together with all amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility, as defined in Chapter 115-1-3, C. R. S. 1953, and is engaged in the business of generation, purchase, transmission, distribution and sale of electric energy, and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. The post office address and principal office of Applicant is 900 - 15th Street, Denver, Colorado.

Evidence at the hearing disclosed that Applicant has been serving electricity in the Town of Nederland under the terms and conditions of an electric franchise (the terms of which had not yet expired), which had been granted by an ordinance of the Town, dated June 3, 1935, and under the authority of this Commission to exercise said franchise rights in the Town, granted in Application No. 2448, Decision No. 6619 of April 12, 1935. Prior to the expiration of the terms of said franchise, Applicant was granted a new franchise by the Board of Trustees of the Town of Nederland for the purpose of furnishing electric service to said Town and the inhabitants thereof in and by virtue of Ordinance No. 91, dated September 2, 1958.

Ordinance No 91 is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF NEDERLAND, BOULDER COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF NEDERLAND, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF NEDERLAND, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT, AND POWER, OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF NEDERLAND, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The above-entitled ordinance is for a period of twenty-five (25) years from and after its passage. A copy of said Ordinance, marked Exhibit "J", together with copies of documents certifying to the proper procedure in the passage, and acceptance by the Company and recording, are all attached to the instant application and, by reference, made a part hereof.

Applicant is at the present time rendering electric service in the Town of Nederland, and introduced as Exhibit "J" by the Applicant at the hearing was a map showing the primary electric distribution system in said Town. Further testimony at the hearing disclosed that Applicant, as of November 1958, was rendering service to 168 customers in said Town. The 1950 census listed the population at 260, and it was believed that this population is about 700 at the present time. The witness for the Company estimated that during the life of the franchise, the Company would spend approximately \$32,000 for additional capital investment in the Town. This figure will be used for the basis for the issuance fee for the certificate sought herein but will not be binding upon the Commission in the future should the question of rates or valuation be at issue.

There are no other public utilities engaged in the business of distributing or selling electricity in the Town of Nederland, and no one appeared in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That the authority sought should be granted.

O R D E R

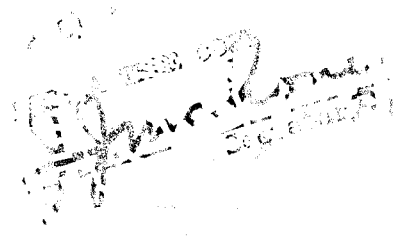
THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise of the franchise rights granted to the Public Service Company of Colorado, in and by Ordinance No. 91 of September 2, 1958, attached to the application herein as Exhibit "J", which, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity in the Town of Nederland, Boulder County, Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Applicant shall continue to operate and maintain its electric system and render service in the area hereinabove described, in accordance with the rate schedules, rules and regulations, service connection and main extension policies as are now or hereafter in effect and on file with the Commission, and shall continue to maintain its books and accounts in agreement with the Uniform System of Accounts, and its practice as to testing of meters, consumers' deposits and operations, records of meters and complaints shall be in compliance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph C. Foster
John P. Thompson

Joseph F. Piers
Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1959.

ea

original

(Decision No. 51528)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
GAS & ELECTRIC BUILDING, DENVER,)
COLORADO, FOR A CERTIFICATE OF CON-)
VENIENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS IN THE CITY OF)
IDAHO SPRINGS, COUNTY OF CLEAR)
CREEK, STATE OF COLORADO, FOR THE)
PURCHASE, GENERATION, TRANSMISSION,)
DISTRIBUTION AND SALE OF ELECTRICITY)
IN SAID CITY AND FOR THE DISTRIBUTION)
AND SALE OF ELECTRICITY IN THE AREA)
CONTIGUOUS TO SAID CITY.)
-----)

APPLICATION NO. 16619

January 13, 1959

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., by
Bryant O'Donnell, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado;
E. R. Lundborg, Esq.,
Denver, Colorado,
E. R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

By the instant application, Public Service Company of Colorado, hereinafter called the "Applicant," seeks a certificate of public convenience and necessity to exercise certain franchise rights granted by the Board of Trustees of the City of Idaho Springs, Clear Creek County, Colorado, in and by Ordinance of June 9, 1958, for the purchase, generation, transmission and distribution and sale of electrical energy to the City of Idaho Springs, the inhabitants thereof and to supply electric service in the area contiguous thereto.

After due notice to all interested parties, the matter was set for hearing, and heard, on January 5, 1959, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion of said hearing was taken under advisement.

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation, together with all amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility as defined in Chapter 115-1-3, C. R. S. 1953, and is engaged in the business of generation, purchase, transmission, distribution and sale of electric energy, and in the purchase, distribution and sale of natural gas at various points in the State of Colorado. The post office address and principal office of Applicant is 900 - 15th Street, Denver, Colorado.

Evidence at the hearing disclosed that Applicant has been serving electricity in the City of Idaho Springs under the terms and conditions of an electric franchise (the terms of which had not yet expired), which had been granted by an ordinance of the City, dated June 6, 1940, and under the authority of this Commission to exercise said franchise rights in the City, granted in Application No. 5583, Decision No. 17029, of April 24, 1941. Prior to the expiration of the terms of said franchise, Applicant was granted a new franchise by the Board of Trustees of the City of Idaho Springs, for the purpose of furnishing electric service to said City and the inhabitants thereof, in and by virtue of an ordinance dated June 9, 1958. The ordinance is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF IDAHO SPRINGS, CLEAR CREEK COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE CITY OF IDAHO SPRINGS, A PLANT OR PLANTS, SUBSTATIONS AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY,

AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE CITY OF IDAHO SPRINGS, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT, AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID CITY OF IDAHO SPRINGS, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The above-entitled ordinance is for a period of twenty-five (25) years from and after its passage. A copy of said ordinance, marked Exhibit "C", together with copies of documents certifying to the proper procedure in the passage, and acceptance by the Company, and recording, are all attached to the instant application and, by reference, made a part hereof.

Applicant is at the present time rendering electric service in the City of Idaho Springs. Introduced as Exhibit "D", by the Applicant at the hearing was a map showing the primary electric distribution system in said City. Further testimony at the hearing disclosed that Applicant as of November 1958, was rendering service to 529 customers in said City. The 1950 census listed the population at 1769, and the present estimated population is 1900. The witness for the Company estimated that during the life of the franchise, the Company would spend approximately \$57,500 for additional capital investment in the City. This figure will be used for the basis for the issuance fee for the certificate sought herein, but will not be binding upon the Commission in the future should the question of rates or valuation be at issue.

Applicant is presently rendering electric service in an area contiguous to Idaho Springs and proposes to continue said service.

There are no other public utilities engaged in the business of distributing or selling electricity in the City of Idaho Springs, and no one appeared in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That the authority sought should be granted, as set forth in our Order herein.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise of Public Service Company of Colorado, of the franchise rights granted in and by ordinance of the City of Idaho Springs, Colorado, dated June 9, 1958, marked as Exhibit "C" herein, which, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Public Service Company of Colorado in said City and in the area contiguous thereto, on presently-existing lines, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Applicant shall continue to operate and maintain its electric system and render service in the area hereinabove described, in accordance with the rate schedules, rules and regulations, service connection and main extension policies as are now or hereafter in effect and on file with the Commission, and shall continue to maintain its books and accounts in agreement with the Uniform System of Accounts, and its practices as to testing of meters, consumers' deposits and operations, records of meters and complaints shall be in compliance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1959.

ea

original

(Decision No. 51529)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
GAS & ELECTRIC BUILDING, DENVER,)
COLORADO, FOR A CERTIFICATE OF CON-)
VENIENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS IN THE TOWN OF RED)
CLIFF, COUNTY OF EAGLE, STATE OF)
COLORADO, FOR THE PURCHASE, GENER-)
ATION, TRANSMISSION, DISTRIBUTION)
AND SALE OF ELECTRICITY IN SAID)
TOWN AND FOR THE DISTRIBUTION AND)
SALE OF ELECTRICITY IN THE AREA)
CONTIGUOUS TO SAID TOWN AND ALONG)
THE 13 KV TRANSMISSION LINE FROM)
WHICH THE TOWN IS SERVED.)
-----)

APPLICATION NO. 16620

January 13, 1959

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., by
Bryant O'Donnell, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado;
E. R. Lundborg, Esq.,
Denver, Colorado,
E. R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

By the instant application, Public Service Company of Colorado, hereinafter called the "Applicant," seeks a certificate of public convenience and necessity, to exercise certain franchise rights granted by the Board of Trustees of the Town of Red Cliff, Eagle County, Colorado, in and by Ordinance No. 155, of June 4, 1958, for the purchase, generation, transmission, and distribution and sale of electrical energy to the Town of Red Cliff, the inhabitants thereof, and in the area contiguous thereto and along

the 13 KV transmission line from which the Town is served.

After due notice to all interested parties, the matter was set for hearing, and heard, on January 5, 1959, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion of said hearing, taken under advisement.

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation, together with all amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility, as defined in Chapter 115-1-3, C. R. S. 1953, and is engaged in the business of generation, purchase, transmission, distribution and sale of electric energy, and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. The post office address and principal office of Applicant is 900 - 15th Street, Denver, Colorado.

Evidence at the hearing disclosed that Applicant has been serving electricity in the Town of Red Cliff under the terms and conditions of an electric franchise (the terms of which had not yet expired), which had been granted by an Ordinance (No. 136) of the Town, dated October 19, 1935, and under the authority of this Commission, to exercise said franchise rights in the Town granted in Application No. 2627, Decision No. 6898, of December 6, 1935. Prior to the expiration of the terms of said franchise, Applicant was granted a new franchise by the Board of Trustees of the Town of Red Cliff for the purpose of furnishing electric service to said Town and the inhabitants thereof, in and by virtue of Ordinance No. 155, dated June 4, 1958. Ordinance No. 155 is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF RED CLIFF, EAGLE COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF RED CLIFF, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF RED CLIFF, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, AND ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF RED CLIFF, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The above-entitled Ordinance is for a period of twenty-five (25) years from and after its passage. A copy of said Ordinance, marked Exhibit "E", together with copies of documents certifying to the proper procedure in the passage and acceptance by the Company, and recording, are all attached to the instant application and, by reference, made a part hereof.

Applicant is at the present time rendering electric service in the Town of Red Cliff. Introduced as Exhibit "F" by the Applicant at the hearing, was a map showing the primary electric distribution system in said Town. Further testimony at the hearing disclosed that Applicant, as of November 1958, was rendering service to 129 customers in said Town. The 1950 census listed the population as 556, and it was believed that this population is about the same at the present time. The witness for the Company estimated that during the life of the franchise the Company would spend approximately \$5,000 on capital improvements; however, the fee for the issuance of the certificate sought herein will be based on the minimum of \$5.00.

Applicant has also been rendering electric service in the area contiguous to Red Cliff and along the 13 KV transmission line from which the Town is served. Introduced at the hearing as Exhibit "G", was a map of the 13 KV distribution line serving the Town and the area contiguous thereto. Applicant proposes to continue service in the area contiguous to the Town and along the 13 KV line supplying said Town.

There are no other public utilities engaged in the business of distributing or selling electricity in the Town of Red Cliff, and no one appeared in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise of the franchise rights granted to Public Service Company of Colorado in and by Ordinance No. 155 of June 4, 1958, attached to the application herein as Exhibit "E", which, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity in the Town of Red Cliff, the inhabitants thereof, and in the area contiguous thereto and along the 13 KV transmission line from which the Town is served, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Applicant shall continue to operate and maintain its electric system and render service in the area hereinabove described, in accordance with the rate schedules, rules and regulations, service connection and main extension policies as are now or hereafter in effect and on file with the Commission, and shall continue to maintain its books and accounts in agreement with the Uniform System of Accounts, and its practices as to testing of meters, consumers' deposits and operations, and records of meters and complaints shall be in compliance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 13th day of January, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MIKE GOSSETT)
POST OFFICE BOX 301,)
HUGO, COLORADO.)
-----)

PERMIT NO. M-15751

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Mike Gossett, Hugo, Colorado

requesting that Permit No. M-15751 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15751, heretofore issued to _____

Mike Gossett, Hugo, Colorado

be,

and the same is hereby, declared cancelled effective December 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hooten
John P. Thompson
Joseph F. Hinson
Commissioners

Dated at Denver, Colorado,

this 13th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BILL FRY)
)
BRANSON, COLORADO.)
)
-----)

PERMIT NO. M-6532

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Bill Fry, Bransen, Celerade
requesting that Permit No. M-6532 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6532, heretofore issued to _____
Bill Fry, Bransen, Celerade be,
and the same is hereby, declared cancelled effective December 13, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
NATIONAL MOLASSES COMPANY)
)
ORELAND, PENNSYLVANIA.)
)
-----)

PERMIT NO. M-14714

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
National Molasses Company, Oreland, Pennsylvania
requesting that Permit No. M-14714 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14714, heretofore issued to _____
National Molasses Company, Oreland, Pennsylvania be,
and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED C. WOLFE, DOING BUSINESS AS,)
"MEEKER TIRE SHOP")
POST OFFICE BOX 163,)
MEEKER, COLORADO.)
-----)

PERMIT NO. M-9650

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Fred C. Wolfe, Dba Meeker Tire Shop, Meeker, Colorado

requesting that Permit No. M-9650 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9650, heretofore issued to _____

Fred C. Wolfe, Dba Meeker Tire Shop, Meeker, Colorado

be,

and the same is hereby, declared cancelled effective December 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

W. M. HARTLEY)
325 VIVIAN)
LONGMONT, COLORADO.)
-----)

PERMIT NO. M-8288

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
W. M. Hartley, Longmont, Colorado
requesting that Permit No. M-8288 be cancelled.

FINDINGS

THE COMMISSION FINDS:

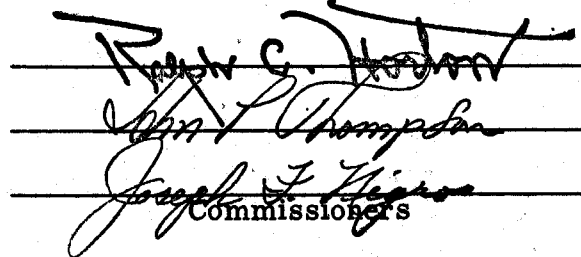
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8288, heretofore issued to _____
W. M. Hartley, Longmont, Colorado be,
and the same is hereby, declared cancelled effective December 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 13th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. D. HURD, DOING BUSINESS AS,)
"B. H. FUEL SERVICE")
305 NORTH LINDEN)
CORTEZ, COLORADO.)

PERMIT NO. M-14223

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
E. D. Hurd, Dba B. H. Fuel Service, Cortez, Colorado
requesting that Permit No. M-14223 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14223, heretofore issued to _____
E. D. Hurd, Dba B. H. Fuel Service, Cortez, Colorado be,
and the same is hereby, declared cancelled effective December 28, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hooten
John P. Thompson
Joseph F. Ziegler
Commissioners

Dated at Denver, Colorado,

this 13th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DONALD D. BEAUCHAMP)
439 WEST 2ND STREET)
SALIDA, COLORADO.)
-----)

PERMIT NO. M-13505

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Donald D. Beauchamp, Salida, Colorado

requesting that Permit No. M-13505 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13505, heretofore issued to _____

Donald D. Beauchamp, Salida, Colorado be,

and the same is hereby, declared cancelled effective December 21, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Hohn
Don P. Thompson
Joseph F. Higgins
Commissioners

Dated at Denver, Colorado,

this 13th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GLENN DIXON, DOING BUSINESS AS,)
"WESTERN AUTO ASSOCIATE STORE")
626 MAIN)
ALAMOSA, COLORADO.)

PERMIT NO. M-13371

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Glenn Dixon, Dba Western Auto Associate Store, Alamosa, Colorado
requesting that Permit No. M-13371 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13371, heretofore issued to _____
Glenn Dixon, Dba Western Auto Associate Store, Alamosa, Colorado be,
and the same is hereby, declared cancelled effective December 8, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MARION L. KIDWELL, DOING BUSINESS AS,)
"KIDWELL'S GROCERY AND SERVICE")
POST OFFICE BOX 446,)
TABERNASH, COLORADO.)
-----)

PERMIT NO. M-15572

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Marion L. Kidwell, Dba Kidwell's Grocery & Service, Tabernash, Colorado
requesting that Permit No. M-15572 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15572, heretofore issued to _____
Marion L. Kidwell, Dba Kidwell's Grocery & Service, Tabernash, Colorado be,
and the same is hereby, declared cancelled effective November 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WAYNE HARDIN)
OSHKOSH, NEBRASKA.)

PUC NO. 4086-I

January 13, 1959

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. 4086-I be suspended for six months from December 19, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

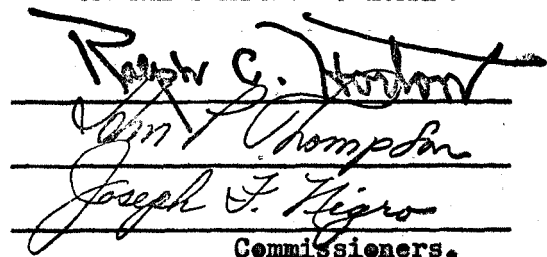
O R D E R

THE COMMISSION ORDERS:

That Wayne Hardin, Oshkosh, Nebraska, be, and he is hereby, authorized to suspend his operations under PUC No. 4086-I until June 19, 1959.

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 13th day of January 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES WYATT AND RAYMOND WYATT,)
DOING BUSINESS AS, "WYATT BROTHERS")
COALMONT, COLORADO.)
-----)

PERMIT NO. B-5504

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Charles Wyatt & Raymond Wyatt, Dba Wyatt Brothers, Coalmont, Colorado
requesting that Permit No. B-5504 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5504, heretofore issued to _____
Charles Wyatt & Raymond Wyatt, Dba Wyatt Brothers, Coalmont, Colorado be,
and the same is hereby, declared cancelled effective December 26, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of January, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

JOE E. MITCHELL)
POST OFFICE BOX 988,)
CRAIG, COLORADO)
-----)

PERMIT NO. B-5230

January 13, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Joe E. Mitchell, Craig, Colorado
requesting that Permit No. B-5230 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5230, heretofore issued to _____
Joe E. Mitchell, Craig, Colorado be,
and the same is hereby, declared cancelled effective January 6, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of January, 195 9.

ds

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEPARTMENT OF HIGHWAYS OF THE STATE)
OF COLORADO, 4201 EAST ARKANSAS AVE-)
NUE, DENVER, COLORADO, FOR AUTHORITY)
TO RELOCATE GRADE CROSSING AND IN-)
STALL AUTOMATIC FLASHING LIGHT SIG-)
NALS AT RAILROAD SURVEY STATION)
2356 +66.7 (MILEPOST 44.635) ON)
THE DENT BRANCH OF THE UNION PACIFIC)
RAILROAD COMPANY CROSSING STATE HIGH-)
WAY NO. 60 IN THE SOUTHEAST QUARTER)
OF THE NORTHEAST QUARTER OF SECTION)
7, TOWNSHIP 4-NORTH, RANGE 66-WEST)
OF THE SIXTH PRINCIPAL MERIDIAN, IN)
WELD COUNTY, STATE OF COLORADO.)
-----)

APPLICATION NO. 16707

January 13, 1959

Appearances: George L. Zoellner, Esq.,
Denver, Colorado, for
Applicant;
E. R. Lundborg, Esq.,
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, including the owners of adjacent property, and the Chairman of the Board of Weld County Commissioners, was set for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 5, 1959, where the matter was heard by the Commission and taken under advisement.

Purpose of the instant application is to secure Commission approval for construction of a new grade crossing on the relocation of State Highway No. 60, over trackage of the Union Pacific Railroad Company east of Milliken, Colorado. At the hearing the following exhibits were received, after explanation given by Mr. E. L. King, who is Assistant to the Plans & Surveys Engineer of

the Department of Highways, at Denver, Colorado:

Exhibit A: Photo-copy of Layout print at Union Pacific Mile Post 44.635 (Dent Branch), to show location of existing road to be removed and proposed location of new road and crossing.

Exhibit B: Prepared statement of Mr. King regarding the project to explain further details of: Agreements, approvals, roads involved, need for crossing and statement of costs.

Exhibit C: (To be late-filed)
Agreement dated August 5, 1958, between Department of Highways and Union Pacific Railroad Company regarding crossing site, construction, protection, costs and maintenance.

Mr. King explained that need for a new crossing results from the construction of a new bridge on Highway No. 60 over the nearby South Platte River. Related highway improvements and alignment adjustments make it possible to secure a practically level grade crossing over the railroad at a new point some 110 feet to the south of the present crossing. The crossing will involve one main track of the Dent Branch of the Union Pacific Railroad Company. Rail traffic amounts to nine scheduled trains per day operating at speeds up to 60 miles per hour. Approximately 850 vehicles per day use the highway at speeds also up to 60 miles per hour. With construction of the new crossing, it is proposed that the old roadway and crossing will be removed. Resulting sight distances at the new crossing will be improved by the direct alignment and level approaches.

Proposed protection is to consist of two automatic flashing light signals at the crossing and two reflectorized Advance Warning signs on the highway. Separation of the crossing grades or a higher type of protection is not indicated by the low volume of vehicular traffic at this time.

The new crossing is to be a minimum of 44 feet in length and will consist of rail timbers and asphalt pavement. The Department forces will furnish and install necessary signing. All costs related to the crossing improvements will be prorated on the basis of 90% Department of Highways with Federal Aid participation, and the

remaining 10% by Union Pacific. Railroad estimate for the crossing and related work is as follows:

Flashing Lights	\$5,837.00
Other Work	2,575.00
Sub total	\$8,412.00

Less Railroad contribution	584.00
	\$7,828.00

Maintenance work after construction is completed will be by the Railroad Company, in accordance with the agreement herein. Approvals for the proposed improvement have been given by the State Highway Commission; the Chief Engineer, Department of Highways; Bureau of Public Roads; and appropriate Railroad officials.

After a consideration of the explanatory material in the Application and testimony offered at the hearing, it appears that the proposed location and flasher signal protection should be approved. No objections to the crossing change have been received by the Commission, and none were offered at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

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

That public safety, convenience and necessity require the establishment, construction, use and maintenance of a new highway-railroad grade crossing in the NE $\frac{1}{4}$ of Section 7, Township 4-North, Range 66-West, 6th Principal Meridian, Weld County, Colorado, and over the single track and right-of-way of the Union Pacific Railroad Company at its Dent Branch Mile Post 44.635.

That the protective devices at the new crossing shall consist of two automatic flasher signals with added reflectorized advance warning signs.

O R D E R

THE COMMISSION ORDERS:

That authority is hereby granted for the abandonment of an existing crossing and the establishment, construction, operation and maintenance of a new public highway-railroad grade crossing on

the relocation of State Highway No. 60 over the Union Pacific
Dent Branch Main Line in the NE $\frac{1}{4}$ of Section 7, Township 4-North,
Range 66-West, 6th Principal Meridian, east of Milliken, Weld
County, Colorado.

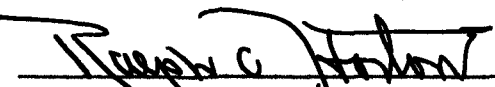


That two standard automatic flasher light signals with
necessary added reflectorized Advance Warning Signs shall be in-
stalled at the crossing and be in conformity with the Bulletin of
the Association of American Railroads' Joint Committee on Railroad
Protection.

That continuing maintenance of the rail crossing and
signal devices shall be by the Railroad Company, and maintenance of
the other warning signs shall be by the Department of Highways.

That the work to be done, costs, installation and other
maintenance shall be as indicated in the preceding Statement, and
Exhibits "A", "B", and "C", 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




Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1959.

ea

original

(Decision No. 51543)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
GAS & ELECTRIC BUILDING, DENVER,)
COLORADO, FOR A CERTIFICATE OF CON-)
VENIENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS IN THE TOWN OF)
SAGUACHE, COUNTY OF SAGUACHE, STATE)
OF COLORADO, FOR THE PURCHASE, GENERA-)
TION, TRANSMISSION, DISTRIBUTION AND)
SALE OF ELECTRICITY IN SAID TOWN.)
-----)

APPLICATION NO. 16618

January 13, 1959

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., by
Bryant O'Donnell, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado;
E. R. Lundborg, Esq., Denver,
Colorado,
E. R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, Public Service Company of Colorado, hereinafter called the "Applicant," seeks a certificate of public convenience and necessity to exercise certain franchise rights granted by the Board of Trustees of the Town of Saguache, Saguache County, Colorado, in and by Ordinance No. 7-A of June 5, 1958, for the purchase, generation, transmission, and distribution and sale of electrical energy to the Town of Saguache and the inhabitants thereof.

After due notice to all interested parties, the matter was set for hearing, and heard, on January 5, 1959, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion of said hearing, taken under advisement.

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation, together with all amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility as defined in Chapter 115-1-3 C. R. S. 1953, and is engaged in the business of generation, purchase, transmission, distribution and sale of electric energy and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. The post office address and principal office of Applicant is 900 - 15th Street, Denver, Colorado.

Evidence at the hearing disclosed that Applicant has been serving electricity in the Town of Saguache under the terms and conditions of an electric franchise (the terms of which had not yet expired), which had been granted by an ordinance of the Town, dated May 8, 1940, and under the authority of this Commission to exercise said franchise rights in the Town, granted in Application No. 209-A-B, Decision No. 17013 of April 21, 1941. Prior to the expiration of the terms of said franchise, Applicant was granted a new franchise by the Board of Trustees of the Town of Saguache for the purpose of furnishing electric service to said Town and the inhabitants thereof in and by virtue of Ordinance No. 7-A, dated June 5, 1958. Ordinance No. 7-A, is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF SAGUACHE, SAGUACHE COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF SAGUACHE, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF SAGUACHE, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF SAGUACHE, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The above-entitled Ordinance is for a period of twenty-five (25) years from and after its passage. A copy of said Ordinance, marked Exhibit "A", together with copies of documents certifying to the proper procedure in the passage, and acceptance by the Company and recording, are all attached to the instant application, and, by reference, made a part hereof.

Applicant is at the present time rendering electric service in the Town of Saguache. Introduced as Exhibit "B", by the applicant at the hearing was a map showing the primary electric distribution system in said Town. Further testimony at the hearing disclosed that Applicant, as of November 1958, was rendering service to 234 customers in said Town. The 1950 census listed the population at 1,024, and it was believed that this population is about the same at the present time. The witness for the Company estimated that during the life of the franchise, the Company would spend approximately \$10,000 for additional capital investment in the Town. This figure will be used for the basis for the issuance fee for the certificate sought herein, but will not be binding upon the Commission in the future should the question of rates or valuation be at issue.

There are no other public utilities engaged in the business of distributing or selling electricity in the Town of Saguache and no one appeared in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That the authority sought should be granted.

O R D E R

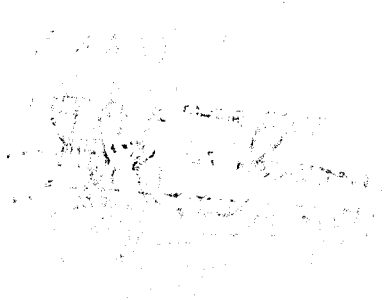
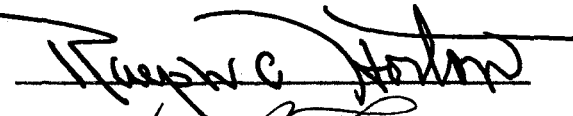
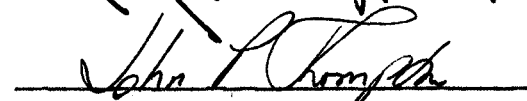

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise of the franchise rights granted to Public Service Company of Colorado, in and by Ordinance No. 7-A of June 5, 1958, attached to the application herein as Exhibit "A", which, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity in the Town of Saguache, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Applicant shall continue to operate and maintain its electric system and render service in the area hereinabove described, in accordance with the rate schedules, rules and regulations, service connection and main extension policies as are now or hereafter in effect and on file with the Commission, and shall continue to maintain its books and accounts in agreement with the Uniform System of Accounts, and its practices as to testing of meters, consumers' deposits and operations, records of meters and complaints shall be in compliance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1959.

ea

original

(Decision No. 51544)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
GAS & ELECTRIC BUILDING, DENVER,)
COLORADO, FOR A CERTIFICATE OF CON-)
VENIENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS IN THE TOWN OF)
ILIFF, COUNTY OF LOGAN, STATE OF)
COLORADO, FOR THE PURCHASE, GENERA-)
TION, TRANSMISSION, DISTRIBUTION)
AND SALE OF ELECTRICITY IN SAID)
TOWN.)
-----)

APPLICATION NO. 16775

January 13, 1959

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., by
Bryant O'Donnell, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado;
E. R. Lundborg, Esq.,
Denver, Colorado,
E. R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

By the instant application, Public Service Company of Colorado, hereinafter called the "Applicant," seeks a certificate of public convenience and necessity to exercise certain franchise rights granted by the Board of Trustees of the Town of Iliff, Logan County, Colorado, in and by Ordinance No. 1-58 of October 6, 1958, for the purchase, generation, transmission, and distribution and sale of electrical energy to the Town of Iliff and the inhabitants thereof.

After due notice to all interested parties, the matter was set for hearing, and heard, on January 5, 1959, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion of said hearing, taken under advisement.

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation, together with all amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility as defined in Chapter 115-1-3, C. R. S. 1953, and is engaged in the business of generation, purchase, transmission, distribution and sale of electric energy and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. The post office address and principal office of Applicant is 900 - 15th Street, Denver, Colorado.

Evidence at the hearing disclosed that Applicant has been serving electricity in the Town of Iliff under the terms and conditions of an electric franchise (the terms of which had not yet expired), which had been granted by Ordinance No. 113 of the Town, dated July 8, 1941, and under the authority of this Commission to exercise said franchise rights in the Town, granted in Application No. 5851, Decision No. 18656 of April 17, 1942. Prior to the expiration of the terms of said franchise, Applicant was granted a new franchise by the Board of Trustees of the Town of Iliff for the purpose of furnishing electric service to said Town and the inhabitants thereof, in and by virtue of Ordinance No. 1-58, dated October 6, 1958. Ordinance No. 1-58 is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF ILIFF, LOGAN COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF ILIFF, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF ILIFF, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT, AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONE, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF ILIFF, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The above-entitled ordinance is for a period of twenty-five (25) years from and after its passage. A copy of said ordinance marked Exhibit "H", together with copies of documents certifying to the proper procedure in the passage, and acceptance by the Company and recording, are all attached to the instant application, and, by reference, made a part hereof.

Applicant is at the present time rendering electric service in the Town of Iliff. Introduced as Exhibit "I", by the Applicant at the hearing was a map showing the primary electric distribution system in said Town. Further testimony at the hearing disclosed that Applicant, as of November 1958, was rendering service to 58 customers in said Town. The 1950 census listed the population at 235, and it was believed that this population is about the same at the present time. The witness for the Company estimated that during the life of the franchise, the Company would spend approximately \$2,500 for additional capital investment in the Town, however, the fee for the issuance for the certificate sought herein will be based on the minimum of \$5.00.

There are no other public utilities engaged in the business of distributing or selling electricity in the Town of Iliff, and no one appeared in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:


That public convenience and necessity require, and will

require, the exercise of the franchise rights granted to Public Service Company of Colorado, in and by Ordinance No. 1-58 of October 6, 1958, attached to the application herein as Exhibit "H", which, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity in the Town of Iliff, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Applicant shall continue to operate and maintain its electric system and render service in the area hereinabove described, in accordance with the rate schedules, rules and regulations, service connection and main extension policies as are now or hereafter in effect and on file with the Commission, and shall continue to maintain its books and accounts in agreement with the Uniform System of Accounts, and its practices as to testing of meters, consumers' deposits and operations, records of meters and complaints shall be in compliance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Hord
Robert Thompson
Joseph F. Hays
Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1959.

ea

original

(Decision No. 51545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
GAS & ELECTRIC BUILDING, DENVER,)
COLORADO, FOR A CERTIFICATE OF CON-)
VENIENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS IN THE TOWN OF)
CARBONDALE, COUNTY OF GARFIELD,)
STATE OF COLORADO, FOR THE PURCHASE,)
GENERATION, TRANSMISSION, DISTRI-)
BUTION AND SALE OF ELECTRICITY IN)
SAID TOWN.)
-----)

APPLICATION NO. 16777

January 13, 1959

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., by
Bryant O'Donnell, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado;
E. R. Lundborg, Denver,
Colorado,
E. R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

By the instant application, Public Service Company of Colorado, hereinafter called the "Applicant," seeks a certificate of public convenience and necessity to exercise certain franchise rights granted by the Board of Trustees of the Town of Carbondale, Garfield County, Colorado, in and by Ordinance No. 5-1958 of December 1, 1958, for the purchase, generation, transmission, and distribution and sale of electrical energy to the Town of Carbondale, and the inhabitants thereof.

After due notice to all interested parties, the matter was set for hearing, and heard, on January 5, 1959, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion thereof, was taken under advisement.

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation, together with all amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility as defined in Chapter 115-1-3, C. R. S. 1953, and is engaged in the business of generation, purchase, transmission, distribution and sale of electric energy and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. The post office address and principal office of Applicant is 900 - 15th Street, Denver, Colorado.

Evidence at the hearing disclosed that Applicant purchased the electric distribution system from a predecessor company, the Carbondale Light and Power Company, said purchase being approved by this Commission in Application No. 14930, Decision No. 47039, of December 27, 1956. The predecessor company had not obtained a franchise and therefore this is the first franchise submitted for the approval of this Commission. Further testimony disclosed that the Board of Trustees of the Town of Carbondale granted a franchise for the purpose of furnishing electric service to said Town and the inhabitants thereof in and by virtue of Ordinance No. 5-1958, dated December 1, 1958. Ordinance No. 5-1958 is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF CARBONDALE, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF CARBONDALE, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT, AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF CARBONDALE, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The above-entitled ordinance is for a period of twenty (20) years from and after its passage. A copy of said ordinance, marked Exhibit "L", together with copies of documents certifying to the proper procedure in the passage, and acceptance by the Company and recording, are all attached to the instant application, and, by reference, made a part hereof.

Applicant is at the present time rendering electric service in the Town of Carbondale. Introduced as Exhibit "M" by the Applicant at the hearing, was a map showing the primary electric distribution system in said Town. Further testimony at the hearing disclosed that Applicant, as of November 1958, was rendering service to 186 customers in said Town. The 1950 census listed the population at 441, and it was believed that this population is about 500 at the present time. The witness for the Company estimated that during the life of the franchise, the Company would spend approximately \$50,000 for additional capital investment in the Town. This figure will be used for the basis for the issuance fee for the certificate sought herein but will not be binding upon the Commission in the future should the question of rates or valuation be at issue.

There are no other public utilities engaged in the business of distributing or selling electricity in the Town of Carbondale and no one appeared in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That the authority sought should be granted.

O R D E R

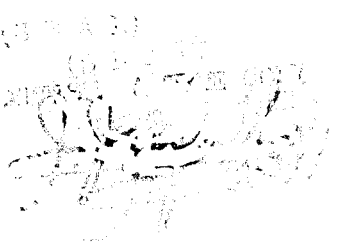
THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise of the franchise rights granted to the Public Service Company of Colorado, in and by Ordinance No. 5-1958, attached to the application herein as Exhibit "L", which, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity in the Town of Carbondale, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

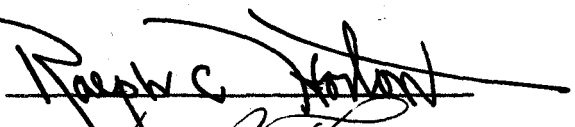


That Applicant shall continue to operate and maintain its electric system and render service in the area hereinabove described, in accordance with the rate schedules, rules and regulations, service connection and main extension policies as are now or hereafter in effect and on file with the Commission, and shall continue to maintain its books and accounts in agreement with the Uniform System of Accounts, and its practices as to testing of meters, consumers' deposits and operations, records of meters and complaints shall be in compliance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Dated at Denver, Colorado,
this 13th day of January, 1959.

ea




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)	
OF KANSAS-NEBRASKA NATURAL GAS)	
COMPANY, INC., STERLING, COLORADO,)	APPLICATION NO. 16823
FOR AN ORDER AUTHORIZING ISSUE)	Securities
AND SALE OF DEBENTURES.)	

S T A T E M E N T

By the Commission:

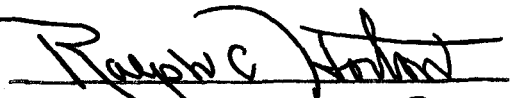

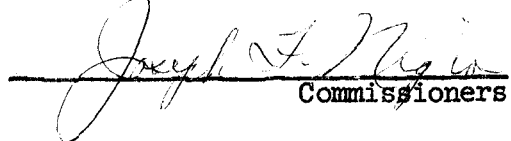
Upon consideration of the application filed January 12, 1959, by Kansas-Nebraska Natural Gas Company, Inc., a Corporation, in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on January 23, 1959, at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before January 16, 1959, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners, in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1959.

original

(Decision No. 51547)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JESSE CREEKMUR, 4314 VINE STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3259 TO WILLIAM J. ALLSPACH, JR., DOING BUSINESS AS "ALLSPACH RUBBISH REMOVAL," 4449 CLAY STREET, DENVER, COLORADO. -----	}	APPLICATION NO. 16745-Transfer
--	---	--------------------------------

January 13, 1959

Appearances: Jesse Creekmur, Denver,
Colorado, pro se;
William J. Allspach, Jr.,
Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Jesse Creekmur, Denver, Colorado, owner and operator of PUC No. 3259, seeks authority to transfer said operating rights to William J. Allspach, Jr., doing business as "Allspach Rubbish Removal," Denver, Colorado, said PUC No. 3259 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

ashes, trash, and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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, Jesse Creekmur testified he is transferor herein; that he must cease operations, due to poor health; that there are no outstanding unpaid operating obligations against PUC No. 3259.

Report of the Examiner further states that at the hearing, William J. Allspach, Jr., transferee herein, testified he is the owner of PUC No. 3197; that he has had experience as a trash hauler, and is familiar with the rules and regulations of the Commission; that his net worth is \$30,000.

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

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

Report of the Examiner recommends that authority herein sought to transfer PUC No. 3259 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 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 Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Jesse Creekmur, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to FUC No. 3259 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to William J. Allspach, Jr., doing business as "Allspach Rubbish Removal," 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 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

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

Dated at Denver, Colorado,
this 13th day of January, 1959.
ea

original

(Decision No. 51548)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
H. L. BRYANT, DOING BUSINESS AS)	
"BRYANT TRANSFER," 924 WEST OAK)	
STREET, FORT COLLINS, COLORADO, FOR)	APPLICATION NO. 16493
A CERTIFICATE OF PUBLIC CONVENIENCE)	<u>SUPPLEMENTAL ORDER</u>
AND NECESSITY TO OPERATE AS A COM-)	
MON CARRIER BY MOTOR VEHICLE FOR)	
HIRE.)	
-----)	

January 15, 1959

Appearances: Waldo Riffenburgh, Esq.,
Fort Collins, Colorado,
for Applicant;
Christensen and Cross, Esqs.,
by Robert C. Christensen,
Esq., Loveland, Colorado,
for Denver and Loveland
Transportation, Orion M.
Sutton;
Howard Yelverton, Denver, Colo-
rado, for Goldstein Trans-
portation and Storage, Inc.;
Fred R. Drager, Fort Collins,
Colorado, for Drager Trans-
fer and Storage Company;
Roy Carpenter, Fort Collins,
Colorado, for Ted Carpenter
and Son.

S T A T E M E N T

By the Commission:

On August 14, 1958, the Commission entered its Decision No. 50770, in Application No. 16493, granting to H. L. Bryant, doing business as "Bryant Transfer," Fort Collins, Colorado, a certificate of public convenience and necessity, authorizing operations as a common carrier by motor vehicle for hire.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 50770,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

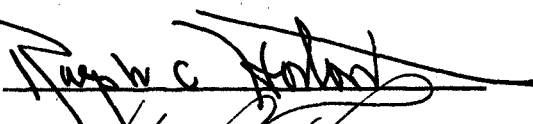


O R D E R

THE COMMISSION ORDERS:

That operating rights granted to H. L. Bryant, doing business as "Bryant Transfer," Fort Collins, Colorado, in Application No. 16493, by Decision No. 50770, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 50770.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

original

•



•

That the above-styled application should be continued,
to be later re-set for hearing.

O R D E R

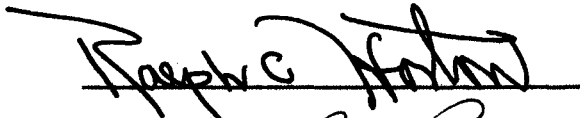
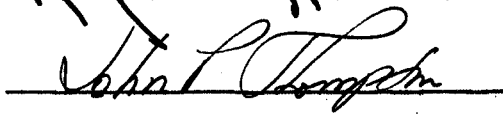

THE COMMISSION ORDERS:

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

That Application No. 16740-PP should be, and the same
hereby is, continued, to be later re-set for hearing 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 15th day of January, 1959.

ea

original

(Decision No. 51550)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ED BUTLER, RURAL ROUTE 1, CORTEZ,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 16495-PP
SUPPLEMENTAL ORDER

January 15, 1959

Appearances: Ed Butler, Cortez, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

On August 18, 1958, in Application No. 16495-PP, the Com-
mission entered its Decision No 50783, granting to Ed Butler,
Cortez, Colorado, a Class "B" permit, authorizing him to operate
as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to fulfill require-
ments set forth in said Decision No. 50783,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

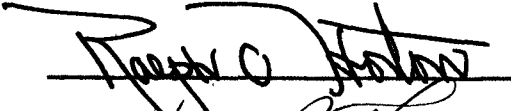


O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Ed Butler, Cortez, Colo-
rado, in Application No. 16495-PP, by Decision No. 50783, of date
August 18, 1958, should be, and hereby are, revoked, for failure
of said applicant to comply with requirements set forth in said
Decision No. 50783.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

original

(Decision No. 51551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
W. E. BUTLER, DOING BUSINESS AS)	
"W. E. BUTLER & SONS," CRAIG, COLO-)	
RADO, FOR A CLASS "B" PERMIT TO)	APPLICATION NO. 16472-PP
OPERATE AS A PRIVATE CARRIER BY)	<u>SUPPLEMENTAL ORDER</u>
MOTOR VEHICLE FOR HIRE.)	
-----)	

January 15, 1959

Appearances: W. E. Butler, Craig, Colorado,
 pro se;
 Harry Butler, Craig, Colorado,
 pro se.

S T A T E M E N T

By the Commission:

On August 7, 1958, in Application No. 16472-PP, the Commission entered its Decision No. 50742, granting to W. E. Butler, doing business as "W. E. Butler & Sons," Craig, Colorado, a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to fulfill requirements set forth in said Decision No. 50742,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to W. E. Butler, doing business as "W. E. Butler & Sons," Craig, Colorado, by Decision No. 50742, of date August 7, 1958, in Application No. 16472-PP, should be, and hereby are, revoked, for failure of applicant to comply with requirements set forth in said Decision No. 50742.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hunter
John P. Thompson
Joseph F. Higgins
Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.

ca

original

(Decision No. 51552)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM J. EVANS, DOING BUSINESS AS)
"WILLIAM J. EVANS PAVING COMPANY,")
5110 SOUTH FRANKLIN STREET, LITTLE-) APPLICATION NO. 16414-PP
TON, COLORADO, FOR A CLASS "B" PER-) SUPPLEMENTAL ORDER
MIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
-----)

January 15, 1959

Appearances: William J. Evans, Littleton,
Colorado, pro se;
Jones and Meiklejohn, Esqs.,
Denver, Colorado, for
R. B. "Dick" Wilson, Inc.

S T A T E M E N T

By the Commission:

On July 8, 1958, the Commission entered its Decision
No. 50572 in Application No. 16414-PP, granting to William J.
Evans, doing business as "William J Evans Paving Company,"
Littleton, Colorado, a Class "B" permit, authorizing him to
operate as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to fulfill
requirements set forth in said Decision No. 50572,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to William J. Evans,
doing business as "William J. Evans Paving Company," Littleton,
Colorado, by Decision No. 50572, of date July 8, 1958, in Appli-
cation No. 16414-PP, should be, and hereby are, revoked, for

failure of applicant to comply with requirements set forth in
said Decision No. 50572.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

original

(Decision No. 51553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VIRGIL HARMS, BOX 135, PAOLI, COLO-)	
RADO, FOR A CLASS "B" PERMIT TO)	APPLICATION NO. 16325-PP
OPERATE AS A PRIVATE CARRIER BY)	<u>SUPPLEMENTAL ORDER</u>
MOTOR VEHICLE FOR HIRE)	
-----)	

January 15, 1959

Appearances: Virgil Harms, Paoli, Colo-
rado, pro se;
Lowell Brooks, Sterling,
Colorado, for Brooks
Transportation Company;
J. R. Arnold, Denver, Colo-
rado, for Northeastern
Motor Freight, Inc.

S T A T E M E N T

By the Commission:

On July 8, 1958, in Application No. 16325-PP, the Com-
mission entered its Decision No. 50571, granting to Virgil Harms,
Paoli, Colorado, a Class "B" permit, authorizing him to operate as
a private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to fulfill require-
ments set forth in said Decision No. 50571,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Virgil Harms, Paoli, Colo-
rado, by Decision No. 50571, of date July 8, 1958, in Application No.
16325-PP, should be, and hereby are, revoked, for failure of appli-
cant to comply with requirements set forth in said Decision No. 50571.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

original

(Decision No. 51554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
DONALD P. JOHNSON, ROUTE 2, BOX 285,)	
GOLDEN, COLORADO, FOR A CLASS "B")	APPLICATION NO. 15845-PP
PERMIT TO OPERATE AS A PRIVATE)	<u>SUPPLEMENTAL ORDER</u>
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----))	

January 15, 1959

Appearances: Donald P. Johnson, Golden,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 23, 1958, in Application No. 15845-PP, the Commission entered its Decision No. 50110, granting to Donald P. Johnson, Golden, Colorado, a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to fulfill requirements set forth in said Decision No. 50110,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Donald P. Johnson, Golden, Colorado, by Decision No. 50110, of date April 23, 1958, in Application No. 15845-PP, should be, and hereby, arevoked, for failure of applicant to comply with requirements set forth in said Decision No. 50110.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Horton
John J. Thompson
Joseph F. Miller
Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.
ea

original

(Decision No. 51555)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD ORFIELD, 1134 CALVERT, COLO-)
RADO SPRINGS, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 16408-PP
SUPPLEMENTAL ORDER

January 15, 1959

S T A T E M E N T

By the Commission:

On July 1, 1958, in Application No. 16408-PP, the Commission entered its Decision No. 50521, granting to Floyd Orfield, Colorado Springs, Colorado, a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to fulfill requirements set forth in said Decision No. 50521,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Floyd Orfield, Colorado Springs, Colorado, by Decision No. 50521, of date July 1, 1958, in Application No. 16408, should be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 50521.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. C. [Signature]
John P. [Signature]
Joseph F. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.
ea

original

(Decision No. 51556)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD N. DANIELS, DOING BUSINESS)
AS "DANIELS MOVING & STORAGE COM-)
PANY," 233 WEST COLORADO AVENUE,)
COLORADO SPRINGS, COLORADO, FOR A) APPLICATION NO. 16739-Extension
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COM-)
MON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)
-----)

January 15, 1959

Appearances: Bernard L. Trott, Esq.,
Colorado Springs, Colo-
rado, for Applicant;
John R. Barry, Esq., Denver,
Colorado, for McCann Bros.
Transfer Company.

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.

Said application was regularly set for hearing at the City Auditorium, Colorado Springs, Colorado, December 16, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Attorney for Applicant moved that said matter be continued, and re-set for hearing at a later date.

There being no objection thereto, Report of the Examiner recommends that said motion 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 above-styled application should be continued, to be later re-set for hearing.

O R D E R

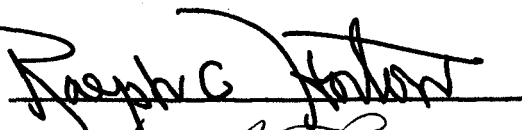

THE COMMISSION ORDERS:

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

That Application No. 16739 should be, and the same hereby is, continued, 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 15th day of January, 1959.

ea

original

(Decision No. 51557)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELOY ROMERO, 2113 NORTH WEBER)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 16742-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

January 15, 1959

Appearances: John Allen Donnelly, Esq.,
Colorado Springs, Colo-
rado, for Applicant;
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for copy
of Order.

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 City Auditorium, Colorado Springs, Colorado, December 16, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 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 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 he is presently operating under Temporary Authority issued by this Commission; that he is the owner of two International Dump Truck; that he owns his home, and has a net worth of \$4,000; that he has received numerous requests for his proposed operations; that he is agreeable to have transportation of road-surfacing materials limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by Applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Eloy Romero, 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.


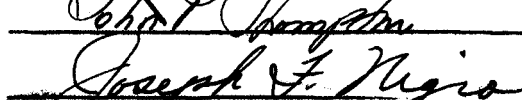

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 15th day of January, 1959.

original

(Decision No. 51558)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EVERETT E. SCHOOLER, 1412 NORTH)	
HANCOCK, COLORADO SPRINGS, COLORADO,)	
FOR A CLASS "B" PERMIT TO OPERATE)	APPLICATION NO. 16743-PP
AS A PRIVATE CARRIER BY MOTOR VE-)	
HICLE FOR HIRE)	
-----)	

January 15, 1959

Appearances: Everett E. Schooler, Colorado
Springs, Colorado, pro se.

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 City Auditorium, Colorado Springs, Colorado, December 16, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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 presently operating under Temporary Authority issued by this Commission; that he owns two 1954 Chevrolet two-ton dump trucks, and a 1959 G.M.C. two and one-half-ton dump truck; that he owns his home, and has a net worth of \$30,000; that he has received numerous requests for his services; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump truck, only.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, 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, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Everett E. Schooler, 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; 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, transportation of road-surfacing materials 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 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

Raymond C. Horton

John A. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

original

(Decision No. 51559)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH J. DANDREA, 21 EAST ARVADA,)
COLORADO SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 16741-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
- - - - -)

- - - - -
January 15, 1959
- - - - -

Appearances: Joseph J. Dandrea, Colorado
Springs, Colorado, pro se.

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 City Auditorium, Colorado Springs, Colorado, December 16, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 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 the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, applicant testified he is presently engaged in transportation of sand and gravel, under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed operations; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks, only.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as hereinafter limited.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, 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 Joseph J. Dandrea, 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, transportation of road-surfacing materials 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 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

Joseph C. Hutton
John P. Thompson
Joseph F. Higgins
Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
HAROLD L. NEAL AND ALBERT NEAL, CO-)	
PARTNERS, DOING BUSINESS AS "NEAL)	
BROTHERS TRUCK LINE," WIGGINS, COLO-)	
RADO, FOR AUTHORITY TO TRANSFER PUC)	APPLICATION NO. 16764-Transfer
NO. 1847 AND PUC NO. 1847-I TO RAY-)	
MOND JOHN PETERSON, DOING BUSINESS)	
AS "R. J. PETERSON," WIGGINS, COLO-)	
RADO.)	
-----)	

January 15, 1959

Appearances: Raymond John Peterson, Wiggins,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Harold L. Neal and Albert Neal, co-partners,
doing business as "Neal Brothers Truck Line," Wiggins, Colorado,
were granted a certificate of public convenience and necessity,
authorizing them to operate as a common carrier by motor vehicle
for hire, for the transportation of:

farm products, including livestock (but excluding
dairy products), between points within the area
extending six miles south, ten miles east, six
miles west, and fifteen miles north of Hoyt,
Colorado; farm products, including livestock (but
excluding dairy products), from points in said
area to markets in Wiggins, Fort Morgan, Brush,
Greeley, and the City and County of Denver, with
back-haul of livestock, fence posts, poles, brick,
cement, plaster, cinder blocks, slabs, and similar
building materials, to points in the above-described
area, coal and stock feeds from supply points in
the City and County of Denver and the Counties
of Boulder, Weld, and Morgan, on the one hand,
to points in the above-described Hoyt area on
the other; without the right to haul commodities
ordinarily handled by line-haul motor vehicle
common carriers between points served by such
carriers on schedule; livestock, farm products
(other than dairy products), farm equipment and
supplies, posts, poles, brick, cement, plaster,
blocks, slabs and similar building materials,
stock feeds and coal, between points within an

area extending six miles south, seventeen miles north, ten miles east, and six miles west of Hoyt, Colorado, and between points in said area, on the one hand, and, on the other, points within a 150-mile radius of Hoyt, Colorado; beet samples between points in Morgan County and that portion of Washington County west of a line running north and south of Akron, including Akron, and north of a line running east and west of Rago, including Rago;

freight 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,

said operating rights being designated "PUC No. 1847 and PUC No. 1847-I."

By the above-styled application, said certificate-holders seek authority to transfer said PUC No. 1847 and PUC No. 1847-I to Raymond John Peterson, doing business as "R. J. Peterson," Wiggins, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, December 23, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 22, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Raymond John Peterson testified he is transferee herein; that he has a net worth of \$10,000; that he has had two years' truck-operating experience in Wiggins, Colorado; that the consideration for transfer of said operating rights is the sum of \$5,500, all of which has been paid; that he has suitable and ample equipment with which to conduct his proposed operations; that he has an interest in Permit No. M-13273;

that there are no outstanding unpaid operating obligations against said PUC No. 1847 and PUC No. 1847-I.

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

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

Report of the Examiner recommends that authority herein sought to transfer 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 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 Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Harold L. Neal and Albert Neal, co-partners, doing business as "Neal Brothers Truck Line," Wiggins, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1847 and PUC No. 1847-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Raymond John Peterson, doing business as "R. J. Peterson," Wiggins, 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.

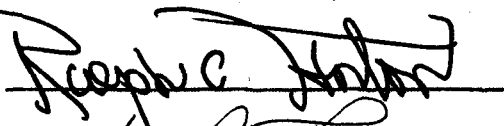
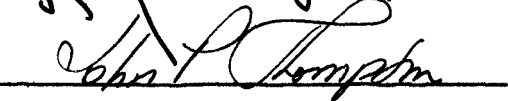

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

That transfer of interstate operating rights herein authorized is 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




Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

original

(Decision No. 51561)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EZRA FARROW, DOING BUSINESS AS)
"EZRA FARROW RUBBISH REMOVAL SER-)
VICE," 1859 LAFAYETTE STREET, DEN-)
VER, COLORADO, FOR AUTHORITY TO)
TRANSFER A PORTION OF PUC NO.2232)
TO PETER S. FACINELLI AND DONALD H.)
MC KENDRY, CO-PARTNERS, DOING BUSI-)
NESS AS "PETE AND DON DISPOSAL SER-)
VICE," 2555 HARLAN STREET, EDGE-)
WATER, COLORADO.)
-----)

APPLICATION NO. 16310-Transfer
SUPPLEMENTAL ORDER

January 15, 1959

Appearances: Ezra Farrow, Denver, Colo-
rado, pro se;
Peter S. Facinelli, Edgewater,
Colorado, pro se;
Donald H. McKendry, Edgewater,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On May 22, 1958, the Commission entered its Decision No. 50317, in Application No. 16310, authorizing Ezra Farrow, doing business as "Ezra Farrow Rubbish Removal Service," Denver, Colorado, to transfer to Peter S. Facinelli and Donald H. McKendry, co-partners, doing business as "Pete and Don Disposal Service," Edgewater, Colorado, a portion of PUC No. 2232, viz., operating rights for service in Edgewater, Colorado, only.

Inasmuch as said parties have not fulfilled requirements set forth in said Decision No. 50317,

F I N D I N G S

THE COMMISSION FINDS:

That authority so to transfer should be set aside, as set forth in the Order following.

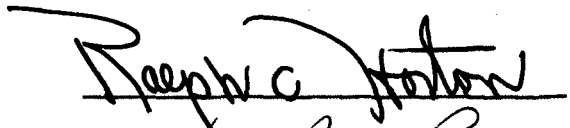


O R D E R

THE COMMISSION ORDERS:

That authority granted to Ezra Farrow, doing business as "Ezra Farrow Rubbish Removal Service," Denver, Colorado, to transfer a portion of PUC No. 2232 to Peter S. Facinelli and Donald H. McKendry, co-partners, doing business as "Pete and Don Disposal Service," Edgewater, Colorado, by Decision No. 50317, of date May 22, 1958, in Application No. 16310, should be, and the same hereby is set aside, and the Secretary of the Commission is hereby instructed to change the records of the Commission to show that Ezra Farrow, doing business as "Ezra Farrow Rubbish Removal Service," Denver, Colorado, is the owner and operator of said PUC No. 2232, in its entirety.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

original

(Decision No. 51562)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LINTON C. AUSTIN, JOE F. ENRIGHT,)
AND MELVIN A CHANCE, DOING BUSI-)
NESS AS "BOULDER-DENVER TRUCK LINES,")
2709 SPRUCE STREET, BOULDER, COLO-) APPLICATION NO. 16709-Transfer
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 2635 TO BOULDER-DENVER TRUCK)
LINE, INC., 2709 SPRUCE STREET,)
BOULDER, COLORADO.)
-----)

January 15, 1959

Appearances: Donald Brotzman, Esq.,
Boulder, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Linton C. Austin,
Joe F. Enright, and Melvin A. Chance, doing business as "Boulder-
Denver Truck Lines," Boulder, Colorado, owners and operators of
PUC No. 2635, seek authority to transfer said certificate to Boulder-
Denver Truck Line, Inc., Boulder, Colorado, said PUC No. 2635 being
the right to operate as a common carrier by motor vehicle for hire,
for the transportation, on schedule, of:

freight, excluding household goods, as defined by
the Interstate Commerce Commission, and excluding
freight which, because of size or weight, require
special equipment for transportation, between Denver
(and an area included in a three-mile radius of the
City Limits of Denver), and Boulder, Colorado (and
an area included in a three and one-half-mile radius
of the City Limits of Boulder), without the right to
serve intermediate points; conduct of a pick-up and
delivery service in the City of Boulder, Colorado,
for freight having a prior or subsequent movement
in connection with the existing line-haul common
carrier service, where the entire movement is covered
by a single bill of lading.

Said application was regularly set for hearing before the
Commission, at the Court House, Boulder, Colorado, November 19, 1958,
at ten o'clock A. M., due notice thereof being forwarded to all parties
in interest.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, 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 Edwin R. Lundborg, 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, Melvin A. Chance, an officer and Director of transferee corporation, appeared and testified, stating transferee is a corporation, organized on the 8th day of October, 1958, for the express purpose of carrying on the business heretofore conducted by transferors; that he and his two partners were the incorporators of transferee corporation, as well as two other corporations, viz., Ace Terminal Corporation (which will own the real estate and any improvements thereon which are to be used by transferee), and Ace Leasing Corporation (which would own all rolling stock used by transferee corporation); that they will assume and direct management of said corporation; that the reason for the proposed transfer was for tax purposes; that if transfer is authorized, it would allow more flexibility of operation; that the consideration for transfer of said operating rights is capital stock of transferee; that transferee has ample and suitable equipment, a list of which is on file with the Commission; that neither transferors nor transferee has financial or proprietary interest in any other operating rights issued by this Commission; that copy of Articles of Incorporation and financial statement of transferee are on file with the Commission.

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

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

Report of the Examiner recommends that authority herein sought to transfer PUC No. 2635 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 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 the Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Linton C. Austin, Joe F. Enright, and Melvin A. Chance, co-partners, doing business as "Boulder-Denver Truck Lines," Boulder, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2635 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Boulder-Denver Truck Line, Inc., Boulder, 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 the 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

Herbert C. Hutton

John P. Thompson

Joseph F. Nease
Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. H. PRATHER, DOING BUSINESS AS,)
"EAST SIDE REPAIR SHOP")
109 ALBANY)
YUMA, COLORADO.)
-----)

PERMIT NO. M-4684

January 14, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
E. H. Prather, Dba East Side Repair Shop, Yuma, Colorado
requesting that Permit No. M-4684 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4684, heretofore issued to _____
E. H. Prather, Dba East Side Repair Shop, Yuma, Colorado be,
and the same is hereby, declared cancelled effective January 18, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 14th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ANNABELLE M. JARDON, DOING BUSINESS)
AS, "JARDON'S PRODUCE")
POST OFFICE BOX 418,)
CANON CITY, COLORADO.)
-----)

PERMIT NO. M-15019

January 14, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Annabelle M. Jarden, Dba Jarden's Produce, Canon City, Colorado
requesting that Permit No. M-15019 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15019, heretofore issued to _____
Annabelle M. Jarden, Dba Jarden's Produce, Canon City, Colorado be,
and the same is hereby, declared cancelled effective November 30, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Anderson
John L. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TOM CORNELL AND H. E. ADAMS)
WELLINGTON, COLORADO.)
-----)

PERMIT NO. M-13991

January 14, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Tom Cornell & H. E. Adams, Wellington, Colorado
requesting that Permit No. M-13991 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13991, heretofore issued to _____
Tom Cornell & H. E. Adams, Wellington, Colorado be,
and the same is hereby, declared cancelled effective October 31, 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 14th day of January, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FORREST STANLEY SCRUGGS, SR., DOING)
BUSINESS AS, "SCRUGGS PEAT MOSS")
510 MAXWELL)
BOULDER, COLORADO)
-----)

PERMIT NO. M-15207

January 14, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Ferrest Stanley Scruggs, Sr., Dba Scruggs Peat Moss, Boulder, Colorado
requesting that Permit No. M-15207 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15207, heretofore issued to _____
Ferrest Stanley Scruggs, Sr., Dba Scruggs Peat Moss, Boulder, Colorado be,
and the same is hereby, declared cancelled effective January 19, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 14th day of January, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT T. PATTISON)
CARBONDALE, COLORADO.)

PUC NO. 2548

January 14, 1959

S T A T E M E N T

By the Commission:

On July 29, 1958, the Commission entered its Decision No. 50701, authorizing Robert T. Pattison, Carbondale, Colorado, owner of PUC No. 2548 to suspend operations under said operating rights until January 24, 1959.

The Commission is now in receipt of a request from said certificate-holder, requesting authority to further suspend operations under said PUC No. 2548 for an additional period of six months.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

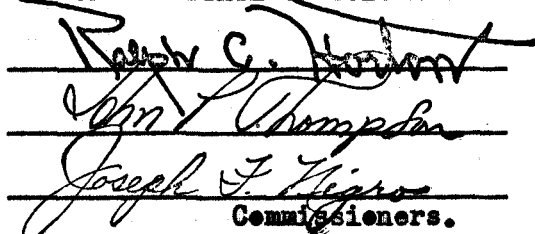
O R D E R

THE COMMISSION ORDERS:

That Robert T. Pattison, Carbondale, Colorado, owner of PUC No. 2548, should be, and he hereby is, authorized to further suspend operations under said PUC authority until July 24, 1959.

That unless said certificate-holder shall, prior to expiration of said suspension period, make a request, in writing, for 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 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 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BENJAMIN H. EVANS)
843 EAST DARTMOUTH)
ENGLEWOOD, COLORADO.)
-----)

PERMIT NO. M-13124

January 14, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Benjamin H. Evans, Englewood, Colorado
requesting that Permit No. M-13124 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13124, heretofore issued to _____
Benjamin H. Evans, Englewood, Colorado _____ be,
and the same is hereby, declared cancelled effective December 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 14th day of January, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIE JONES)
3008 GAYLORD STREET)
DENVER 5, COLORADO.)

Permit No. B-5240

January 14, 1959

S T A T E M E N T

By the Commission:

On November 19, 1958, the Commission authorized Willie Jones, Denver, Colorado, to suspend operations under his Permit No. B-5240 until April 21, 1959.

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-5240 should be, and the same hereby is, reinstated as of January 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 14th day of January 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIE JONES)
3008 GAYLORD STREET,)
DENVER 5, COLORADO.)

PUC NO. 4015

January 14, 1959

S T A T E M E N T

By the Commission:

On December 4, 1958, the Commission authorized Willie Jones, Denver, Colorado, to suspend operations under his Certificate of Public Convenience and Necessity No. 4015 until April 21, 1959.

The Commission is now in receipt of a communication from the above-named certificate-holder requesting that his certificate be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

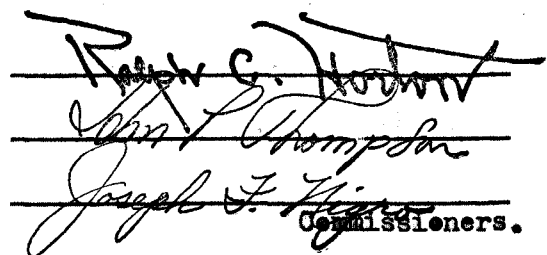
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate of Public Convenience and Necessity No. 4015 should be, and the same hereby is, reinstated as of January 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of January 1959

ds

equal

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT L. LOVE AND VERNON JOHNSON,)
CO-PARTNERS, DOING BUSINESS AS)
"CITY-WIDE ASH & RUBBISH REMOVAL)
SERVICE," 2385 SOUTH KING STREET,)
DENVER, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 16749-Transfer
TRANSFER PUC NO. 3728 TO THERON J.)
F. LAWSON, DOING BUSINESS AS "CITY-)
WIDE ASH & RUBBISH REMOVAL SERVICE,")
825 SOUTH YATES STREET, DENVER,)
COLORADO.)
-----)

January 16, 1959

Appearances: Vernon Johnson, Denver, Colo-
rado, pro se;
Theron J. F. Lawson, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Robert L. Love and Vernon Johnson, co-partners,
doing business as "City-Wide Ash & Rubbish Removal Service," Denver,
Colorado, were granted a certificate of public convenience and nec-
essity, authorizing them 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 City and County of Denver, and
from points within the City and County of Denver,
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. 3728."

By the above-styled application, said certificate-holders
seek authority to transfer said PUC No. 3728 to Theron J. F. Lawson,
doing business as "City-Wide Ash & Rubbish Removal Service," Denver,
Colorado.

Said application was regularly set for hearing before the
Commission, at the Hearing Room of the Commission, 330 State Office
Building, D enver, Colorado, December 17, 1958, at ten o'clock A. M.,

due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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, Vernon Johnson, one of transferors herein, testified that he and his partner desire to sell their trash-hauling business; that there are no outstanding unpaid operating obligations against said certificate.

Report of the Examiner further states that at the hearing, Theron J. F. Lawson testified he is transferee herein; that he is a truck driver, and owns a 1950 three-fourths-ton Chevrolet pick-up; that he owns his home, and has a net worth of \$12,000; that in the event authority herein sought is granted, he will obey the rules and regulations of the Commission.

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

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

Report of the Examiner recommends that authority herein sought to transfer PUC No. 3728 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, 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 Robert L. Love and Vernon Johnson, co-partners, doing business as "City-Wide Ash & Rubbish Removal Service," Denver, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 3728 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Theron J. F. Lawson, doing business as "City-Wide Ash & Rubbish Removal Service," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

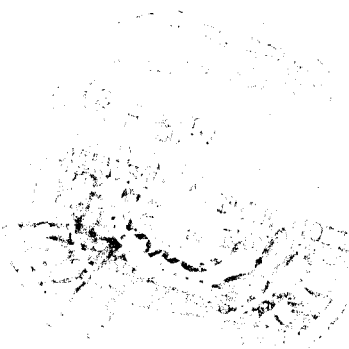
That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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



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

Dated at Denver, Colorado,
this 16th day of January, 1959.

ea

original

(Decision No. 51572)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD J. MC CUNE, DOING BUSINESS)
AS "MC CUNE TRUCK LINE," BURLINGTON,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMITS NOS. B-1317 AND B-1317-I TO) APPLICATION NO. 16754-PP-Transfer
WILLIAM SCHEOPNER, BOX 186, STRATTON,)
COLORADO.)
-----)

January 16, 1959

Appearances: William Scheopner, Stratton,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Harold J. McCune, doing business as "McCune Truck Line," Burlington, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

farm supplies, farm equipment, farm products, feed and coal, from point to point in the area described as: beginning at the Town of Seibert; thence north along Colorado Highway No. 59 a distance of 22 miles, east 11 miles, thence south 22 miles to U. S. Highway No. 24; thence west along U. S. Highway No. 24 a distance of 11 miles to place of beginning; it being understood that applicant shall have the right to use Colorado Highway No. 57 in the conduct of his operations; farm products from said area to Burlington and Stratton, with back-haul of farm supplies, and transportation of livestock, from point to point in said area, and between said area and sales at Sterling, Colorado; commodities heretofore authorized to be transported, and household goods, between points within the area described as: beginning at Siebert, Colorado, on U. S. Highway No. 24; thence south along Colorado Highway No. 59 to Kit Carson-Cheyenne County Line; thence east 11 miles along said County Line to a point; thence north 18 miles, more or less, to U. S. Highway No. 24; thence west to the point of beginning, said U. S. Highway No. 24 formerly being known as "U. S. Highway 40-North," (the north line of the territory herein described being the south line of the territory applicant was authorized

to serve by Decision No. 7257); livestock from points in original territory authorized to be served, as well as from points in the territory herein authorized to be served, to Denver, Colorado; a strip 5 miles wide, extending north to south, along the east side of presently-authorized territory, with the right to serve points to and from this area, the same as if it had been originally incorporated in the base area;

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

said operating rights being known as "Permits Nos. B-1317 and B-1317-I."

By the above-styled application, said permit-holder seeks authority to transfer said Permits Nos. B-1317 and B-1317-I 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, December 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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, William Scheopner, transferee herein, testified that there is no outstanding indebtedness against the permits herein sought to be transferred; that he has entered into an agreement with the transferor to purchase said operating rights on a cash basis; that he has a net worth of approximately \$40,000; that he has ample and suitable equipment with which to conduct his proposed operations; that he is the owner of Permit No. B-1267 heretofore issued by this Commission.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

That Harold J. McCune, doing business as "McCune Truck Line," Burlington, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permits Nos. B-1317 and B-1317-I -- with authority as set forth in the Statement preceding, which is made 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 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.

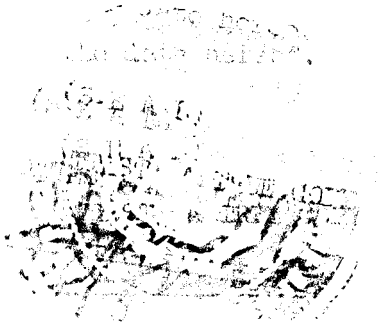
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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.

That transfer of interstate operating rights herein authorized is 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. Nigro
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO,
FOR AUTHORITY TO EXTEND ELECTRIC
LINES TO SERVE TRANSWESTERN INVEST-
MENT CO., VICTORIA HEIGHTS SUBDIVIS-
ION, BETWEEN WASHINGTON STREET AND
YORK STREET, FROM EAST 96TH AVENUE
TO EAST 100TH AVENUE, SECTION 14,
TOWNSHIP 2-SOUTH, RANGE 68-WEST,
ADAMS COUNTY, STATE OF COLORADO.

APPLICATION NO. 16521-Extension

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO,
900 FIFTEENTH STREET, DENVER, COLO-
RADO, FOR AUTHORITY TO EXTEND ELEC-
TRIC LINES AND FACILITIES TO SERVE
THAT PORTION OF VALLEY VISTA SUB-
DIVISION, 2ND FILING LOCATED IN THE
NE $\frac{1}{4}$ OF SECTION 33 AND IN THE W $\frac{1}{2}$ OF
SECTION 34, TOWNSHIP 2-SOUTH, RANGE
68-WEST OF THE 6TH P. M., AND TO
SERVE SHERRELWOOD ESTATES, 1ST FIL-
ING LOCATED IN THE N $\frac{1}{2}$ AND THE N $\frac{1}{4}$ OF
THE SW $\frac{1}{4}$ OF SECTION 34 AND THE E $\frac{1}{2}$ OF
THE NE $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 2-
SOUTH, RANGE 68-WEST OF THE 6TH
P. M., ADAMS COUNTY, COLORADO.

APPLICATION NO. 16756-Extension

IN THE MATTER OF THE APPLICATION OF
UNION RURAL ELECTRIC ASSOCIATION,
INC., BRIGHTON, COLORADO, FOR AUTH-
ORITY TO EXTEND FACILITIES IN THE
SOUTH HALF OF SECTION 14, TOWNSHIP
2-SOUTH, RANGE 68-WEST, TO SERVE A
PROPOSED SUBDIVISION KNOWN AS "VIC-
TORIA HEIGHTS," LOCATED IN THE SOUTH
HALF OF SECTION 14, TOWNSHIP 2-SOUTH,
RANGE 68-WEST.

APPLICATION NO. 16617-Extension

IN THE MATTER OF THE APPLICATION OF
UNION RURAL ELECTRIC ASSOCIATION,
INC., BRIGHTON, COLORADO, TO EXTEND
ITS LINES TO SERVE THE HOMES TO BE
LOCATED IN THE SUBDIVISIONS KNOWN
AS VALLEY VISTA SUBDIVISION 2ND FIL-
ING, AND SHERRELWOOD ESTATES, IN
SECTIONS 33 AND 34, TOWNSHIP 2-SOUTH,
RANGE 68-WEST.

APPLICATION NO. 16776-Extension

January 16, 1959

Appearances: Lee, Bryans, Kelly & Stansfield,
Esqs., by Charles Kelly, Esq.,
and by Bryant O'Donnell, Esq.,
Denver, Colorado, for Public
Service Company of Colorado;
Grant, Shafroth & Toll, Esqs.,
by Erl Ellis, Esq., Denver, Colo-
rado, for Union Rural Electric
Association, Inc.;
E. R. Thompson, Denver, Colorado,
and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The above-entitled applications were set for hearing by the Commission, after appropriate notice to all interested parties, December 22, 1958, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. The four applications were heard on a consolidated record, and at the conclusion of the hearing, were taken under advisement by the Commission.

Each of the Applicants herein has filed its application to serve almost identical areas, one application by each applicant having to do with service to Victoria Heights Subdivision while the other applications have to do with service to Valley Vista Subdivision, Second Filing and Sherrelwood Estates, First Filing. The exact locations of these filings are more particularly described in said applications. Valley Vista Filing No. 2 adjoins Sherrelwood Estates, located in Adams County north of the Western Hills Subdivision, while Victoria Heights, also in Adams County, is located in the South Half of Section 14, Township 2-South, Range 68-West, immediately north of the incorporated Town of Thornton.

The procedure being followed in these proceedings was set forth by the Commission in its Decision No. 47074, of January 7, 1957, in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from

presently-existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "I" in Application No. 15076 and Application No. 15150.

At the hearing, both parties presented evidence in support of their applications to render service to all of the subdivisions, and also protested the granting of a certificate to the other party for said service.

Evidence at the hearing disclosed that insofar as service to Valley Vista Filing No. 2 and Sherrelwood Estates, the Public Service Company is presently serving in Valley Vista No. 1 and in Western Hills immediately south and adjacent to Valley Vista No. 2 and Sherrelwood Estates Subdivision. Union Rural Electric Association, Inc., has lines abutting on the northeast part of Sherrelwood Estates and is serving one customer, Western Hills School, located in the south central part of said Sherrelwood Estates. From the evidence, it is apparent that either party could serve in Valley Vista Filing No. 2 and Sherrelwood Estates, but we feel that the interest of the public can best be served in the future by awarding a certificate to Public Service Company to serve these two subdivisions.

A witness testified on behalf of Public Service Company regarding service to the Western Hills School. The witness stated that he would prefer the service of Public Service Company since other schools in the district were served by this same company. We find nothing in the record herein other than the desire of the witness and the Public Service Company to order a change in the service to the school, consequently, we see no reason to change this service. In granting the area to the Public Service Company, we are not unmindful of this one service, but Union will not be able to extend to any other customers, and therefore for all intents and purposes, Public Service Company will serve the complete subdivision. Therefore, in our Order to follow, in granting this area to Public Service Company, it is understood that Union Rural Electric Association, Inc., may continue to render service to the Western Hills School.

As mentioned before, Victoria Heights Subdivision is north of Thornton, Colorado, an incorporated town, presently served by Public Service Company. The evidence disclosed that while Public Service Company has its service in Thornton adjacent to Victoria Heights on the south, Union Rural Electric Association, Inc. is serving certain customers located in the northern part of the South Half of Section 14, which will be, for all practical purposes, a part of the Victoria Heights area. While the area being served by Union REA, according to exhibits submitted at the hearing, is not planned as a part of Victoria Heights, nevertheless, it is centrally located with respect to the north portion of this subdivision. From the evidence, it is apparent that either party could serve in Victoria Heights, but after reviewing all evidence and testimony introduced at the hearing, we believe that public convenience and necessity can best be served by granting the certificate to Union Rural Electric Association, Inc., for service in the Victoria Heights Subdivision.

In arriving at our decision herein, we are not unmindful of the statements we made in our Decision No. 51203 of November 3, 1958, not only in the Order of the Commission therein but also in the separate concurring opinion of said decision. We see no need at this time to repeat what we stated in that decision, but the philosophy set forth at that time still prevails.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the above Statement be incorporated in these Findings by reference.

That Public Service Company of Colorado should be granted a certificate of public convenience and necessity to serve Valley Vista Filing No. 2 and Sherrelwood Estates 1st Filing, in Adams County, except service to Western Hills School.

That Union Rural Electric Association, Inc. should be granted a certificate of public convenience and necessity to render service to Victoria Heights Subdivision in Adams County.

That Application No. 16521 of Public Service Company of Colorado should be denied.

That Application No. 16774 of Union Rural Electric Association, Inc., should be denied, except that it should be permitted to continue to render service to Western Hills School.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require Public Service Company of Colorado to extend its facilities to serve the Valley Vista Subdivision, Filing No. 2, located in the Northeast Quarter of Section 33 and West Half of Section 34, Township 2-South, Range 68-West, and to serve Sherrelwood Estates Subdivision, Filing No. 1, located in the North Half and North Half of Southwest Quarter of Section 34 and in the East Half of Northeast Quarter of Section 33, Township 2-South, Range 68-West of the 6th P. M., all in Adams County, Colorado, except service to Western Hills School, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require Union Rural Electric Association, Inc., to extend its facilities to serve the Victoria Heights Subdivision located in the South Half of Section 14, Township 2-South, Range 68-West of the 6th P. M., in Adams County, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Application No. 16521 of Public Service Company of Colorado, to serve Victoria Heights Subdivision, be, and it is hereby, denied.

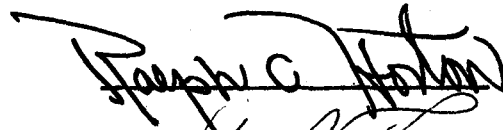


That Application No. 16774 of Union Rural Electric Association, Inc., to serve Valley Vista, Filing No. 2 and the Sherrelwood

Estates, Filing No. 1, be, and it is hereby, denied, except that it can continue to render service to Western Hills School.

That the respective utilities herein shall render electric service under the certificates granted herein under the rates, rules and regulations of said companies now or hereafter on file with this Commission until changed according to law and the rules and regulations of this Commission.

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 16th day of January, 1959.

ea

gual
(Decision No. 51574)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT PRAZNIK, 160 EAST 64th AVE-)
NUE, DENVER, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 3567 TO GEORGE) APPLICATION NO. 16750-Transfer
REICHERT, DOING BUSINESS AS "DERBY)
WASTE DISPOSAL," 7091 QUEBEC, DERBY,)
COLORADO.)
-----)

January 16, 1959

Appearances: Albert Praznik, Denver,
Colorado, pro se;
George Reichert, Derby,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Albert Praznik, Denver, Colorado, owner and operator of PUC No. 3567, seeks authority to transfer said operating rights to George Reichert, doing business as "Derby Waste Disposal," Derby, Colorado, said PUC No. 3567 being the right to operate 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 application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 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 the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Albert Praznik, transferor herein, testified he has entered into an agreement with George Reichert to sell PUC No. 3567, on a cash basis; that there are no outstanding unpaid operating obligations against said certificate.

Report of the Examiner further states that at the hearing, George Reichert, transferee herein, testified he has contracted with Albert Praznik to buy PUC No. 3567; that he has an Annual Report on file with this Commission made under PUC Nos. 2212 and 3702, which certificates were issued to him by this Commission.

No one appeared in opposition to the granting of authority herein sought to transfer PUC No. 3567.

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

That Albert Praznik, Denver, Colorado, should be, and hereby is,

authorized to transfer all his right, title, and interest in and to PUC No. 3567 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to George Reichert, doing business as "Derby Waste Disposal," Derby, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holman
John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1959.

ea