

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN L. DENNIS, 110 EIGHTH ) PUC NO. 1415  
STREET, FOWLER, COLORADO. )  
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-----  
March 29, 1960  
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S T A T E M E N T

By the Commission:

On August 25, 1959, the Commission entered its Decision No. 52903, authorizing suspension of operations under the above-styled certificate until February 13, 1960.

The Commission is now in receipt of a communication from Mrs. John L. Dennis, requesting authority to further suspend operations under said certificate, nunc pro tunc, for an additional six months, due to the illness of her husband.

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. Dennis, Fowler, Colorado, be, and he hereby is, authorized to further suspend operations under PUC No. 1415, nunc pro tunc, for a period of six months from February 13, 1960, or until August 13, 1960.

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

this Commission, shall stand revoked, without right to reinstate..

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hinton  
Harold E. Zuckerman  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of March, 1960.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE CITY OF COLORADO SPRINGS, DE- )  
PARTMENT OF PUBLIC UTILITIES, COLO- )  
RADO SPRINGS, COLORADO, FOR AN ORDER )  
AUTHORIZING IT TO PUT INTO EFFECT A )  
REDUCED GAS RATE. )  
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APPLICATION NO. 15990  
SUPPLEMENTAL ORDER

-----  
March 30, 1960  
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Appearances: F. T. Henry, Esq., Colorado  
Springs, Colorado, and  
Louis Johnson, Esq., Colo-  
rado Springs, Colorado,  
for the City of Colorado  
Springs;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

By a prior order of the Commission under the above-numbered application, this Commission authorized the Department of Public Utilities of the City of Colorado Springs to place in its gas tariffs certain riders increasing the cost of gas resulting from an increased cost of gas to the City of Colorado Springs by its wholesale supplier, the Colorado Interstate Gas Company, in Federal Power Commission Docket No. G-13541. Also by a subsequent order, the Commission authorized the City to remove the temporary riders in its gas tariff as a result of an agreed upon settlement by all the parties in Federal Power Commission Docket No. G-13541. As a result of said settlement, Colorado Interstate Gas refunded to its customers, including the City of Colorado Springs Department of Public Utilities, certain monies that it had collected by virtue of its Federal Power Commission tariff filings.

At the time the City removed the temporary riders from its gas tariffs filed with this Commission, it also stated it would, at a later date submit to this Commission a Refund Plan setting forth the manner and method by which the City would refund to its customers the monies it would receive from Colorado Interstate Gas. The refund from Colorado Interstate Gas was made subsequent to the settlement of Federal Power Commission Docket No. G-13541, and under the terms of the settlement, a second refund might be made in accordance with the terms of the settlement after an audit by Colorado Interstate Gas and verification and approval by the staff of the Federal Power Commission. The supplemental refund, if any, would probably be made about mid-year 1960. Whether or not such a supplemental refund is received would not affect the refund plan of the City except as to the amount of money to be refunded to its customers.

The City filed its proposed gas Refund Plan with this Commission on February 4, 1960, requesting approval of said plan so that at such time as it received all of the refund from Colorado Interstate as a result of the settlement of the Federal Power Commission Docket No. G-13541, it could proceed immediately to make the refund to its customers. The plan of refund as filed applies equally to all customers of the City, both inside the City limits and outside. The approval of said plan by this Commission will pertain only as it applies to customers outside the City limits since the Commission does not have jurisdiction over the service rendered by the City within its corporate limits.

The Staff of the Commission has met with representatives of the City, representatives of the Service Bureau Corporation, and representatives of Price Waterhouse and Company, Certified Public Accountants, who have been hired by the City to give a certificate in respect of completion of the refunding operations performed by Service Bureau Corporation. As a result of this meeting, the staff has not raised any objec-

tions to the Refund Plan as submitted by the City.

The Refund Plan provides, in general, that the Department of Public Utilities with its own staff will accomplish the refund for all classes of industrial and military customers. After these refunds have been calculated, the remaining monies will be distributed to the residential and commercial customers, on the basis of actual cubic feet of gas used by each customer during the billing periods from February 1, 1958, to and including December 31, 1959. Both principal and interest received from Colorado Interstate Gas will be refunded, together with interest received from short-term investments made by the City pending the actual refund. Sales tax where applicable and recoverable from the State of Colorado will also be refunded. Claims for refund will be handled in the same manner as authorized by this Commission by its Decision No. 52011. The cost of the refund to the City will be deducted from the interest portion of the refund. At such time as the refund has been completed and an audit made, the City will report to this Commission the results of the refund, as set forth hereinafter.

Prior to the start of actual refund operations, the City should notify this Commission when it will actually start making the refund.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of the Department of Public Utilities of the City of Colorado Springs, Colorado, as to its operations outside of the City Limits of said City in supplying gas service to the public.

That the Commission is fully advised in the premises, and has decided to approve the Refund Plan on the record and files herein without further hearing.

That the above Statement be made a part hereof by reference.

That the Refund Plan submitted by the Department of Public Utilities of the City of Colorado Springs to this Commission on February 4, 1960, should be approved.

That the Department should notify this Commission of the actual start of the refund.

That upon completion of the refund, the Department of Public Utilities of the City of Colorado Springs should report to this Commission the amount of money refunded to its customers outside of the City Limits, itemized in regard to principal and interest, sales tax refunded, and interest refunded due to the short-term investment. This report should also include the actual cost of the refund, together with the amount of unrefunded balance due to customers outside the City Limits.

That this Commission should retain jurisdiction of this matter to make such further Order, or Orders, as may be necessary in the premises.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Refund Plan submitted to this Commission on February 4, 1960, by the Department of Public Utilities of the City of Colorado Springs, be, and it hereby is, approved.

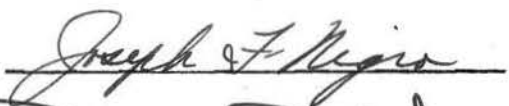
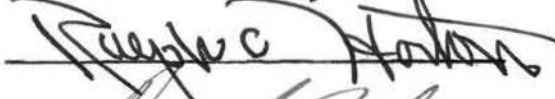

That the Department notify this Commission of the actual start of the refund.

That upon completion of the refund, the Department of Public Utilities of the City of Colorado Springs shall report to this Commission the amount of money refunded to its customers outside of the City Limits, itemized in regard to principal and interest, sales tax refunded, and interest refunded due to the short-term investment. This report to include the actual cost of the refund, together with the amount of the unrefunded balance due to customers outside the City Limits.

That this Commission shall retain jurisdiction of this matter to make such further Order, or Orders, as may be necessary in the premises.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of March, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CRES LOPEZ, ROMEO, COLORADO. )  
----- )

PERMIT NO. M-59  
CASE NO. 85779-INS.

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March 29, 1960  
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S T A T E M E N T

By the Commission:

On May 21, 1958, the Commission entered its Order in Case No. 85779-Ins., revoking Permit No. M-59 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing had been made by said Respondent, but had not been posted to the credit of said permit-holder, due to an oversight.

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-59 be, and the same hereby is, reinstated, as of May 21, 1958, revocation order entered by the Commission on said date in Case No. 85779-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Horton*  
*Alvin E. Zuluaga*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of March, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TONY GAVITO, 5755 NORTH WASHINGTON, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-4327 TO )  
DONALD R. GAVITO, 7830 RALEIGH )  
STREET, WESTMINSTER, COLORADO. )  
-----)

APPLICATION NO. 17642-PP-Transfer

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March 31, 1960  
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Appearances: Tony Gavito, Denver, Colo-  
rado, pro se;  
Donald R. Gavito, Westminster,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Tony Gavito, Denver, Colorado, is the owner and operator  
of Permit No. B-4327, authorizing:

Transportation of sand, gravel and dirt and  
other road-surfacing materials from pits and  
supply points in the State of Colorado, to  
road and building construction jobs within a  
fifty (50) mile radius of said pits and supply  
points, excluding service in Boulder, Clear  
Creek and Gilpin Counties with the exception  
of the Boulder Toll Road job; and coal from  
mines in the northern Colorado coal fields to  
Denver, Colorado.

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 build-  
ing 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 Colo-  
rado, to roofing jobs within a radius of fifty  
miles of said pits and supply points, transporta-  
tion of road-surfacing materials to be limited to  
the use of dump trucks, only.



By the instant application, said permit-holder seeks authority to transfer said operating rights to Donald R. Gavito, Westminster, Colorado.

The application was regularly set for hearing, and heard, at 532 State Services Building, Denver, Colorado, at ten o'clock A. M., on March 28, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the transferee is the nephew of the transferor, the consideration for the transfer being love and affection. The transferor certifies that there is no outstanding indebtedness against the permit. The evidence further disclosed that the transferee has been operating under temporary authority from this Commission since February 11, 1960.

The net worth of transferee is approximately \$6,000.00, and he has had experience in trucking operations.

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

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

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

##### THE COMMISSION FINDS:

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

That 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 Tony Gavito, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4327 -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Donald R. Gavito, Westminster, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

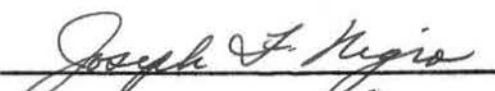
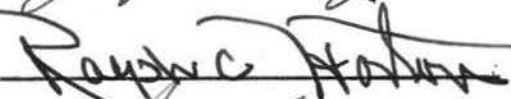
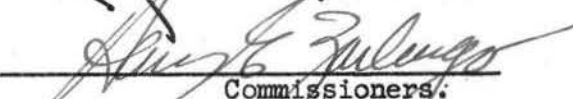


That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES FRANCIS MANGUS, 5560 EAST )  
67TH PLACE, DERBY, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 3581 ) APPLICATION NO. 17639-Transfer  
TO ARTHUR NELSON, DOING BUSINESS AS )  
"A. NELSON AND SONS," 5561 EAST )  
67TH PLACE, DERBY, COLORADO. )  
----- )

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March 31, 1960  
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Appearances: Charles Francis Mangus,  
Derby, Colorado, pro se;  
Arthur Nelson, Derby, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Charles Francis Mangus, Derby, Colorado, is the owner and  
operator of PUC No. 3581, authorizing:

Transportation of ashes, trash and other waste  
materials, between points in the following-  
described territory: bounded on the north by  
East 69th Avenue, on the east by Kearney Street,  
on the south by East 64th Avenue, and on the  
west by U. S. Highway No. 6, and from points  
in said territory to regularly-designated and  
approved dumps and disposal places.

By the instant application, said permit-holder seeks author-  
ity to transfer his operating rights to Arthur Nelson, doing business  
as "A. Nelson and Sons," Derby, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all interested parties, was set for hearing, and  
heard, at 532 State Services Building, 1525 Sherman Street, Denver,  
Colorado, at ten o'clock A. M., on March 28, 1960, and was taken  
under advisement by the Commission.

At the hearing, the evidence disclosed that the consideration  
for the transfer of the certificate and one truck is the sum of

\$1,200.00, to be paid upon approval of the transfer by this Commission. Mr. Mangus is desirous of selling his certificate on account of health reasons.

The net worth of transferee was established at approximately \$10,000, and he has had ample trucking experience.

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

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

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

##### THE COMMISSION FINDS:

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

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 Charles Francis Mangus, Derby, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3581 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Arthur Nelson, doing business as "A. Nelson and Sons," 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 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 F. Negro  
Ralph C. Hahn  
Henry E. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ED A. JONES, 1361 KALAMATH STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-2753 TO ) APPLICATION NO. 17643-PP-Transfer  
KELLOGG GRAIN COMPANY TRUCK DIV- )  
ISION, 4661 BRIGHTON BOULEVARD, )  
DENVER, COLORADO. )  
----- )

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March 31, 1960  
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Appearances: Harry Haddock, Denver, Colo-  
rado, for Transferor and  
Transferee;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer and Warehouse-  
men's Association, for  
copy of Order.

S T A T E M E N T

By the Commission:

Ed A. Jones, Denver, Colorado, is the owner and operator  
of Permit No. B-2753, authorizing:

Transportation of loose hay, only, between  
points within a radius of one hundred miles  
of Denver, Colorado; transportation of farm  
produce, except milk and livestock, and in-  
cluding dried beet pulp, from points within  
a radius of one hundred miles of Denver, Colo-  
rado, to farms, dairies, feed lots, markets,  
and storage points in said area, without the  
right to transport dried beet pulp or said  
products not in bulk between points served by  
line-haul motor vehicle common carriers in  
competition therewith.

By the instant application, the permit-holder seeks auth-  
ority to transfer said operating rights to Kellogg Grain Company  
Truck Division, 4661 Brighton Boulevard, Denver, Colorado.

The application was regularly set for hearing, and heard,  
at 532 State Services Building, 1525 Sherman Street, Denver, Colorado,  
at ten o'clock A. M., March 28, 1960, and at the conclusion of the  
evidence, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that a Contract of Sale has been executed between the parties, the consideration being \$150.00, to be paid upon consummation of the agreement and approval of the transfer by this Commission.

Mr. J. E. Kellogg, President of transferee company, appeared in support of the application, and two exhibits were introduced in evidence, Exhibit No. 1 being the financial statement of transferee, and Exhibit No. 2 being the equipment list on file with the Commission.

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

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

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

##### THE COMMISSION FINDS:

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

That 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 Ed A. Jones, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-2753 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Kellogg Grain Company Truck Division, 4661 Brighton Boulevard, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

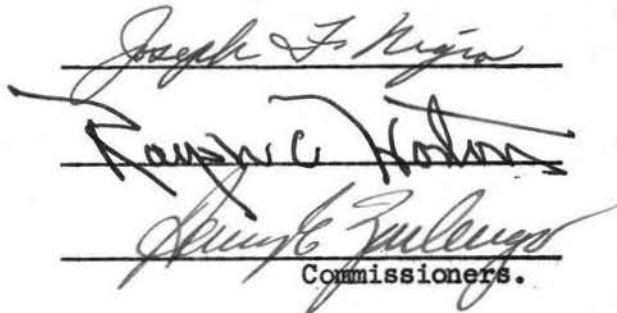
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1960.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LENA M. ARNOLD, ADMINISTRATRIX OF )  
THE ESTATE OF JACK ARNOLD, DECEASED, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. ) APPLICATION NO. 17641-PP-Transfer  
B-4051 TO LENA M. ARNOLD, 6980 MAG- )  
NOLIA STREET, DERBY, COLORADO. )  
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March 31, 1960  
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Appearances: Lena M. Arnold, Derby, Colo-  
rado, for Transferor and  
Transferee.

S T A T E M E N T

By the Commission:

Lena M. Arnold, Administratrix of the Estate of Jack Arnold,  
Deceased, seeks authority from this Commission to transfer the operat-  
ing rights under Permit No. B-4051 to herself, the authority being as  
follows:

Transportation of farm produce, including  
livestock, between all points in Grand  
County, and from and to points in said  
Grand County to and from other points in  
the State of Colorado, all loads to origi-  
nate or terminate within Grand County;

transportation of forest and sawmill pro-  
ducts from forests and sawmills within a  
radius of 25 miles of Granby to sawmills  
and delivery points within said area and  
from and to points in said area to and  
from points within a radius of 100 miles  
of Granby, Colorado.

The application for transfer was regularly set for hearing,  
and heard, at 532 State Services Building, 1525 Sherman Street, Den-  
ver, Colorado, at ten o'clock A. M., March 28, 1960, and at the con-  
clusion of the evidence, the matter was taken under advisement.

The evidence disclosed at the hearing that Lena M. Arnold,



Administratrix of the Estate of Jack Arnold, Deceased, has been operating under said Permit No. B-4051 under temporary authority from this Commission since the death of her husband and during the pendency of his estate. There is on file with the Commission an order of the County Court of Adams County permitting the transfer.

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

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

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

##### THE COMMISSION FINDS:

The above and foregoing Statement is 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 Lena M. Arnold, Administratrix of the Estate of Jack Arnold, Deceased, be, and she is hereby, authorized to transfer all right, title, and interest in and to Permit No. B-4051 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Lena M. Arnold, 6980 Magnolia Street, 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 permit has been formally assigned and

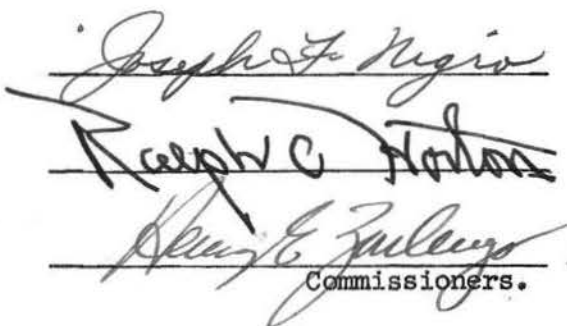
that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

This Order is made a part of the permit authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 17640-Transfer</u>
EDWARD M. ROGERS, 3121 THIRD STREET,		
BOULDER, COLORADO, FOR AUTHORITY TO		
TRANSFER PUC NO. 3235 TO ELMER		
LEICHNER, ROBERT LEICHNER, JOHN		
LEICHNER, LORRY LEICHNER, AND		
PHILLIP LEICHNER, JR., CO-PARTNERS,		
DOING BUSINESS AS "NORTHGLENN		
SANITARY SERVICE," P. O. BOX 24,		
WESTMINSTER, COLORADO.		
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March 31, 1960  
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Appearances: John P. Thompson, Esq.,  
Denver, Colorado, for  
Transferor and Trans-  
ferees.

S T A T E M E N T

By the Commission:

Edward M. Rogers, Boulder, Colorado, is the owner and  
operator of PUC No. 3235, authorizing:

Transportation of trash, rubbish, refuse,  
garbage, swill, refuse animal or vegetable  
matter, refuse trees and tree limbs; refuse  
coal, wood, timber, lumber, sand, gravel,  
furniture; and all and every item of a  
similar refuse or junk nature, from point  
to point within the City of Boulder, Colorado,  
and a five-mile radius thereof, and from said  
area to any City Dump of the City of Boulder,  
Colorado, wherever same may be located in  
the future.

By the instant application, the certificate-holder seeks  
authority to transfer said operating rights to Elmer Leichner,  
Robert Leichner, John Leichner, Lorry Leichner, and Phillip  
Leichner, Jr., co-partners, doing business as "Northglenn Sanitary  
Service," Westminster, Colorado.

The application was regularly set for hearing, and heard,  
at 532 State Services Building, 1525 Sherman Street, Denver, Colo-  
rado, at ten o'clock A. M., March 28, 1960, and at the conclusion of  
the evidence, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that a Contract of Sale has been executed by the parties which reveals that the total purchase price for the certificate and two trucks is the sum of \$5,000.00, payable \$1,500.00 at the time of execution of the agreement, and the balance to be paid at the rate of \$400.00 per month or more, plus interest at the rate of 6% per annum, until paid in full, the buyer to execute a promissory note secured by a chattel mortgage on Certificate No. PUC 3235 and equipment. There is at the present time the sum of \$1,100.00 in outstanding obligations which is to be paid upon the consummation of this transaction and approval of the transfer by the Commission. Approval of the chattel mortgage is also requested.

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

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

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

##### THE COMMISSION FINDS:

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

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 Edward M. Rogers, Boulder, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3235 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Elmer Leichner, Robert Leichner, John Leichner, Lorry Leichner, and Phillip Leichner, Jr., co-partners, doing business as "Northglenn Sanitary Service," Westminster, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the chattel mortgage executed by transferees herein on the certificate and equipment, in the amount of \$3,500.00, on file with the Commission, is hereby approved by the Commission.

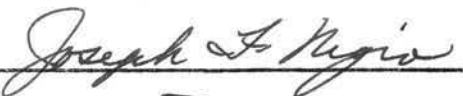


That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY RUPPLE, DOING BUSINESS AS )  
"WESTERN EXPRESS," 3575 IVANHOE )  
STREET, DENVER, COLORADO, FOR AU- )  
THORITY TO OPERATE AS A CLASS "B" )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 17647-PP

-----  
April 1, 1960  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of advertising and display cards, printed materials, toys and novelties, and all other commodities handled by his customers, between points within a radius of twenty miles of Colfax and Broadway, Denver, Colorado, for Color-Ad Display Company, General Letter Service, Victor Gruber Toys and Novelties, and others.

Said application was regularly set for hearing at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, March 29, 1960, due notice of the time and place being forwarded to all parties in interest.

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

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

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit, and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Henry Ruppel, doing business as "Western Express," Denver, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of advertising and display cards, printed materials, toys and novelties, and all other commodities handled by his customers, between points within a radius of twenty miles of Colfax and Broadway, Denver, Colorado, for Color-Ad Display Company, General Letter Service, and Victor Gruber Toys and Novelties.

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 F. Nigro  
Joseph C. Hoban  
Henry E. Zuckerman  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE WINGATE, DOING BUSINESS AS )  
"WINGATE FLORAL DELIVERY," 6601 EAST )  
78TH WAY, DERBY, COLORADO, FOR A ) APPLICATION NO. 17648-PP  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

-----  
April 1, 1960  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of flowers and floral arrangements, between points within a radius of thirty-five miles of Colfax and Broadway, Denver, Colorado.

Said application was regularly set for hearing at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, March 29, 1960, due notice of the time and place being forwarded to all parties in interest.

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

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

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit, and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.



O R D E R

THE COMMISSION ORDERS:

That George Wingate, doing business as "Wingate Floral Delivery," Derby, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of flowers and floral arrangements, between points within a radius of thirty-five miles of Colfax and Broadway, 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 F. Nigro  
Ralph C. Horton  
Harry B. Zuleygo  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ANTONIO H. HELTON, 1608 EAST 32ND )  
AVENUE, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 17306-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

-----  
April 1, 1960  
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Appearances: Harry L. Silverman, Esq.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ashes and trash in the City and County of Denver, Colorado, for the following customers, only: Mrs. E. C. Viner, 919 South Garfield Street, Denver, Colorado; Viner Chevrolet, 455 Broadway, Denver, Colorado; and Mr. Worthman, of Worthman Auto Top Company, 525 Bannock Street, Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, March 29, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of the application that he owns a 1955 Chevrolet one and one-half-ton pickup truck; that he has a net worth of approximately \$1,000 to \$1,500, and has had about 30 years experience in driving trucks. He stated that there has been demand for the services which he proposes.

William A. Viner also testified in support of the application to the effect that he is Sales Manager of Viner Chevrolet; that said

company is in dire need of the services which the applicant proposes to render. Mr. Viner also testified that Mrs. E. C. Viner, another customer, is his mother, and also needs the services.

A letter from Worthman Auto Top Company was filed with the application at the time of the hearing. This letter indicates that the applicant's services will be used by Mr. Worthman.

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

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

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

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

##### THE COMMISSION FINDS:

That the authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Antonio H. Helton, Denver, Colorado, should 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 in the City and County of Denver, Colorado, for the following customers, only: Mrs. E. C. Viner, 919 South Garfield Street, Denver, Colorado; Viner Chevrolet, 455 Broadway, Denver, Colorado; and Mr. Worthman, of Worthman Auto Top Company, 525 Barnack Street, 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 F. Negro  
Joseph C. Norton  
Wm. E. Gaultney  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE VANCIL, DOING BUSINESS AS )  
"VANCIL TRUCK LINE," DEERTRAIL, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 17646-PP

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April 1, 1960  
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Appearances: Robert G. McIlhenny, Esq.,  
Denver, Colorado, for  
Applicant;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer &  
Warehousemen's Associ-  
ation;  
F. William Goick, Denver,  
Colorado, for Weicker  
Transfer & Storage Co.;  
J. M. Harrington, Denver,  
Colorado, for Goldstein  
Transportation & Storage,  
Inc.;  
Ed Tuxhorn, Byers, Colorado,  
for Byers-Denver Truck  
Line;  
Robert D. Means, Esq., Den-  
ver, Colorado, for Kellog  
Grain Company, Truck Divi-  
sion, doing business as  
Kowa Valley Truck Line;  
and Albert Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B"  
private carrier by motor vehicle for hire, for the transportation of  
farm produce, from point to point in the following Counties: Adams,  
Arapahoe, and Elbert, and to feed lots and feed dealers in the City  
and County of Denver, Colorado; heavy construction machinery and  
materials, new and used, from point to point within the above-named

Counties, and from Denver to points in said Counties, all for one customer, viz., Morrison-Knudsen Company, Inc., only; caterpillars and bulldozers, using the contractor's own lowboy trailers, from point to point in Adams, Arapahoe, Elbert, and Lincoln Counties, for Beryl Rector, of Deertrail, Colorado; building materials and used machinery, from and to, and to and from, points in Adams, Arapahoe, and Elbert Counties, in truckload lots, with no town-to-town service.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, March 29, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant moved for a continuance of the hearing on the grounds that two of his witnesses were unable to be present. A substantial number of persons were present to make appearance and to testify in protest and objections were entered to the continuance requested on the grounds of great inconvenience and expense. Ruling was withheld on applicant's motion for continuance and the applicant was ordered to proceed.

Applicant testified in his own behalf that he had a net worth of approximately \$50,000 and had many requests to perform the services for which he herein seeks authority.

Relative to the authority sought for "transportation of caterpillars and bulldozers, using the contractor's own lowboy trailers, in Adams, Arapahoe, Elbert and Lincoln Counties, for Beryl Rector of Deertrail," applicant testified that he is called upon when Rector cannot provide the service himself. The volume of this type of transportation which will be engaged in if the authority is granted is uncertain from all the evidence which was presented. There is no substantial basis for opinion that the granting of author-

ity for this type of transportation for Rector would impair the efficient service of any common carrier.

Applicant testified as to his experience in hauling of livestock and as to the nature and amount of his equipment.

A motion was made by applicant to amend his application to include Denver as a point in transportation of building material and used machinery. This motion was denied on the grounds, among others, that such amendment would constitute an enlargement of the application and to grant it would result in improper notice to interested parties.

On cross-examination, the applicant stated he would be agreeable to the restriction of his office for carrying on the transportation business for which he herein seeks authority to Deer-trail, Colorado.

Applicant stated that his witnesses who were unable to attend were Beryl Rector and Art Stolzman from Morrison-Knudsen Company.

The protestants presented evidence in objection to the granting of the application to the effect that if the application be granted it would impair their efficient operation as common carriers. This evidence was in its nature general, vague, indefinite and uncertain. It is obvious that the possibility of competition might impair their efficient service to the public, but under the evidence presented the competition which may result from the granting of the authority herein ordered remains a mere possibility with no substantial direct connection with such loss of business to the protestants as would materially affect their operation. Possible loss of some business to a common carrier which contends it is operating at a loss, as was here contended, is not of itself sufficient basis for denying an application for a private carrier authority.

The operating experience and financial responsibility of



applicant were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That in the light of the evidence presented by the protestants and the Order as hereinafter entered the motion for continuance of the application should be denied.

That the evidence presented in opposition to the granting of the application is too general, indefinite and uncertain for the Commission to be of the opinion that the proposed operations as hereinafter authorized will impair the efficient public service of any authorized motor vehicle common carrier or carriers adequately serving the same territory over the same general highway route or routes.

That the applicant should be restricted to the maintenance of one office only at Deertrail, Colorado, for carrying on the transportation business as hereinafter authorized by the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That the motion for continuance of the hearing be, and the same hereby is, denied.

That George Vancil, doing business as "Vancil Truck Line," Deertrail, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm produce, from point to point in the following Counties: Adams, Arapahoe, and Elbert, and to feed lots and feed dealers in the City and County of Denver, Colorado; heavy construction machinery and materials, new and used, from point to point within the above-named Counties, and from Denver to points in said Counties, all for one customer, viz., Morrison-Knudsen Company, Inc., only; cater-



pillars and bulldozers, using the contractor's own lowboy trailers, from point to point in Adams, Arapahoe, Elbert, and Lincoln Counties, for Beryl Rector, of Deertrail, Colorado; building material and used machinery, from and to, and to and from points in Adams, Arapahoe, and Elbert Counties, in truckload lots, with no town-to-town service. Applicant is restricted to the use of one office only at Deertrail, Colorado, for carrying on the transportation business herein authorized.

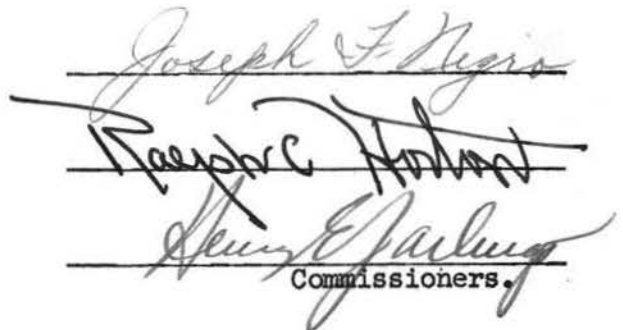
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 1st day of April, 1960.

mls

original

(Decision No. 54072)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES C. PALMER, DOING BUSINESS AS )  
"PALMER'S WELDING AND EQUIPMENT," )  
BOX 296, FAIRPLAY, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 17645-PP

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April 1, 1960  
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Appearances: James C. Palmer, Fairplay,  
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 forest and sawmill products (rough lumber, logs, and poles), from forests to sawmills and railroad loading points within a radius of seventy-five miles of Kremmling, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, March 29, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

James C. Palmer testified in support of his application to the effect that he had requests for the transportation of forest and sawmill products as described in his application. He submitted a letter from Kremmling Timber Co., marked Exhibit A, and received in evidence, indicating a request for services proposed to be authorized.

Applicant testified that he has three trucks, one of which he owns and two which he leases, and that his net worth is approximately

\$76,000.

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

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That James C. Palmer, doing business as "Palmer's Welding and Equipment," Fairplay, 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 and sawmill products (rough lumber, logs and poles), from forests to sawmills and railroad loading points within a radius of seventy-five miles of Kremmling, 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 F. Nigro  
Ruephy C. Horton  
Quay E. Hallen  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1960.

mls

original

(Decision No. 54073)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) RAYMOND H. ANDERSON, 4455 WEST 76TH ) STREET, WESTMINSTER, COLORADO, FOR ) AUTHORITY TO EXTEND OPERATIONS UNDER ) PERMIT NO. B-5810. )	APPLICATION NO. 17644-PP-Extension
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April 1, 1960  
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Appearances: Mrs. Raymond H. Anderson,  
Westminster, Colorado,  
for Applicant;  
Edward Lyons, Jr., Esq.,  
Denver, Colorado, for  
Fairplay Motor Co.;  
J. M. Harrington, Denver,  
Colorado, for Goldstein  
Transportation & Storage,  
Inc.

S T A T E M E N T

By the Commission:

The above-named applicant is the owner and operator of  
Permit No. B-5810, which authorizes:

transportation of sand, gravel, and other  
road-surfacing materials used in the con-  
struction of roads and highways, from pits  
and supply points in the State of Colorado,  
to road jobs, mixer and processing plants  
within a radius of fifty miles of said pits  
and supply points; sand and gravel, from  
pits and supply points in the State of Colo-  
rado, to railroad loading points, and to  
homes and small construction jobs within a  
radius of fifty miles of said pits and  
supply points; sand, gravel, dirt, stone,  
and refuse, from and to building construc-  
tion jobs to and from points within a ra-  
dius 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, the transportation of road-surfacing  
materials being restricted to the use of  
dump trucks, only.

By the present application, said permittee seeks authority

to extend operations under said Permit No. B-5810, to include the right to transport coal, from northern Colorado coal fields, to coal dealers and customers of Latimer Fuel Company, Denver, Colorado; firewood, from points within a radius of ten miles of Grant, Colorado, to Latimer fuel yards, Denver, Colorado; ore, from mines and pot holes within a radius of ten miles of Grant, Colorado, to rail cars at Golden, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, March 29, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Mrs. Raymond H. Anderson testified in support of the application that she is the wife of the applicant and that he could not be present due to the pressure of business. She testified that the applicant has been hauling coal for Latimer Fuel Company and was hauling firewood for the same Company. She stated that the applicant was agreeable to restricting the authority to haul ore from the Storey Point Development Company mine, located in Clear Creek County, and within a radius of ten miles of Grant, Colorado, to rail cars at Golden, Colorado, only.

The protestants withdrew their protest to the granting of the authority if such restriction is placed upon the authority.

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

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

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

##### THE COMMISSION FINDS:

That the authority should be granted as restricted in the

following Order.

O R D E R

THE COMMISSION ORDERS:

That Raymond H. Anderson, Westminster, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-5810, to include the right to transport coal, from northern Colorado coal fields, to coal dealers and customers of Latimer Fuel Company, Denver, Colorado; firewood, from points within a radius of ten miles of Grant, Colorado, to Latimer Fuel Yards, Denver, Colorado; ore, from the mine of the Store Point Development Company, located in Clear Creek County, and within a radius of ten miles of Grant, Colorado, to rail cars at Golden, Colorado.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Paul E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1960.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ABE DIAMOND, DOING BUSINESS AS )  
"ACME FAST EXPRESS LINE," 1297 )  
RALEIGH STREET, DENVER, COLORADO, ) APPLICATION NO. 17626-PP-Extension  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-4738. )  
- - - - - )

- - - - -  
April 1, 1960  
- - - - -

Appearances: Harry Haddock, Esq.,  
Denver, Colorado,  
for Applicant;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer and Warehousemen's  
Association;  
F. William Goick, Denver,  
Colorado, for Weicker  
Transfer and Storage  
Company;  
J. M. Harrington, Denver,  
Colorado, for Goldstein  
Transportation and  
Storage Company.

S T A T E M E N T

By the Commission:

On January 28, 1960, Abe Diamond, doing business as  
"Acme Fast Express Line," 1297 Raleigh Street, Denver, Colorado,  
filed an application with the Commission for authority to extend  
his operations under Permit No. B-4738, to include the right to  
transport commodities sold by Ozalid, a Division of General Aniline  
and Film Corporation, from their place of business in Denver, Colo-  
rado, to customers located within a radius of twenty-five miles of  
Colfax and Broadway, Denver, Colorado.

The application was originally set for hearing at 330  
State Office Building, Denver, Colorado, on February 26, 1960, with  
due notice to all interested parties.

On March 2, 1960, by Decision No. 53957, the above hearing  
was vacated, and was later reset for hearing on March 28, 1960, at

532 State Services Building, Denver, Colorado, at which time and place the matter was heard and taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of Private Carrier Permit No. B-4738 which, he states, authorizes the transportation of commodities, generally, within the City and County of Denver. Mr. Diamond, the applicant herein, states he is presently operating three trucks under this permit, and has been requested by Ozalid, a Division of General Aniline and Film Corporation, to transport commodities sold by them to their customers located within a radius of twenty-five miles of Colfax and Broadway, Denver, Colorado.

It appears that applicant is handling the deliveries of Ozalid within the City and County of Denver and as a result, his customer asked him to extend his area for delivery of commodities sold by them.

Mr. Engel, office manager for Ozalid, testified in support of the application, stating that his company needed fast delivery service and he was appearing in support of the application; that his company had used applicant's service in Denver, and needed that service for deliveries to points outside of Denver. He stated his company sold paper products for making duplicates, using a special type of paper and chemicals, and specially treated paper; that, generally, the deliveries were small, but due to the competitive situation, he was forced to make immediate deliveries; that he had one large customer, that is, the Martin Company southwest of Littleton, who, at times, might have shipments of two or three tons. When the Martin Company ordered they wanted delivery within a couple of hours, and that was the competition that his company was forced to meet.

Mr. F. William Goick, of Weicker Transfer and Storage Company, stated he had no objection to small shipments but did object to the large shipments, that is, shipments over five hundred pounds; that his company was able to handle all large shipments and was anxious and willing to handle applicant's large shipments.

In considering the above application, we have a private carrier who is presently serving a customer in Denver deliveries. It appears that this customer desires applicant's service to make deliveries beyond the City Limits and has requested applicant to file an application requesting that service.

This application has been protested by Weicker Transfer and Storage Company. The Private Carrier statute provides:

"No application for permit, nor for an extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

Protestants failed to produce any evidence to the effect that the granting of this application would impair their service to the public. It appears from the evidence that applicant's service is needed by the Ozalid Company.

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

##### THE COMMISSION FINDS:

1. That applicant's proposed service is needed by the Ozalid Company, for the reason the company needs expedited service to retain its present customers.
2. That the granting of the authority as hereinafter authorized will not impair the efficient public service of any authorized motor vehicle common carrier or carriers adequately serving the same territory over the same general highway route or routes.
3. That the granting of the instant application is in the public interest, and it appears from the record here made is in conformity with our Private Carrier statute.

#### O R D E R

##### THE COMMISSION ORDERS:

That Abe Diamond, doing business as "Acme Fast Express Line," 1297 Raleigh Street, Denver, Colorado, be, and he is hereby, authorized to extend operations under Permit No. B-4738 to include the right

to transport commodities sold by Ozalid, a Division of General Aniline and Film Corporation, from their place of business, in Denver, Colorado, to Ozalid's customers located within a radius of twenty-five miles of Colfax and Broadway, Denver, Colorado, for Ozalid 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

Joseph F. Meyer  
Ralph C. Horton  
Wm. E. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1960.

ea

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, AND )  
MOTOR FREIGHT TARIFF NO. 14, COLO- )  
RADO P.U.C. NO. 13, ISSUED BY )  
J. R. SMITH, CHIEF OF TARIFF BUREAU, )  
4060 ELATI ST., DENVER 16, COLORADO.)  
-----

CASE NO. 1585

-----  
March 31, 1960  
-----

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 April 7, 1960, for amendments to Tariff No. 12-A, and April 3, 1960, for Tariff No. 14, respectively, 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.

The Rate Department's investigations and letters received from the carriers in support of these changes developed the following information:

Amendments to Local and Joint Freight Tariff No. 12-A,  
Colorado P.U.C. No. 11:

Changes effective April 7, 1960.

For account of North Eastern Motor Freight, Inc.

This carrier is making adjustments in its class rate based between Greeley, Colorado and Padroni, Colorado, to correct an inequitable situation which has existed for some time. Further, by the Association's Special Permission Application No. 138, filed March 17, 1960, and granted by this Commission's No. 14457, dated March 17, 1960, requesting authority to publish effective the same date as changed in this order, a change also between Greeley and Peetz with similar reasons. Through inadvertence, Peetz was not included in the statutory filing.

The above points, Padroni and Peetz, prior to October 5, 1956, were served by the Prucka Transportation, Inc. North Eastern Motor Freight, Inc. acquired authority to serve these points under the Commission Decision No. 45602, dated September 14, 1956.

The following reflects the presently effective rates between Greeley, on the one hand, and Padroni and Peetz; also, other points situated in the same proximity:

	ACTUAL MILES VIA U.S. 34 & 6	LTL	5M	10M
Crook	124	195	168	162
Iliff	108	190	163	158
Padroni	110	148	107	78
Peetz	121	162	114	82
Sterling	96	173	148	143

Amendments to Motor Freight Tariff No. 14, Colorado P.U.C. No. 13:  
Changes effective April 3, 1960.

Two new commodity items are being added to this tariff covering cement as shown in the attached appendix.

Item No. 350 is advocated by the Ideal Cement Company.

Mr. Paul S. Barnett, General Traffic Manager, states:

"It is our belief that a rate of  $31\frac{1}{2}$  cents will be necessary to retain this movement to common carriers, otherwise the contractor may utilize his own equipment for this movement. The proposed rate of  $31\frac{1}{2}$  cents will put Boettcher on a parity with Portland and will enable this company to ship cement from either plant."

The present mileage scale reflects rates of 32 cents per cwt. based on 35,000 lbs. minimum weight in bulk or bags, palletized, subject to consignor loading and consignee unloading; or 35 cents per cwt. based on 35,000 lbs. minimum weight not palletized.

Item No. 380 is instituted by the Southwestern Transportation Company.

The present mileage scale reflects rates of 38 cents per cwt. based on 35,000 lbs. bulk or palletized with same conditions as above and 41 cents per cwt. not palletized.

The mileages from the two above plants to Dillon, Colorado, are: from Boettcher, 139 miles; from Portland, 168 miles, as used by the cement haulers.

There is also effective at the present time a specific commodity rate for bulk shipments based on 45,000 lbs. minimum weight to the Blue River Constructors' Batch Plant near Dillon, from Boettcher,  $27\frac{1}{2}$  cents and from Portland, 33 cents per cwt.

The proposed rates will produce truck mile revenues of 90.64 cents from Boettcher and 83.33 cents and 76.2 cents in bags and bulk, respectively, from Portland, which are comparative to the revenues on other movements.

The cement is being utilized on the tunnel project to be used for converting water from the Western to the Eastern Slope.

#### 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 April 7, 1960, for amendments to Tariff No. 12-A, and April 3, 1960, for Tariff No. 14, be the prescribed rates, rules, regulations and provisions of the Commission.

4. On and after April 7th and 3rd, 1960, the carriers affected by 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 tariffs 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 April 7th and 3rd, 1960, 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, for amendment to Tariff No. 12-A, Colorado P.U.C. No. 11.

8. On and after April 7th and 3rd, 1960, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent, for amendments to Tariff No. 12-A, Colorado P.U.C. No. 11.

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

*Joseph F. Hegin*  
*Ralph C. Hinton*  
*Alvin E. Gulevsky*  
Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1960.

mem

APPENDIX "A"

Changes effective April 7, 1960:

Colorado Motor Carriers' Association, Agent  
Local and Joint Freight Tariff No. 12-A  
Colorado P.U.C. No. 11

SECTION NO. 1 CLASS RATE BASES For Application, See Item No. 927. For Class Rates, See Pages 101 to 124.					
INDEX NO.	BETWEEN  AND	GREELEY, COLORADO			ROUTE NO.
		LESS-THAN- TRUCKLOAD	MINIMUM WEIGHT--POUNDS		
			5,000	10,000	
17500	PADRONI	(A) 181	(A) 155	(A) 150	32
17520	PEETZ	(A) 195	(A) 168	(A) 162	32

Route No. 32 - North Eastern Motor Freight, Inc. - direct

Changes effective April 3, 1960:

Colorado Motor Carriers' Association, Agent  
Motor Freight Tariff No. 14  
Colorado P.U.C. No. 13

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM NO.	COMMODITY	FROM	TO	RATES
	Commodities in the same item may be shipped in straight or mixed truck loads.			
+(R) 350	Cement, in bags, minimum weight 40,000 pounds.	Boettcher, Colorado	Dillon, Colorado	31½
+(R) 380	Cement, in bags, minimum weight 40,000 pounds.	Portland, Colorado	Dillon Dam Site, Colo.	35
	Cement, in bulk, minimum weight 40,000 pounds.			32

(A) - Denotes - Increase  
(R) - Denotes - Reduction  
+ - Denotes - Addition

original

(Decision No. 54076)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
L. M. ASHCRAFT, CLEARWATER, )	
NEBRASKA, FOR AUTHORITY TO TRANSFER )	
INTERSTATE OPERATING RIGHTS TO THE )	<u>PUC NO. 3693-I-Transfer</u>
ASHCRAFT CO., INC., CLEARWATER, )	
NEBRASKA. )	
----- )	

-----  
April 1, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, L. M. Ashcraft, Clearwater, Nebraska, was granted a certificate of public convenience and necessity (PUC No. 3693-I), authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, for the transportation of:

freight, 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 certificate-holder now seeks authority to transfer said PUC No. 3693-I to The Ashcraft Co., Inc., Clearwater, Nebraska.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

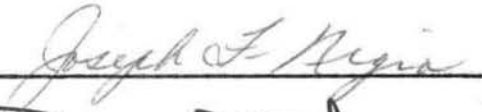
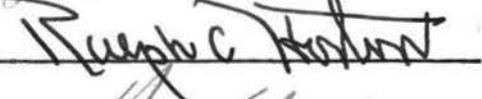

THE COMMISSION ORDERS:

That L. M. Ashcraft, Clearwater, Nebraska, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3693-I -- with authority as set forth in the Statement

preceding, which is made a part hereof, by reference -- to The Ashcraft Co., Inc., Clearwater, Nebraska, subject to payment of outstanding indebtedness against said certificate, 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 1st day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY O. PULLIAM, WILLIAM (JACK) )  
STEWART, AND ROBERT L. PETTIT, CO- )  
PARTNERS, DOING BUSINESS AS "AIR- )  
LINE VANS," 12840 NORTH CENTRAL )  
EXPRESSWAY, DALLAS, TEXAS, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO AIRLINE VANS, )  
INC., 12840 NORTH CENTRAL EXPRESS- )  
WAY, DALLAS, TEXAS. )  
----- )

PUC NO. 1718-I-Transfer

-----  
April 1, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, Harry O. Pulliam, William (Jack) Stewart,  
and Robert L. Pettit, co-partners, doing business as "Airline  
Vans," Dallas, Texas, were granted a certificate of public con-  
venience and necessity (PUC No. 1718-I), authorizing operation  
as a common carrier by motor vehicle for hire, for the transporta-  
tion of:

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 certificate-holders now seek authority to transfer  
all their right, title, and interest in and to said PUC No. 1718-I  
to Airline Vans, Inc., Dallas, Texas.

The records and files of the Commission fail to disclose  
any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public  
interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Harry O. Pulliam, William (Jack) Stewart, and Robert L. Pettit, co-partners, doing business as "Airline Vans," Dallas, Texas, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 1718-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Airline Vans, Inc., Dallas, Texas, 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

Joseph F. Nigro  
Ralph C. Horton  
Ken E. Hall  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1960.

ea



original

(Decision No. 54080)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PACKAGE DELIVERY SERVICE COMPANY, )  
2127 ARAPAHOE STREET, DENVER, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY AUTHORIZ- )  
ING EXTENSION OF OPERATIONS UNDER )  
PUC NO. 572. )  
-----

APPLICATION NO. 16851-Extension

-----  
March 31, 1960  
-----

Appearances: Henry S. Sherman, Esq., Denver,  
Colorado, for Applicant;  
Truman A. Stockton, Jr., Esq.,  
Denver, Colorado, and  
John H. Lewis, Esq., Denver,  
Colorado, for Denver-Laramie-  
Walden Truck Line, Denver-  
Loveland Transportation;  
A. J. Meiklejohn, Esq., Denver,  
Colorado, for Centennial  
Truck Lines.

S T A T E M E N T

By the Commission:

This Commission entered its Decision No. 53976 on March 4,  
1960, in the above-styled matter.

On the 14th day of March, a date within ten days from the  
date of said Order, protestants, Centennial Truck Lines, Inc., and  
Denver-Laramie-Walden Truck Line, filed Application for Rehearing in  
this matter, specifying several grounds of error alleged to have been  
committed by the Commission in said Decision No. 53976.

After reviewing said application and the arguments adduced  
in behalf thereof, the Commission is of the opinion that oral argu-  
ment should be held on said Application for Rehearing, at the Hearing  
Room of the Commission, 532 State Services Building, Denver, Colorado,  
on April 13, 1960, at ten o'clock A. M.

The Petition for Rehearing having been filed within ten days from the date of said Decision No. 53976, by operation of law, is automatically stayed, and will not become final until disposition of said Application for Rehearing.

F I N D I N G S

THE COMMISSION FINDS:

That said Application for Rehearing should be set for oral argument before the Commission, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That "Application for Rehearing," filed with the Commission on March 14, 1960, by Jones and Meiklejohn, Attorneys for Centennial Truck Lines, Inc., and Denver-Laramie-Walden Truck Line, in the above-styled application be, and the same hereby is, set for oral argument before the Commission, at the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, April 13, 1960, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Henry E. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DEPARTMENT OF HIGHWAYS OF THE )  
STATE OF COLORADO FOR AUTHORITY TO )  
INSTALL HIGHWAY-RAILROAD GRADE )  
CROSSING ON STATE HIGHWAY 6 (US 50) ) APPLICATION NO. 17482  
ON THE ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY'S TRACK NO. 6, AT )  
TRACK STATION 9 + 31.4, SWINK AVE- )  
NUE, IN ROCKY FORD, OTERO COUNTY, )  
COLORADO. )  
-----)

-----  
April 5, 1960  
-----

Appearances: Joseph M. Montano, Esq.,  
Denver, Colorado,  
for Applicant;  
J. L. McNeill, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to all interested parties and to the Mayor, City of Rocky Ford, was set for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 23, 1960, where the matter was heard by the Commission and taken under advisement.

The purpose of the instant application is to secure Commission approval for improvement of the existing railway grade crossing over Swink Avenue in Rocky Ford, Colorado. At the hearing, the following exhibits were received and explained by Mr. E. L. King, who is Assistant to the Plans & Surveys Engineer of the Department of Highways, at Denver, Colorado:

Exhibit A: Map of Rocky Ford to show Swink Avenue and location of crossing at Santa Fe spur track.

Exhibit B: Prepared statement of Mr. King regarding the highway work and explaining further details of: Agreements, approvals, streets involved, need for improvement, safety protection and costs of work.

Exhibit C: Agreement dated August 31, 1960, between Department of Highways and Santa Fe Railway Company regarding crossing site, construction, protection, costs and maintenance.

Mr. King explained that the existing Swink Avenue crossing is on a part of the Rocky Ford City street system; that the intent of the highway project is to provide a one-way traffic pattern along U. S. Highway 50, whereby the eastbound highway traffic will use the present route along Elm Avenue and westbound traffic will use Swink Avenue. One grade crossing over an industry spur of The Atchison, Topeka and Santa Fe Railway Company is involved. This crossing is to be protected with reflectorized crossbucks and advance warning signs. Within the City Limits the new street improvement will include curbs and gutters. Existing planked crossing requires widening to the full width of the street, or some 54 feet. The industry spur serves a beet sugar plant of the American Crystal Sugar Company and rail traffic has amounted to two switching movements daily at slow speeds. Westbound highway traffic will be concerned only with sight distances in the Northeast Quadrant, 250 feet, and the Southeast Quadrant, 75 feet. The Department estimates 2,200 vehicles per day westbound on Swink Avenue.

In view of the limited volume of rail traffic, it is proposed that the safety protection will consist of two reflectorized crossbucks, to be provided and installed by State Forces. All protective signing will be placed on the east side of crossing, facing oncoming westbound traffic.

According to Mr. King, estimated costs for the crossing alteration are as follows:

Extend crossing and track work	\$1,092
Two reflectorized crossbucks installed	130
Two reflectorized Advance Warning signs	60
Total -	\$1,280

The track work is to be done by Railway forces at the sole expense of the Highway Department, with Federal participation in the cost. Roadway, curbs, gutters and drainage will be a maintenance responsibility of the Department. Track, crossing and crossbucks will be maintained by the Santa Fe Railway.

In further testimony, Mr. King identified the following correspondence as:

Staff Exhibit No. 1 - Letter by Mayor Bolton  
of the City of Rocky Ford,  
dated February 5, 1960,  
stating in part -

"The City of Rocky Ford  
approves this improvement  
as outlined."

Other authority for the project has been granted by the State Highway Commission, with approvals given by the Chief Engineer, Department of Highways, and by the U. S. Bureau of Public Roads.

It appears that here we have only a change of use over an existing crossing, wherein it is proposed that improvements of widening and signing are proposed. It is recognized that the new use will involve greater traffic volumes than formerly, but only one-way movement is to be considered now and there is open vision to the track at each side of the roadway. Hence, after consideration of the minor volume of rail traffic (two trains at slow speed), and the open vision at the crossing, together with the speed limitations of city traffic, it appears that the existing level of crossbuck protection can be continued in connection with the proposed widening and placement of new crossbuck signs. No objections to the proposed work have been received by the Commission.

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

##### THE COMMISSION FINDS:

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

That the public safety, convenience and necessity require the widening and improvement of the Santa Fe rail crossing at Swink Avenue, in Rocky Ford, Otero County, Colorado.

That the protective devices at the improved crossing shall consist of two reflectorized crossbuck signs with added advance warning signs, and so placed at each side of Swink Avenue to be readily visible to westbound traffic.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the improvement of the highway-railroad grade crossing and installation of protective devices thereat, being the crossing of Swink Avenue over The Atchison, Topeka and Santa Fe switching track in the City of Rocky Ford, Colorado.

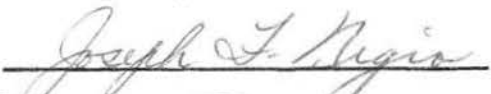
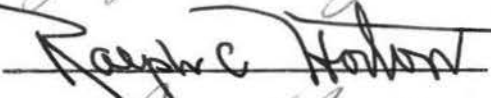

That two standard reflectorized crossbucks and added reflectorized advance warning signs shall be installed at the crossing for the guidance of westbound traffic and be in conformity with the Bulletin of the Association of American Railroad's Joint Committee on Railroad Protection.

That continuing maintenance of the rail crossing and crossbuck 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 related 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 5th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

JACK ARNOLD, 6980 MAGNOLIA )  
STREET, DERBY, COLORADO. )

PERMIT NO. B-4051

-----  
April 7, 1960  
-----

S T A T E M E N T

By the Commission:

On October 29, 1959, the Commission authorized Jack Arnold to suspend operations under his Permit No. B-4051, until May 3, 1960.

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-4051, should be, and the same hereby is reinstated as of March 3, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Horton*  
*Henry E. Zurlings*  
Commissioners

Dated at Denver, Colorado,  
this 7th day of April, 1960.



\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES CONLEY, 1432 WEST KIOWA, )  
COLORADO SPRINGS, COLORADO. )  
)  
)  
)  
-----

PERMIT NO. B-5209

-----  
April 7, 1960  
-----

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-5209 be suspended for six months from October 10, 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 James Conley, Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5209 until April 10, 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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 7th day of April, 19 60.

Joseph F. Negro  
Joseph C. Horton  
Henry C. Ziegler  
Commissioners

original

(Decision No. 54084)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WAYNE W. WALK AND FRANCES M. WALK, )  
DOING BUSINESS AS "TARMAN TOURS," )  
1025 EAST JEFFERSON, COLORADO SPRINGS, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 101 TO WOODROW W. PETERSEN, )  
DOING BUSINESS AS "TARMAN TOURS," )  
4680 NORTH NEVADA, COLORADO SPRINGS, )  
COLORADO. )  
----- )

APPLICATION NO. 17651-Transfer

IN THE MATTER OF THE APPLICATION OF )  
WAYNE W. WALK AND FRANCES M. WALK, )  
DOING BUSINESS AS "TARMAN TOURS," )  
1025 EAST JEFFERSON, COLORADO SPRINGS, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 704 TO WOODROW W. PETERSEN, )  
DOING BUSINESS AS "TARMAN TOURS," )  
4680 NORTH NEVADA, COLORADO SPRINGS, )  
COLORADO. )  
----- )

APPLICATION NO. 17652-Transfer

-----  
April 6, 1960  
-----

Appearances: Edward T. Lyons, Esq.,  
Denver, Colorado, for  
Transferors and Transferees.

S T A T E M E N T

By the Commission:

Wayne W. Walk and Frances M. Walk, doing business as  
"Tarman Tours," Colorado Springs, Colorado, are the owners and  
operators of PUC No. 101, authorizing:

The use and operation of 6 automobiles -  
2 from Colorado Springs, Colorado; 2 from  
Manitou, Colorado, and 2 from Rodeo Camp  
Ground, Colorado Springs, Colorado -- in  
the transportation of passengers to the  
various scenic attractions in the Pikes  
Peak Region, subject to former restrictions  
in the Orders granting, transferring, and  
amending said PUC No. 101, or affecting  
the authorities from which transferors'  
present authority under PUC No. 101 is  
derived, together with any auto livery  
service to which transferors may be en-  
titled in connection with the use of 6  
automobiles referred to that may have been  
authorized under Decision No. 15523, dated  
June 15, 1940, as amended by Decision No.  
17012, of date April 18, 1941.

Said certificate-holders are also the owners and operators of PUC No. 704, authorizing:

Transportation of passengers from Colorado Springs to the various scenic attractions in the Pikes Peak Region, subject to the following terms and conditions: (a) That all sightseeing and tourist operations by the applicant shall be limited to round-trip operations, originating and terminating at the point of origin of the service; (b) That no one-way transportation of passengers is permitted to any points in the Pikes Peak Region; (c) That the quantity of equipment to be used in this operation shall be limited to two (2) automobiles.

Decision No. 14389: Authority to operate one (1) car in the general sightseeing business from Colorado Springs.

Decision No. 15523: Amended authority to permit the operation of an auto livery service between all points in the Pikes Peak Sightseeing Region and from and to said points, to and from other points in the State of Colorado, subject to the following restrictions:

(a) Such service shall be furnished only in passenger cars of the type used by applicant in sightseeing business; and each applicant shall be limited to the number of cars for said service which he is now entitled to use under his sightseeing certificate. In other words, no additional equipment may be used for such auto livery service, and only five (5) passengers may be carried in one car on all trips 10 one-way miles or under. (b) All operations hereunder shall be conducted on the following rates, to-wit: 15¢ per mile for all trips over 10 one-way miles for three passengers or less; 20¢ per mile for four passengers; 25¢ per mile for five passengers; 30¢ per mile for six passengers; and 35¢ per mile for seven or more. For trips 10 one-way miles or under the rate shall be 20¢ per mile without regard to whether one or five passengers are carried; provided, however, that all rates both over and under 10 one-way miles shall be based upon round-trip mileage, and where waiting time of over ten minutes is involved the charge shall be \$1.00 per hour, or a proportion thereof, or fraction of an hour for the full waiting period. (c) The auto livery service herein provided for shall not be advertised outside of the County of El Paso by means of any literature or other written or printed advertising.

Decision No. 15523: Auto livery service between all points in the Pikes Peak Sightseeing Region and from and to said points to and from other points in the State of Colorado.

Decision No. 28157 Authorizes the consolidation of PUC 1692 herewith: Transportation of passengers in sightseeing from Colorado Springs and Manitou, to points in the Pikes Peak Region, limited to one (1) car.

Decision No. 32999 authorizes the consolidation of PUC 1704 herewith: Transportation of passengers from Colorado Springs to the various scenic attractions in the Pikes Peak Region, subject to the following terms and conditions: (a) That all sightseeing and tourist operations by the applicant shall be limited to round-trip operations originating at the point of origin of the service; (b) That no one-way transportation of passengers is permitted to any of the points in the Pikes Peak Region; Auto livery service between all points in the Pikes Peak Sightseeing Region and from and to points in said area to and from other points in the State of Colorado; limited to the use of three (3) cars.

Decision No. 46868, Extended To: Transportation of passengers and baggage between points within the City of Colorado Springs, Colorado; provided, however, that each person, or piece of baggage so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage, may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service.

By the instant applications (17651 and 17652), the certificate holders seek authority to transfer the operating rights under both certificates (PUC-101 and PUC-704) to Woodrow W. Petersen, doing business as "Tarman Tours," Colorado Springs, Colorado.

Both applications were regularly set for hearing, and heard, at the District Court Room, Court House, Colorado Springs, Colorado, at ten o'clock A. M., April 1, 1960, and at the conclusion of the evidence, the applications being consolidated for hearing, the matter was taken under advisement.

The evidence at the hearing disclosed that the consideration for the transfer of the two certificates is the sum of \$20,000.00 cash; that the transferee has a net worth of \$100,000, and is well qualified financially and by experience to carry on the operations; that it is desired that he be permitted to make his reports to the Commission under Certificate No. PUC-704, only.

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That 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 Wayne W. Walk and Frances M. Walk, doing business as "Tarman Tours," 1025 East Jefferson, Colorado Springs, Colorado, be, and they hereby are authorized to transfer all their right, title and interest in and to PUC No. 101 and PUC No. 704 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Woodrow W. Petersen, doing business as "Tarman Tours," 4680 North Nevada, Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

That the transferee is hereby permitted to submit his reports to the Commission under PUC No. 704, only.

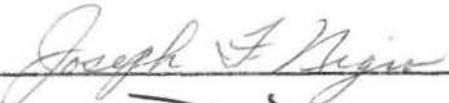
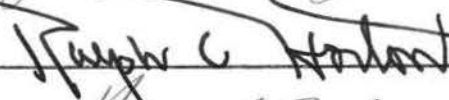

That said transfers shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificates (PUC No. 101 and PUC No. 704) have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfers, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1960.

ea



original

(Decision No. 54085)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MILTON L. PETERS, 115 EAST FONTANERO, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 17653-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----)

-----  
April 6, 1960  
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Appearances: Milton L. Peters, Colorado  
Springs, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

By the instant application, Milton L. Peters, Colorado Springs, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of newspapers, from point to point within a radius of fifty miles of Colorado Springs, Colorado.

The application was regularly set for hearing, and heard, at the District Court Room, Court House, Colorado Springs, Colorado, at ten o'clock A. M., April 1, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the applicant has a net worth of approximately \$400.00 and owns a small quarter-ton truck which he will use in the delivery of the Denver Post; that he has been operating under Temporary Authority granted by this Commission and has work lined up to do; that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

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



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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Milton L. Peters, 115 East Fontanero, Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of newspapers, from point to point, within a radius of fifty miles of Colorado Springs, 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 6th day of April, 1960.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
O. W. MATHEWS, DOING BUSINESS AS  
"PO-BOYS TRASH SERVICE," 133 WEST  
MILL STREET, COLORADO SPRINGS, COLO-  
RADO, FOR REINSTATEMENT OF PUC NO.  
2695, AND FOR AUTHORITY TO TRANSFER  
SAID OPERATING RIGHTS TO THOMAS E.  
SALMON, 236 DAVIE DRIVE, SECURITY  
VILLAGE, COLORADO SPRINGS, COLORADO,  
AND EUGENE L. RAY, 136 STEVEN DRIVE,  
SECURITY VILLAGE, COLORADO SPRINGS,  
COLORADO.

APPLICATION NO. 17649-Transfer

April 6, 1960

Appearances: Paul V. Evans, Esq., Colorado  
Springs, Colorado, for  
Transferor and Transferees.

S T A T E M E N T

By the Commission:

O. W. Mathews, doing business as "Po-Boys Trash Service,"  
Colorado Springs, Colorado, is the owner and operator of PUC No.  
2695, which authorizes the following:

Call and demand transportation of ashes,  
trash, dirt, rock, fertilizer, rubbish,  
brush and other waste materials, between  
points within a radius of ten (10) miles  
of the corner of Pikes Peak Avenue and  
Nevada Avenue, in Colorado Springs, Colo-  
rado, and the City Dump, and any dump  
which may hereafter be located within the  
above-described area.

On November 17, 1959, the Commission, by Decision No.  
53362, permitted said certificate-holder to suspend operations  
under his certificate until May 6, 1960, and on March 2, 1960, he  
filed his application for the reinstatement of his certificate and  
for authority to transfer said operating rights to Thomas E. Salmon,  
236 Davie Drive, Security Village, Colorado Springs, Colorado, and

Eugene L. Ray, 136 Steven Drive, Security Village, Colorado Springs, Colorado.

The application was regularly set for hearing, and heard, in the District Court Room, Court House, Colorado Springs, Colorado, at ten o'clock A. M., April 1, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for the transfer of the certificate is the sum of \$400.00 cash; that the transferees have a net worth of approximately \$1,400.00 and have had three years experience in trucking operations and are well qualified to continue the operations, having ample equipment therefor.

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

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

It would appear to the Commission that the certificate should be reinstated, and transferred to the transferees.

#### 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 PUC No. 2695 should be reinstated.

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 Certificate of Public Convenience and Necessity No. 2695 be, and the same is hereby, reinstated.

That O. W. Mathews, doing business as "Po-Boys Trash Service," 133 West Mill Street, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No.

2695 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Thomas E. Salmon, 236 Davie Drive, Security Village, Colorado Springs, Colorado, and Eugene L. Ray, 136 Steven Drive, Security Village, Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

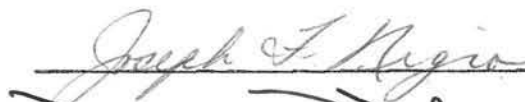
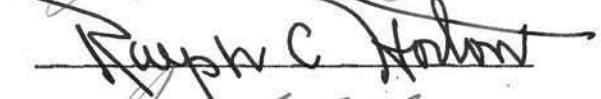
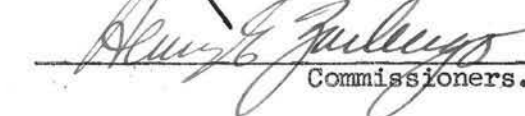
That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1960.

mls

original

(Decision No. 54087)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN M. BECKER, DOING BUSINESS AS )  
"BECKER'S ASH AND TRASH," 2390 EAST )  
BOULDER STREET, COLORADO SPRINGS, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 2213 TO LOUIS W. CRIPPEN, )  
DOING BUSINESS AS "SANITARY GARBAGE )  
AND TRASH REMOVAL," 314 MESA ROAD, )  
COLORADO SPRINGS, COLORADO. )  
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APPLICATION NO. 17650-Transfer

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April 6, 1960  
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Appearances: Marilyn Cimino, Esq., Colo-  
rado Springs, Colorado,  
for Transferor and Trans-  
feree.

S T A T E M E N T

By the Commission:

John M. Becker, doing business as "Becker's Ash and Trash,"  
Colorado Springs, Colorado, is the owner and operator of PUC No. 2213,  
with authority as follows:

Transportation of ashes, trash, dirt, rock,  
fertilizer, rubbish, brush and other waste  
materials, between points within a radius of  
ten (10) miles of the corner of Pikes Peak  
and Nevada Avenues, in Colorado Springs,  
Colorado, and the City Dump, located approxi-  
mately .8 of a mile from the city limits of  
Colorado Springs, Colorado, and any dump  
which is now or which may hereafter be lo-  
cated within the area above described.

Transportation of ashes, trash, dirt, rock,  
fertilizer, rubbish, brush and other waste  
materials, between points within the corpor-  
ate limits of Colorado Springs, Colorado, and  
the City Dump.

By the instant application said certificate-holder seeks  
authority to transfer the operating rights under PUC No. 2213 to  
Louis W. Crippen, doing business as "Sanitary Garbage and Trash Re-

moval," Colorado Springs, Colorado.

The application was regularly set for hearing, and heard, at the District Court Room, Court House, Colorado Springs, Colorado, at ten o'clock A. M., April 1, 1960, and at the conclusion thereof, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that the consideration for the transfer of the certificate and certain equipment is the sum of \$5,000.00, payable in monthly installments of \$250.00 on the first of each and every month, commencing April 1, 1960, and continuing thereafter until paid; that there is no indebtedness against said certificate; that the net worth of transferee is approximately \$2,500; that he has ample equipment with which to carry on the operation and has had trucking experience in the past.

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

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:

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, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That John M. Becker, doing business as "Becker's Ash and Trash," Colorado Springs, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 2213 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Louis W. Crippen, doing business as "Sanitary Garbage and Trash Removal," Colorado Springs, Colorado, sub-

ject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1960.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF )  
CITIZENS UTILITIES COMPANY, LA JUNTA, )  
COLORADO, FOR AN ORDER AUTHORIZING )  
THE ISSUANCE AND SALE OF \$6,600,000 )  
FIRST MORTGAGE AND COLLATERAL TRUST )  
BONDS, 5-1/2 SERIES, DUE DECEMBER 31, )  
1990. )  
-----

APPLICATION NO. 17676-  
SECURITIES

S T A T E M E N T

By the Commission:

Upon consideration of the application filed April 4, 1960,  
by Citizens Utilities Company, a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing April 20, 1960,  
at 10:00 o'clock A. M., 532 State Services Building, Denver, Colorado,  
respecting the matters involved and issues presented in the 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 April 15, 1960, 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

*Joseph F. Nigro*  
*Ralph C. Norton*  
*Alvin E. Zuley*  
Commissioners

Dated at Denver, Colorado,  
this 5th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE )  
WITHDRAWAL OF THE )  
RAILWAY EXPRESS AGENT )  
AT FRASER, COLORADO. )  
- - - - -

APPLICATION NO. 17529  
(Under Rule No. 6)

- - - - -  
April 6, 1960  
- - - - -

S T A T E M E N T

By the Commission:

On January 15, 1960, under Decision No. 53694, the Commission authorized The Denver and Rio Grande Western Railroad Company to withdraw its agent from the station of Fraser, Grand County, Colorado, and in the future to maintain said station as a non-agency station.

The Commission is now in receipt of a request from Mr. E. W. Brown, Superintendent, Railway Express Agency, Incorporated, Denver, Colorado, for authority to correct its tariffs, effective April 30, 1960, by showing the Fraser Agency closed and express for that point waybillings to Granby, Colorado.

In support of the request the following reasons are submitted:

"Formerly the Agent for that Railroad Company acted as our Joint Commission Agent at that point.

"Since the closing of that station, we have been unable to secure the service of any one at Fraser to act as our Agent, due to the small amount of express traffic handled. Our traffic has been moving through our Agency at Granby, Colorado, a distance of fifteen (15) miles from Fraser. We have had no complaints as to the change in service."

F I N D I N G S

THE COMMISSION FINDS:

That all of the applicable tariffs of the Railway Express Agency, Incorporated, should be corrected showing the Fraser Agency closed and express for that point waybillings to Granby, Colorado.

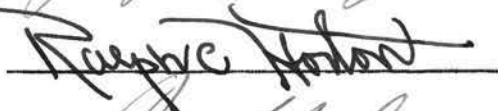
That said changes should be made effective April 30, 1960, upon notice to this Commission and to the general public by not less than five (5) days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

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. This order shall become effective forthwith.
3. The changes in the applicable tariffs referred to in our findings shall be made effective April 30, 1960, upon notice to this Commission and to the general public by not less than five (5) days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
4. In making the necessary changes in the tariffs reference shall be made to this decision, as authority for such action.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1960.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT C. NICHOLS, 1731 DAYTON, ) PERMIT NO. B-5829  
AURORA 8, COLORADO. )  
-----

-----  
April 14, 1960  
-----

S T A T E M E N T

By the Commission:

On October 12, 1959, the Commission authorized Robert C. Nichols to suspend operations under his Permit No. B-5829, until April 12, 1960.

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-5829, should be, and the same hereby is reinstated as of March 9, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Norton*  
*Henry E. Zuckers*  
Commissioners

Dated at Denver, Colorado,  
this 14th day of April, 1960.

\*\*\*\*\*

ETHEL C. BRAFFORD, 933 SOUTH EDITH  
LANE, DENVER 22, COLORADO.

PERMIT NO. M-8753

April 14, 1960

## STATEMENT

The Commission is in receipt of a communication from Ethel C. Brafford,  
Denver 22, Colorado

requesting that Permit No. M-8753 be cancelled.

## FINDINGS

That the request should be granted.

## ORDER

That Permit No. M-8753, heretofore issued to Ethel C. Brafford,  
Denver 22, Colorado be.

and the same is hereby, declared cancelled effective March 8, 1960.

Joseph F. Nigro  
Ralph C. Horton  
Henry E. Zuckers  
Commissioners

this 14th day of April, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

EDGAR VAN SCHOOTEN, DOING BUSINESS AS )  
"EADS PROPANE COMPANY", P. O. BOX 435, )  
EADS, COLORADO. )  
----- )

PERMIT NO. M-3474

-----  
April 14, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edgar Van Schooten,  
doing business as, "Eads Propane Company", Eads, Colorado  
requesting that Permit No. M-3474 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3474, heretofore issued to Edgar Van Schooten,  
doing business as, "Eads Propane Company", Eads, Colorado be,  
and the same is hereby, declared cancelled effective March 25, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hooton  
Henry E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 14th day of April, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

J. A. BAKER, FRASER, COLORADO. )  
)  
)  
)  
-----)

PERMIT NO. M-6769

-----  
April 14, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. A. Baker,

Fraser, Colorado

requesting that Permit No. M-6769 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6769, heretofore issued to J. A. Baker, Fraser,

Colorado

be,

and the same is hereby, declared cancelled effective March 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Wm. E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 14th day of April, 195 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CARL E. HART, DOING BUSINESS AS, )  
"C. E. HART TRUCKING", SECTION 718 )  
BOX 316, FORT MONMOUTH, NEW JERSEY. )  
----- )

PERMIT NO. M-8905

-----  
April 14, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl E. Hart, doing  
business as, "C. E. Hart Trucking", Fort Monmouth, New Jersey  
requesting that Permit No. M-8905 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8905, heretofore issued to Carl E. Hart, doing  
business as, "C. E. Hart Trucking", Fort Monmouth, New Jersey be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Wootton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 14th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR WOLTER, CRAIG, COLORADO. )

PERMIT NO. M-12605

April 14, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur Wolter, Craig,  
Colorado  
requesting that Permit No. M-12605 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-12605, heretofore issued to Arthur Wolter, Craig,  
Colorado be,  
and the same is hereby, declared cancelled effective March 18, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Weston  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 14th day of April, 19560.

original

(Decision No. 54096)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DENVER-AMARILLO RED BALL MOTOR )  
FREIGHT, INC., 1210 SOUTH IAMAR )  
STREET, DALLAS, TEXAS, FOR AUTHOR- )  
ITY TO TRANSFER INTERSTATE OPERATING )  
RIGHTS TO RED BALL MOTOR FREIGHT, )  
INC., 1210 SOUTH IAMAR STREET, )  
DALLAS, TEXAS. )

PUC NO. 639-I-Transfer

-----  
April 8, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, Denver-Amarillo Red Ball Motor Freight, Inc.,  
Dallas, Texas, was granted a certificate of public convenience and  
necessity (PUC No. 639-I), authorizing operation as a common carrier  
by motor vehicle for hire, in interstate commerce, only, subject to  
the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer  
said operating rights to Red Ball Motor Freight, Inc., Dallas, Texas.

The records and files of the Commission fail to disclose  
any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said transfer is compatible with the public interest,  
and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Denver-Amarillo Red Ball Motor Freight, Inc., Dallas,  
Texas, be, and hereby is, authorized to transfer all right, title,

and interest in and to PUC No. 639-I to Red Ball Motor Freight, Inc.,  
Dallas, Texas, 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

Joseph F. Nigro  
Reuben C. Horton  
Samuel J. Pauling  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1960.

mls

original

(Decision No. 54097)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN RE APPLICATION OF THE ATCHISON,  
TOPEKA, AND SANTA FE RAILWAY COM-  
PANY, DENVER CLUB BUILDING, DENVER,  
COLORADO, AND RAILWAY EXPRESS  
AGENCY, INC., EXPRESS ANNEX, DENVER  
UNION TERMINAL, DENVER, COLORADO,  
FOR PERMISSION TO CLOSE STATION AT  
HOEHNES, LAS ANIMAS COUNTY, COLORADO,  
AS AN AGENCY STATION.

INVESTIGATION AND SUSPENSION  
DOCKET NO. 428

April 8, 1960

Appearances: Grant, Shafroth, Toll, Chilson and  
McHendrie, Esqs., Denver, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled matter was set for hearing be-  
fore the Commission, at the District Court Room, Court House, Trinidad,  
Colorado, April 21, 1960, at ten o'clock A. M., due notice thereof be-  
ing forwarded to all parties in interest.

The Commission is now in receipt of a communication from  
Attorneys for the above-styled applicants, stating said applicants no  
longer desire to prosecute said application, and requesting dismissal  
thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing of the above-styled matter, presently set for  
April 21, 1960, at Trinidad, Colorado, be, and the same hereby is,  
vacated.

That Investigation and Suspension Docket No. 428 be, and the same hereby is, closed on the docket of the Commission, upon request of Attorneys for Applicants herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Kyrle  
Joseph C. Kohn  
Samuel J. Spilberg  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1960.

mls





State, at a term thereof begun and held at the City and County Building in Denver, in said County, on the Second Tuesday (it being the EIGHTH day) of SEPTEMBER, A. D. One Thousand Nine Hundred FIFTY-NINE

PRESENT:

HON. ROBERT W. STEELE, one of the Judges of the District Court.  
BERT M. KEATING, Esq., District Attorney of said District.  
JOHN M. SCHOOLEY, Esq., Manager of Safety and Excise and Ex-officio Sheriff of said County.  
DAVID W. OYLER, Esq., Clerk of said Court.

BE IT REMEMBERED, That heretofore, and on to-wit, the 5th day of January, A. D. 1960, the same being one of the regular juridical days of the September, A. D. 1959, Term of Court, the following proceedings, inter alia, were had and entered of record in said Court, to-wit,

BEFORE JUDGE ROBERT W. STEELE,

COLORADO TRANSPORTATION  
COMPANY,

Plaintiff,

vs

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO, ET AL.

Defendants.

B-15023

ORDER OF COURT

At this day pursuant to Remittitur No. 15023 of the Supreme Court of the State of Colorado dated December 23, 1959, the Judgment of the District Court entered March 14, 1957, is reversed and ordered vacated,

Whereupon, It is Ordered by the Court that the Defendant, Public Utilities Commission of the State of Colorado, to vacate its Order changing or altering Certificate No. 78.

STATE OF COLORADO

City and County of Denver,

) SS. SINGLE CERTIFICATE

I, DAVID W. OYLER, Clerk of the District Court of the City and County of Denver, State aforesaid, do hereby certify the above and foregoing to be a true, complete and perfect transcript and copy of ORDER OF COURT had and entered of record in a certain cause in

said Court lately depending wherein COLORADO TRANSPORTATION COMPANY, Plaintiff, and THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, ET AL, Defendant, as the same now remains on file and of record in this office.

(SEAL)

Witness, DAVID W. OYLER, Clerk of said Court, with the seal thereof hereunto affixed at his office, in the City and County of Denver, State of Colorado, this 16TH day of MARCH, 1960.

DAVID W. OYLER

Clerk.

By Dora A. Woerner  
Deputy Clerk."

F I N D I N G S

THE COMMISSION FINDS:

By virtue of said Order, the Commission is directed to vacate our Order or Decision No. 47058 which altered Certificate of Public Convenience and Necessity No. 78.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 47058, dated December 31, 1956, be, and the same hereby is, vacated and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regis  
Ralph C. Horton  
Henry E. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF  
THE PUEBLO GAS AND FUEL COMPANY, A  
CORPORATION ORGANIZED AND EXISTING  
UNDER THE LAWS OF THE STATE OF  
COLORADO, 900 FIFTEENTH STREET,  
DENVER, COLORADO, FOR AN ORDER AUTHORIZING  
THE ISSUANCE OF \$1,650,000 PRINCIPAL AMOUNT  
OF ITS FIRST MORTGAGE BONDS.

APPLICATION NO. 17695  
SECURITIES

S T A T E M E N T

By the Commission:

Upon consideration of the application filed April 8, 1960, by  
The Pueblo Gas and Fuel Company, a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing April 20, 1960, at  
10:00 o'clock A. M., 532 State Services Building, Denver, Colorado, respect-  
ing the matters involved and issues presented in the 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 pro-  
ceedings. Intervention petitions should be filed with the Commission  
on or before April 15, 1960, and should set forth the grounds of the pro-  
posed intervention and the position and interest of the petitioners, in  
the proceeding and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nye*  
*Ralph C. Horton*  
*Henry Spillings*  
Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF )  
WESTERN SLOPE GAS COMPANY, A )  
CORPORATION ORGANIZED AND EXISTING )  
UNDER THE LAWS OF THE STATE OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLORADO, )  
FOR AN ORDER AUTHORIZING THE ISSUANCE OF )  
\$1,150,000 PRINCIPAL AMOUNT OF ITS FIRST )  
MORTGAGE PIPELINE BONDS AND THE EXECUTION )  
OF A CONTRACT RELATING TO PAYMENTS FOR )  
NATURAL GAS SUPPLIED TO PUBLIC SERVICE )  
COMPANY OF COLORADO )  
-----

APPLICATION NO. 17696  
SECURITIES

S T A T E M E N T

By the Commission:

Upon consideration of the application filed April 8, 1960,  
by Western Slope Gas Company, a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing April 20, 1960, at  
10:00 o'clock A. M., 532 State Services Building, Denver, Colorado, re-  
specting the matters involved and issues presented in the 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 April 15, 1960, and should set forth the grounds of the pro-  
posed intervention and the position and interest of the petitioners,  
in the proceeding and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Regier  
Ralph C. Holm  
Clarence J. Pulley  
Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JULIUS BUSSARD, DOING BUSINESS AS )  
"BUSSARD BUS SERVICE," 3395 SOUTH )  
LINCOLN STREET, ENGLEWOOD, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING EX- )  
TENSION OF OPERATIONS UNDER PUC NO. )  
1450. )

APPLICATION NO. 15202-Extension

-----  
April 8, 1960  
-----

Appearances: Julius Bussard, Englewood,  
Colorado, pro se;  
Thomas P. Williams, Denver,  
Colorado, for The Denver  
Tramway Corporation;  
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 Commission is in receipt of a communication from Delbert G. Bussard, stating applicant in the above-styled application no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 15202-Extension be, and the same hereby is, dismissed, upon request of applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Norton*  
*Paul E. Spilberg*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1960.  
mls

original

(Decision No. 54102)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) RAYMOND H. ANDERSON, 4455 WEST 76TH ) STREET, WESTMINSTER, COLORADO, FOR ) AUTHORITY TO EXTEND OPERATIONS UNDER ) PERMIT NO. B-5810. )	APPLICATION NO. 17644-PP-Extension <u>SUPPLEMENTAL ORDER</u>
--	---

-----

-----  
April 12, 1960  
-----

Appearances: Mrs. Raymond H. Anderson,  
Westminster, Colorado,  
for Applicant;  
Edward Lyons, Jr., Esq.,  
Denver, Colorado, for  
Fairplay Motor Co.;  
J. M. Harrington, Denver,  
Colorado, for Goldstein  
Transportation & Storage,  
Inc.

S T A T E M E N T

By the Commission:

By Decision No. 54073, dated April 1, 1960, the above-styled applicant was authorized to extend operations under Permit No. B-5810, to include the right to transport coal, from northern Colorado coal fields, to coal dealers and customers of Latimer Fuel Company, Denver, Colorado; firewood, from points within a radius of ten miles of Grant, Colorado, to Latimer Fuel Yards, Denver, Colorado; ore, from the mine of the Store Point Development Company, located in Clear Creek County, and within a radius of ten miles of Grant, Colorado, to rail cars at Golden, Colorado.

It appears to the Commission that because of a punctuation ambiguity, to-wit: the comma appearing between the words "Clear Creek County" and the words "and within", the Order might be misconstrued and therefore should be corrected.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 54073 should be amended as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54073, dated April 1, 1960, should be, and the same hereby is, amended, nunc pro tunc, as of said 1st day of April, 1960, by striking therefrom the first paragraph of the Order on page 3 and inserting in lieu thereof the following:

"That Raymond H. Anderson, Westminster, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-5810, to include the right to transport coal, from northern Colorado coal fields, to coal dealers and customers of Latimer Fuel Company, Denver, Colorado; firewood, from points within a radius of ten miles of Grant, Colorado, to Latimer Fuel Yards, Denver, Colorado; ore, from only the mine of the Stoney Point Development Company, located in Clear Creek County and approximately ten miles north of Grant, Colorado, to rail cars at Golden, Colorado."

That, except as herein amended, said Decision No. 54073 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph L. Nigro  
Ralph C. Hoban  
August E. Zalusky  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of April, 1960.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DENNIS CARRUTHERS, DOING BUSINESS )  
AS "TRUCK EQUIPMENT & SUPPLY," BOX )  
951, TORRINGTON, WYOMING, FOR AU- )  
THORITY TO TRANSFER INTERSTATE OPER- )  
ATING RIGHTS TO TRUCK EQUIPMENT & )  
SUPPLY CO., A CORPORATION, BOX 951, )  
TORRINGTON, WYOMING. )  
-----

PUC NO. 4352-I-Transfer

-----  
April 12, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, Dennis Carruthers, doing business as "Truck Equipment & Supply," Torrington, Wyoming, was granted a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

freight, between all points in the State of  
Colorado and the Colorado State Boundary  
Lines, where all highways cross same,

said operating rights being designated "PUC No. 4352-I."

Said certificate-holder now seeks authority to transfer said PUC No. 4352-I to Truck Equipment & Supply Co., a corporation, Torrington, 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.


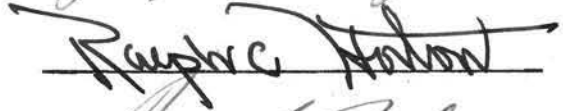

O R D E R

THE COMMISSION ORDERS:

That Dennis Carruthers, doing business as "Truck Equipment & Supply," Torrington, Wyoming, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 4352-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Truck Equipment & Supply Co., Torrington, Wyoming, subject to payment of outstanding indebtedness against said certificate, 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 12th day of April, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE FAILURE OF )  
VARIOUS CORPORATIONS, PARTNER- )  
SHIPS, AND/OR PERSONS TO COMPLETE )  
APPLICATIONS FOR PERMITS TO OPER- )  
ATE AS COMMERCIAL (PRIVATE) CAR- )  
RIERS BY MOTOR VEHICLE IN THE )  
STATE OF COLORADO. )  
----- )

-----  
April 13, 1960  
-----

S T A T E M E N T

By the Commission:

The records of the Commission show that the corporations, partnerships, and/or persons listed in the Order part of this decision have paid to the Commission a filing fee for a Commercial (private) Carrier Permit to operate over the highways of the State of Colorado.

The records of the Commission further show that said applicants have failed to complete their applications in one or more of the following particulars as required by the Rules and Regulations Governing Commercial Carriers by Motor Vehicle in Colorado:

- (a) Failure to file completed application.
- (b) Failure to file request for cab cards.
- (c) Failure to file, or have filed, certificate of insurance.

The records of the Commission further show that all of the applicants listed in the Order part of this decision have been duly notified by the Commission of their failure to comply with one or more of the above particulars.

F I N D I N G S

THE COMMISSION FINDS:

That the Statement should be made a part of these Findings.

That all of said proceedings heretofore instituted by the corporations, partnerships, and/or persons listed in the Order part of this decision should be dismissed.

### O R D E R

#### THE COMMISSION ORDERS:

That each of the application proceedings heretofore commenced by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial (private) Carrier by Motor Vehicle over the highways of the State of Colorado, be, and the same hereby are, dismissed:

H. M. Allen	Hereford, Texas
Troy Baber	Rt 2 Box 224, Lubbock, Texas
B-Mark Maint., Sales & Specialty Co.	809 E. 16th Ave., Denver 18, Colo.
Elbert E. Beery	Rt 2, Big Springs, Nebraska
J. D. Bickford	Box 98, Grand Island, Nebraska
Stanley Bocchino & James L. Patterson	Box 427, Uravan, Colorado
Raymond Carlson	1730 Collier St., Longmont, Colo.
Harry Cloud Motors	Box 308, Comanche, Texas
Thurman Cole	829 - 9th St., Hereford, Texas
B. D. Crawford	Box 343, Levelland, Texas
J. E. Crawford	Box 1341, Levelland, Texas
D & D Trucking (Donald K. & Donald D. Davis)	Rt 1, Torrington, Wyoming
Detroit Display & Cabinet Co.	427 Harrison Ave., Bay City, Mich.
Francis A. DeVore	Box 184, Mancos, Colo.
Drapers Upholstery Co.	75 S. Federal, Denver 19, Colo.
Eagle Custom Coach Co.	1800 S. Acoma, Denver 23, Colo.
Elden's Frontier (Elden Hodgson)	3208 Arapahoe, Boulder, Colo.
Fessenden Trucking Co.	264 N. 1st W., Salt Lake City, Utah
Donald Fosnight	1952 Moline, Aurora 8, Colo.
Glastrom Sales Inc.	Box 9624, Austin, Texas
Good Earth Materials	553 Ashley Lane, Grand Junction, Colo.
William G. Groves	Penrose, Colo.
Elnor M. & Oscar W. Gustin	2707 - 7th Ave., Greeley, Colo.
Russell & Cyril Hoyt	Box 504, Mancos, Colo.
James D. Jones	3509 N. E. 21st, Amarillo, Texas
Kenneth F. Kembel	Rt 1, Ft. Morgan, Colo.
Kensett Lumber Co.	Searcy, Arkansas
William Klinginsmith	Ordway, Colo.
La Loma Fuel Co.	Taos, New Mexico
James B. Larkins, Jr.	619 E. 8th St., Ft. Morgan, Colo.
Floyd C. London	Box 224, Spur, Texas
Lucky Produce Transport	2630 - 5th St., Sacramento, Calif.
George S. Marshall	Chadron, Nebraska
Manuel Martinez	1430 Hooker, Denver 4, Colo.
Robert A. Morris	Rt 4, Cozad, Nebraska
Motor Parts & Supply Co.	727 N. Santa Fe, Pueblo, Colo.
Derald Nelson	Box 173, Fairmont, Nebraska
Plains Food Inc.	Plainview, Texas
R & J Distributing Co.	8025 Green Ct., Westminster, Colo.
Red Canon Dairy	1310 Main, Canon City, Colo.
Earl Rehor	RR, Yuma, Colo.

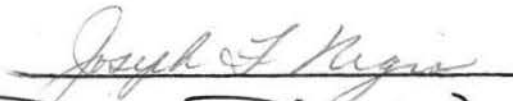
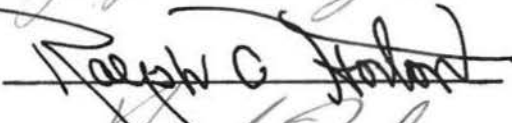
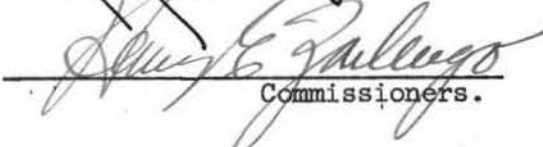
Rosita Products Co. Inc.  
San Miguel Stone Co.  
W. R. Scott  
Richie Stubbs, Jr.  
Tele-Viewing  
Valdamor Trujillo  
Lou Tyrrell Trucking Co.  
Jimmy Utzman  
Raymond E. Van Matre  
Albert G. Wertz  
Arlene & Clarence Winters  
Witch Equipment Co.

Calvin Wright

494 Garfield, Montebello, Calif.  
Rt 1 Box 318, Delta, Colo.  
9214 Luthy Circle NE, Albuquerque, N.M.  
625 Ranney St., Craig, Colo.  
PO Box 485, Grand Junction, Colo.  
Box 243, Pueblo, Colo.  
Chase, Kans.  
Box 426, Ft. Worth, Texas  
Yampa, Colo.  
Montezuma, Colo.  
PO Box 525, Grand Junction, Colo.  
c/o Texaco Sta., 11th & Yosemite,  
Denver 8, Colo.  
Amherst, Texas

This Order shall become effective ten days from the date  
hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MAVERICK MOBILE HOME CORPORATION,  
3616 EAST ADMIRAL PLACE, TULSA,  
OKLAHOMA.  
-----

PERMIT NO. M-7788

-----  
April 12, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Maverick Mobile Home Corporation, Tulsa, Oklahoma  
requesting that Permit No. M-7788 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7788, heretofore issued to Maverick Mobile Home Corporation, Tulsa, Oklahoma be,  
and the same is hereby, declared cancelled effective March 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 12th day of April, 195 60.

original

(Decision No. 54106)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ARTHUR D. BENNETT, JR., DOING BUSI-  
NESS AS "ART BENNETT TRASH HAULING,"  
751 SOUTH GALLUP STREET, LITTLETON,  
COLORADO, FOR AUTHORITY TO TRANSFER  
PUC NO. 3339 TO RICHARD C. SCHMIDT  
AND ANTHONY M. LUJAN, CO-PARTNERS,  
DOING BUSINESS AS "B & B RUBBISH  
REMOVAL SERVICE COMPANY," 685 UTICA  
STREET, DENVER, COLORADO.

APPLICATION NO. 17654-Transfer

April 13, 1960

Appearances: Paul Rodden, Esq., Denver,  
Colorado, for Transferor  
and Transferees.

S T A T E M E N T

By the Commission:

Arthur D. Bennett, Jr., doing business as "Art Bennett Trash  
Hauling," Littleton, Colorado, is the owner and operator of PUC No.  
3339, which authorizes:

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.

By the instant application, said certificate-holder seeks  
authority to transfer said PUC No. 3339 to Richard C. Schmidt and  
Anthony M. Lujan, co-partners, doing business as "B & B Rubbish Re-  
moval Service Company," 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, 532 State Services Building, Denver, Colorado,  
April 8, 1960, and at the conclusion of the evidence, the matter was



taken under advisement.

Arthur D. Bennett, the Transferor, testified in support of the application and to the effect that he had no debts.

Richard C. Schmidt, one of the transferees, testified in support of the application that the same equipment would be used; that he has had experience in the trucking business; and that he has a net worth of approximately \$1,300.00.

No one appeared in opposition to the granting of the proposed transfer.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Arthur D. Bennett, Jr., doing business as "Art Bennett Trash Hauling," Littleton, Colorado, should be, and he hereby is, authorized to transfer PUC No. 3339 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Richard C. Schmidt and Anthony M. Lujan, co-partners, doing business as "B & B Rubbish Removal Service Company," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Henry E. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of April, 1960.

mls

original

(Decision No. 54107)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSE FRESQUEZ AND FAUSTIN FRESQUEZ, )  
CO-PARTNERS, DOING BUSINESS AS "J & )  
F. LUMBER SERVICE," 665 BRYANT STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-4245 TO JOSE )  
FRESQUEZ, DOING BUSINESS AS "JOSE )  
FRESQUEZ LUMBER SERVICE," 665 BRYANT )  
STREET, DENVER, COLORADO. )

APPLICATION NO. 17661-PP-Transfer

-----  
April 13, 1960  
-----

Appearances: Jose Fresquez, Denver, Colo-  
rado, for Applicants;  
Raymond B. Danks, Esq., Den-  
ver, Colorado, for Colorado  
Transfer & Warehousemen's  
Association.

S T A T E M E N T

By the Commission:

Jose Fresquez and Faustin Fresquez, co-partners, doing busi-  
ness as "J & F Lumber Service," Denver, Colorado, are the owners and  
operators of Permit No. B-4245, authorizing:

transportation of lumber, only, from rail-  
road cars spotted within a radius of fifteen  
miles of Denver, Colorado, to lumber yards in  
said area, said service to be conducted ex-  
clusively with a straddle truck.

By the instant application, said permit-holder seeks author-  
ity to transfer said Permit No. B-4245 to Jose Fresquez, doing busi-  
ness as "Jose Fresquez Lumber Service," 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, 532 State Services Building, Denver, Colorado,  
April 8, 1960, and at the conclusion of the evidence, the matter was  
taken under advisement.

Jose Fresquez appeared in support of the application and testified that his partner in the operation of the business abandoned the business and he desires that the authority be transferred to himself as an individual. He further testified that the operation will be carried on in the same manner as before.

No one appeared in opposition to the proposed transfer.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Jose Fresquez and Faustin Fresquez, co-partners, doing business as "J & F Lumber Service," Denver, Colorado, should be, and they are hereby, authorized to transfer Permit No. B-4245 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Jose Fresquez, doing business as "Jose Fresquez Lumber 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 permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the author-

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

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

This Order is made a part of the permit authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nevin  
Ralph C. Holton  
Harry E. Zurling  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of April, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE W. WIEDERSPAN, DOING BUSI- )  
NESS AS "DENVER MOVING AND STORAGE," )  
341 SOUTH LINCOLN STREET, DENVER, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 3659 TO JOHN F. IVORY STOR- )  
AGE COMPANY, INC., 8035 WOODWARD )  
AVENUE, DETROIT, MICHIGAN. )

APPLICATION NO. 17655-Transfer

-----  
April 14, 1960  
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Appearances: George W. Wiederspan, Denver,  
Colorado, for Transferor;  
Raymond B. Danks, Esq., Den-  
ver, Colorado, for Colorado  
Transfer & Warehousemen's  
Association;  
Hubert Work, Denver, Colorado,  
for Weicker Transfer & Stor-  
age Co.;  
Howard Hicks, Denver, Colorado,  
for copy of Order.

S T A T E M E N T

By the Commission:

George W. Wiederspan, doing business as "Denver Moving and  
Storage," Denver, Colorado, is the owner and operator of PUC No. 3659,  
which authorizes:

transportation of general commodities, except  
commodities which, because of size or weight,  
require special equipment, and provided that  
no package-delivery service, as such, shall  
be performed under authority herein granted,  
between points within the City and County of  
Denver, State of Colorado.

By the present application, said certificate-holder seeks  
authority to transfer said PUC No. 3659 to John F. Ivory Storage Com-  
pany, Inc., Detroit, Michigan.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing

Room of the Commission, 532 State Services Building, Denver, Colorado, April 8, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

George W. Wiederspan, the transferor herein, testified in support of the application that all creditors were paid and that arrangements had been made to effect the transfer for a consideration of \$2,700.00, which includes the truck and the authority.

The objections to the transfer were based on the contention that van-line operations might be involved and the transferee would be in a position to create more competition which would affect the efficient public service of other common carriers.

The transferee has a net worth of approximately \$900,000.00.

It does not appear that the proposed transfer will impair the efficiency of any common carrier service operating in the territory which transferee will serve.

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 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 George W. Wiederspan, doing business as "Denver Moving and Storage," Denver, Colorado, should be, and he hereby is, authorized to transfer PUC No. 3659 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to John F. Ivory Storage Company, Inc., Detroit, Michigan, subject to payment of outstand-



ing indebtedness against said operation, if any there be, whether secured or unsecured.


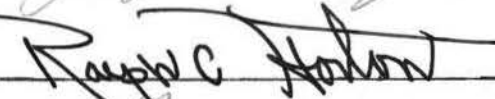
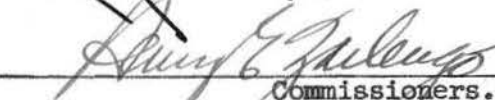
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering the 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 14th day of April, 1960.

mls

original

(Decision No. 54109)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY FOR PERMISSION TO )  
DISCONTINUE PASSENGER SERVICE BE- )  
TWEEN LA JUNTA, COLORADO, AND LAS )  
ANIMAS JUNCTION, COLORADO, BY ITS )  
PASSENGER TRAINS NOS. 37 AND 38. )  
----- )

APPLICATION NO. 17636

-----  
April 14, 1960  
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S T A T E M E N T

By the Commission:

On February 19, 1960, and pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads operating in the State of Colorado, The Atchison, Topeka and Santa Fe Railway Company, by its attorneys, filed the above-captioned application to discontinue passenger service between La Junta and Las Animas Junction, Colorado, effective March 20, 1960.

Operation of the above trains is over applicant's cross-country main line in the area between La Junta and Las Animas Junction, a distance of 21.3 miles; thence, the trains move over a branch line track to Boise City, Oklahoma, and to Amarillo, Texas.

Pursuant to the above Commission's Rule No. 6, a notice of the proposed change in service was posted at each of the following Colorado locations: La Junta, Las Animas, Gilpin, Ruxton, Frick, Harbord, Springfield, Bisonte, and Campo. As a part of the notice was the following:

"The proposed changes in service are the discontinuance of passenger service between La Junta, Colorado, and Las Animas Junction, Colorado, by Trains 37 and 38. The proposed change will not affect passenger service on Trains 37 and 38 between Las Animas Junction and points south thereof. Any person desiring to protest the proposed action as stated above, shall file a written protest with

The Public Utilities Commission of the State of Colorado, State Office Building, Denver, Colorado, at least ten (10) days prior to the effective date of said changes in service."

No protests have been received by the Commission in this matter.

The trains involved herein are primarily freight trains and carry a combination passenger-baggage car for the accommodation of passengers. The trains usually consist of sixty to one hundred freight cars, and the combination car is coupled at the end of the train. Train No. 37 operates north on the branch line and westward on the main; No. 38 operates eastward on the main from La Junta to Las Animas Junction, and thence southward to the Amarillo terminal.

It appears the request for withdrawal of passenger service on these trains along the main line is the result of an Interstate Commerce Commission rule requiring automatic train stop devices on all locomotives that would operate on the main line in passenger service. Applicant explains that in accordance with Order No. 29543 (274 I.C.C. 628), and the Interstate Commerce Commission Rule No. 136.566 in Ex Parte 171, there is the restriction that if any locomotive not equipped with automatic train stop is operated on the main line, then all locomotives in passenger service must operate at restricted speeds in the area. Applicant reports further that its main line track between La Junta and Las Animas Junction is equipped with Automatic Train Stop apparatus, and all locomotives in passenger service on passenger trains traversing this track, except on Trains 37 and 38, are equipped with responsive Automatic Train Stop devices. The locomotives used on Trains 37 and 38 are freight locomotives and are not so equipped. These locomotives operate out of applicant's "Argentine-Cleburne Pool." All 100-Class locomotives in this pool, now fifty-seven in number, must be available for service on Trains 37 and 38 when needed. The cost of equipping these locomotives with the Automatic Train Stop devices necessary for compliance with Rule 136.566 would be approximately \$179,550. This expenditure will be necessary unless passenger service on Trains 37 and 38 can be

discontinued on the portion of the main line track between La Junta and Las Animas Junction.

Upon investigation by this Commission of the instant request, it appears that the other trains affected by the speed restriction consist of eight cross-country passenger movements, being the following four trains that move east and west daily between Chicago and San Francisco, viz: Super Chief, El Capitan, The Chief, and The Grand Canyon. Permitted speed is 90 miles per hour, which must be restricted to 79 miles per hour because of the mixed-train operation by Trains Nos. 37 and 38.

Passenger traffic on mixed trains Nos. 37 and 38 has been very light between the affected main line cities and the other towns along the branch road, as shown in the following table:

<u>Between</u>	<u>Jan.</u>	<u>Feb.</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>
La Junta-Harbord	-	-	1	-	-	-
" -Springfield	2	3	1	-	-	-
" -Boise City	-	-	-	-	-	-
" -Amarillo	1	-	-	-	-	-
Las Animas-Harbord	1	3	2	-	-	-
" -Springfield	1	-	2	-	3	-
" -Amarillo	-	-	-	-	-	1
Total -	5	6	6	-	3	1
	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
La Junta-Harbord	-	1	1	1	2	2
" -Springfield	8	1	1	2	-	1
" -Boise City	-	2	-	-	-	-
" -Amarillo	-	2	-	-	-	-
Las Animas-Harbord	-	-	2	1	8	1
" -Springfield	-	3	-	-	-	-
" -Amarillo	-	-	-	-	-	-
Total -	8	9	4	4	10	4

From the above, it may be seen that only sixty passengers were handled on these trains in the entire Year of 1959. Local traffic amounted to thirty-two passengers on the main line between La Junta and Las Animas. This very low riding is understandable when it is remembered that the trains really operate as cross-country freight trains, and schedules are subject to the delays of switching train makeups and connections at en route terminals. Service has been offered on the following schedule:

No. 38 (East)

9:15 AM Lv. La Junta  
 9:35 AM Las Animas Junction  
 11:50 AM Springfield, Colorado  
 2:00 PM Boise City, Oklahoma  
 8:30 PM Arr. Amarillo, Texas

No. 37 (West)

Arr. 4:00 PM  
 3:20 PM  
 1:07 PM  
 11:45 AM  
 Lv. 7:15 AM

During the past months of February and March, actual departures at La Junta ranged from 9:55 A. M. to 12:50 P. M., and arrivals varied between 6:17 P. M. to 1:05 A. M.

Applicant has emphasized that the only passenger service proposed for withdrawal is movement on the main line, and that the passenger service will be retained on all points south of Las Animas Junction, including Harbord, Springfield, Boise City, and Amarillo. Main line stop is at Las Animas for any passengers desiring to change to the branch line and it is then necessary to move 2.4 miles to Las Animas Junction for the branch line connection. Applicant explains radio-telephone communication is available between the Las Animas Agent and Trains 37 and 38 to determine actual train movements so that private automobile or public taxicab service will be provided for passenger transfer with minimum delay.

Alternate service for main line passengers is available on applicants main line trains as follows:

(East)	<u>No. 8</u>	<u>No. 124</u>		(West)	<u>No. 123</u>	<u>No. 7</u>
	7:10 AM	6:05 PM	Lv La Junta	Arr	8:00 AM	4:35 PM
	7:34 AM	6:27 PM	Arr Las Animas	Lv	7:34 AM	4:02 PM

In addition, bus service is currently scheduled, as follows:

CONTINENTAL TRAILWAYS

2:45 AM	10:56 PM	8:36 PM	1:25 PM	Lv La Junta	Arr 11:11 AM	5:55 PM	11:20 PM	5:16 AM
3:13 AM	11:23 PM	9:03 PM	1:51 PM	Arr Las Animas	Lv 10:41 AM	5:24 PM	10:49 PM	4:47 AM
4:15 AM	12:25 PM	10:00 PM	3:00 PM	Lv Lamar	Lv 10:00 AM	4:40 PM	10:05 PM	3:40 AM
5:10 AM		10:45 PM	3:56 PM	Lv Springfield	Lv 8:45 AM	3:19 PM		2:44 AM

Central Time

7:10 AM	12:57 AM	5:55 PM	Arr Boise City	Lv 8:58 AM	3:18 PM	2:48 AM
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SOUTHWESTERN GREYHOUND

11:34 PM	Lv La Junta	Arr 8:51 AM
F	Las Animas	F
12:48 AM	Lv Lamar	Lv 7:41 AM

With the continuation of passenger service on the branch line, Applicant reports there will be no change in the baggage service and milk and cream handling that is offered along the whole line. In like manner, the withdrawal of only passenger service on the main line will not affect the job, hours or rate of pay of applicant's employees.

While it may appear that this Statement contains excessive detail, it is our belief that although we have received no public protests, it is desirable in the absence of a public hearing, to have herein presented the various items pertaining to the matter.

It is to be further noted that the affected communities (Las Animas and La Junta) are on the all-weather U. S. Highway No. 50 and bus service on good highways is also available to other larger cities along the branch line. Hence, when we consider the nature of service offered by a mixed train, the ready availability of alternate service and good roads in the area, it becomes apparent why passenger riding is so very minor on these trains.

The Commission has long been cognizant of the continuing decline in passenger riding and the efforts being made by the industry to keep its service attractive. In the instant matter, non-compliance with the Interstate Commerce Commission rule will offer a further deterrent in the nature of restricted speeds for the affected cross-country "name" trains. On the other hand, maintenance of the passenger trains and installation of the required equipment on some fifty-seven freight engines at the estimated cost of \$179,550 is not justified by the very low traffic patronage involved, particularly when alternate service is readily available.

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

##### THE COMMISSION FINDS:

1. ~~That~~ convenience and necessity of the general public do not require the continued operation of passenger service on Trains Nos. 37 and 38 in either direction between La Junta and Las Animas Junction for the reason that alternate facilities are readily available.



2. That no showing of necessity is before the Commission to justify the large out-of-pocket expenditure necessary for equipment to meet main line requirements for mixed-train operation.

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

4. That a certificate of public convenience and necessity should issue for the discontinuance of main line passenger service on Trains Nos. 37 and 38 in either direction between La Junta and Las Animas Junction.

5. That jurisdiction should be retained by the Commission to enter such further order or orders as may be necessary.

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Atchison, Topeka and Santa Fe Railway Company, should be, and it is hereby, authorized to discontinue main line passenger service on Trains Nos. 37 and 38 in either direction between La Junta and Las Animas Junction, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That substitute transfer conveyance by automobile or public taxicab service shall be provided at no additional charge to all railroad patrons boarding or moving between Trains Nos. 37 and 38 and the Las Animas Station.

That jurisdiction of the instant matter is hereby retained by the Commission to enter such further order, or orders, as it may deem necessary.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph T. Negro  
Robert C. Holm  
Henry J. Zullo  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of April, 1960.  
ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: KANSAS-COLORADO UTILITIES, )  
INC. )  
----- )

CASE NO. 5163

SUPPLEMENTAL ORDER

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April 14, 1960  
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Appearances: Lee, Bryans, Kelly and  
Stansfield, Esqs., by  
Bryant O'Donnell, Esq.,  
and  
E. A. Stansfield, Esq.,  
all of Denver, Colorado,  
for Applicant;  
Joe Cox, Florence, Colo-  
rado, for the City of  
Florence, as its interest  
may appear;  
Edwin R. Lundborg, Esq.,  
Denver, Colorado, for the  
Staff of the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 53920, of February 25, 1950, in accordance with the Decision of the District Court of the City and County of Denver, in Civil Action No. B-33037, the Commission on said date issued its order requiring that the sum of \$6,029, received by Kansas-Colorado Utilities, Inc., from the Colorado Interstate Gas Company as a refund as a result of the rate case settlement in Federal Power Commission Docket Nos. G-2260 and G-2576, be refunded to the applicable customers receiving service by virtue of gas purchased under Interstate's IS-3 Rate.

By this same Supplemental Order this Commission required that Kansas-Colorado report in writing to this Commission thirty (30) days after the refund had been accomplished, the amount of money refunded to each of its customers itemized as to principal and interest.

On April 4, 1960, Kansas-Colorado, by its attorneys, filed the "Report of Completion of Refund" setting forth therein in the manner prescribed by this Commission, full disclosure of the results of the refund. The report discloses that Kansas-Colorado pro rated the total sum to be refunded, \$6,029, to each customer based upon the amount of gas purchased by such customer during the period from May 1, 1954 to October 30, 1954, the period to which refund was applicable. In accordance with the testimony at a prior hearing before this Commission regarding said refund, the Company absorbed the cost of the refund there being no reduction to the customer of the total amount to be refunded. The report submitted to the Commission reveals that one of the customers, viz., Saunders Mills, Inc., was indebted to Kansas-Colorado in the amount of \$4,785.60, and that this customer had ceased operations in 1956. The total refund to which this customer was entitled amounted to \$468.05. This amount was credited against the customer's indebtedness by Kansas-Colorado. The report also set forth the disposition of other monies received by Kansas-Colorado from Colorado Interstate Gas Company. Kansas-Colorado has complied with this Commission's orders by virtue of Decisions Nos. 59320 and 52469, and a final order can now be issued in this matter.

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

##### THE COMMISSION FINDS:

That Kansas-Colorado Utilities, Inc., having complied with this Commission's orders in regard to the refund received from Colorado Interstate Gas Company, and having made final report in compliance with said Commission orders, this matter can now be concluded.

#### O R D E R


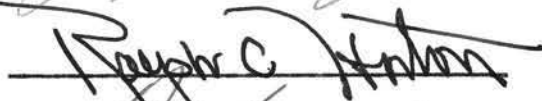

##### THE COMMISSION ORDERS:

That Kansas-Colorado Utilities, Inc., having complied with previous Commission orders regarding refund to its customers of the monies received from Colorado Interstate Gas Company, and having submitted

a final report to this Commission regarding said refund, Case No. 5163 be, and it hereby is, closed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
B. R. M. TRANSPORTATION AND WARE- )  
HOUSE, INC., A COLORADO CORPORATION, )  
1902 BLAKE STREET, DENVER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. )  
A-647 TO UNDERWOOD MOTOR FREIGHT, )  
INC., A COLORADO CORPORATION, FORT )  
MORGAN, COLORADO. )

APPLICATION NO. 17663-PP-Transfer

-----  
April 14, 1960  
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Appearances: James T. Ayers, Esq., Aurora,  
Colorado, for Applicants;  
Raymond B. Danks, Esq., Den-  
ver, Colorado, for Centen-  
nial Truck Lines;  
Howard Yelverton, Denver,  
Colorado, for North Eastern  
Motor Freight, Inc.;  
Howard Hicks, Denver, Colorado,  
for copy of Order.

S T A T E M E N T

By the Commission:

B. R. M. Transportation and Warehouse, Inc., a Colorado  
corporation, Denver, Colorado, is the owner and operator of Permit  
No. A-647, authorizing:

transportation of freight, between Denver  
and Holyoke and intermediate points, via  
U. S. Highways Nos. 38 and 6 to Greeley,  
and U. S. Highway No. 85 to Denver, or via  
short-cut, Colorado Highway No. 81 (now U.  
S. Highway No. 6), and between Holyoke and  
Idalia and intermediate points, via Colo-  
rado Highway No. 51, and between the Colo-  
rado-Kansas State Line and Denver, via  
Colorado Highway No. 54, and U. S. Highway  
No. 85, or short-cut, via Colorado No. 81  
(now U. S. Highway No. 6), and between  
Idalia, and Denver and intermediate points,  
via U. S. Highways Nos. 36 and 40.

By the instant application, said permit-holder seeks author-  
ity to transfer said Permit No. A-647 to Underwood Motor Freight, Inc.,

a Colorado corporation, Fort Morgan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 8, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

E. R. Bailey testified in support of the application that he is the transferor; that all of the transferor's interest will be transferred, but no equipment; that there are no debts against the transferor.

Mr. Yelverton cross-examined the witness and attempted to show some improper operation on the part of the transferor in the past.

Edward H. Underwood testified that he is President of the transferee corporation; that the company has a net worth of approximately \$6,800.00 and is operating under a Temporary Authority. He has had experience in the trucking business by having been employed by Dean Resler.

Mr. Yelverton testified that he is General Manager of North Eastern Motor Freight, Inc., and protested the granting of the transfer on the theory that further competitive encroachment would result to their business and the same would be detrimental to the public service.

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

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That B. R. M. Transportation and Warehouse, Inc., a Colorado

corporation, Denver, Colorado, should be, and it hereby is, authorized to transfer Permit No. A-647 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Underwood Motor Freight, Inc., a Colorado corporation, Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

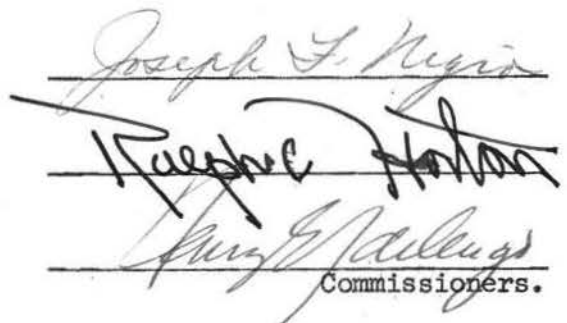
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

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

This Order is made a part of the permit authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of April, 1960.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HAROLD J. SHAW AND CLAYTON PHILLIPS, )	
DOING BUSINESS AS "SHAW AND PHILLIPS )	
DISPOSAL," IDLEDALE, COLORADO, FOR )	
AUTHORITY TO TRANSFER PUC NO. 4063 )	APPLICATION NO. 17656-Transfer
TO ALVERNE A. JONES, DOING BUSINESS )	
AS "MOUNTAIN DISPOSAL SERVICE," )	
4240 IRIS STREET, WHEATRIDGE, COLO- )	
RADO. )	
-----	

-----  
April 14, 1960  
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Appearances: Harold J. Shaw, Idledale,  
Colorado, for Transferors;  
Alverne A. Jones, Wheatridge,  
Colorado, for Transferee.

S T A T E M E N T

By the Commission:

Harold J. Shaw and Clayton Phillips, doing business as "Shaw and Phillips Disposal," Idledale, Colorado, are the owners and operators of PUC No. 4063, authorizing:

Call and demand transportation service for the transportation of ashes, trash, and other waste materials, between points within the Town of Morrison, Colorado, and from points within said Town of Morrison, Colorado, to regularly-designated and approved dumps and disposal places in Jefferson County, State of Colorado.

By the instant application, said certificate-holders seek authority to transfer said PUC No. 4063 to Alverne A. Jones, doing business as "Mountain Disposal Service," Wheatridge, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 8, 1960, and at the conclusion of the evidence, the matter was taken under advisement.



Harold J. Shaw and Alverne A. Jones, Transferor and Transferee, respectively, testified in support of the application to the effect that Shaw desired to make the transfer because of ill health; that the transferor has no debts; and that the transferee has a net worth of approximately \$8,000.00.

No one appeared in opposition to the proposed transfer.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Harold J. Shaw and Clayton Phillips, doing business as "Shaw and Phillips Disposal," Idledale, Colorado, should be, and they are hereby, authorized to transfer PUC No. 4063 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Alverne A. Jones, doing business as "Mountain Disposal Service," Wheatridge, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

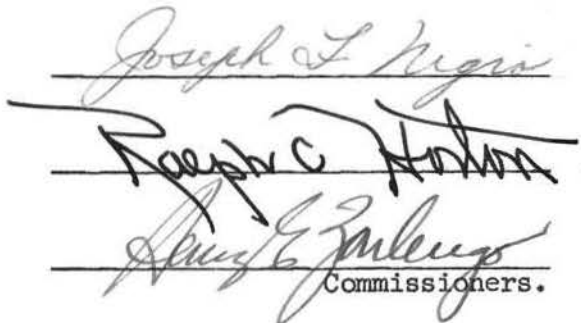
ity herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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 14th day of April, 1960.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

THOMAS J. CURNUTTE AND GEORGE K.  
BATES, P. O. BOX 304, CANON CITY,  
COLORADO.

PERMIT NO. M-15403

April 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas J. Curnutte  
and George K. Bates, Canon City, Colorado  
requesting that Permit No. M-15403 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15403, heretofore issued to Thomas J. Curnutte  
and George K. Bates, Canon City, Colorado be,  
and the same is hereby, declared cancelled effective February 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 21st day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

S. L. BROWN, ROUTE 3 BOX 27, MONT-  
ROSE, COLORADO.

PERMIT NO. M-1451

April 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from S. L. Brown,

Montrose, Colorado

requesting that Permit No. M-1451 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1451, heretofore issued to S. L. Brown, Montrose,

Colorado be,

and the same is hereby, declared cancelled effective March 24, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Francis C. Vinton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 21st day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
S. L. BROWN, ROUTE 3 BOX 27, MONTROSE,  
COLORADO.

PERMIT NO. B-3600

April 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from S. L. Brown,  
Montrose, Colorado  
requesting that Permit No. B-3600 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3600, heretofore issued to S. L. Brown, Montrose,  
Colorado be,  
and the same is hereby, declared cancelled effective March 24, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 21st day of April, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROSS B. SMEROFF, DOING BUSINESS )  
AS, "ROSS' FLORAL SERVICE", 685 )  
SOUTH DECATUR STREET, DENVER 19, ) PUC NO. 3941  
COLORADO. )  
----- )

-----  
April 21, 1960  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 3941 be suspended for six months from March 21, 1960.

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 Ross B. Smeroff, dba "Ross' Floral Service",  
Denver 19, Colorado  
be, and is hereby, authorized to suspend operations under PUC No. 3941 until September 21, 1960.

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

Joseph F. Nigro  
James C. Boston  
Henry E. Ziehlings  
Commissioners

Dated at Denver, Colorado,  
this 21st day of April 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DAN DRIETH, 6821 WARREN DRIVE, )  
DENVER 21, COLORADO. )  
-----

PERMIT NO. B-3082

-----  
April 21, 1960  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3082 be further suspended for six months from April 14, 1960.

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 Dan Drieth, Denver, Colorado, be, and he is hereby, authorized to further his operations under Permit No. B-3082 until October 14, 1960.

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

Joseph F. Nigro  
George C. Hobart  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,  
this 21st day of April, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. C. SNYDER, DOING BUSINESS AS, )  
"SNYDER TRUCK LINE", JOES, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-36

\_\_\_\_\_  
April 21, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. C. Snyder,  
Joes, Colorado  
requesting that Permit No. M-36 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-36, heretofore issued to C. C. Snyder, Joes,  
Colorado be,  
and the same is hereby, declared cancelled effective April 13, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 21st day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. C. SNYDER, DOING BUSINESS AS, )  
"SNYDER TRUCK LINE", JOES, )  
COLORADO. )  
----- )

PUC NO. 4114 & I

-----  
April 21, 1960  
-----

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. 4114 & I be suspended for six months from April 13, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That C. C. Snyder, dba "Snyder Truck Line", Joes,  
Colorado  
be, and is hereby, authorized to suspend operations under PUC No. 4114 & I until October 13, 1960.

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

*Joseph F. Negro*  
*Francis C. Holman*  
*Henry E. Zaulinger*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of April 1960.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RAYMOND PRADO, 3600 KALAMATH )  
STREET, DENVER 11, COLORADO. )  
-----

PERMIT NO. B-3684

-----  
April 21, 1960  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3684 be suspended for six months from April 1, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Raymond Prado, Denver 11, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-3684 until October 1, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 21st day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

GERMANN AND MORGAN, INCORPORATED,  
2635 BLAKE STREET, DENVER 5, COLO-  
RADO.

PERMIT NO. M-4229

April 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Germann & Morgan,  
Inc., Denver 5, Colorado  
requesting that Permit No. M-4229 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4229, heretofore issued to Germann & Morgan, Inc.,  
Denver 5, Colorado be,  
and the same is hereby, declared cancelled effective March 15, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Holton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 21st day of April, 19560.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
GAS AND ELECTRIC BUILDING, DENVER, )  
COLORADO, FOR AN ORDER AUTHORIZING )  
IT TO PUT INTO EFFECT A REDUCED GAS )  
RATE. )  
-----

APPLICATION NO. 16031  
SUPPLEMENTAL ORDER

-----  
April 13, 1960  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colo-  
rado, by  
E. A. Stansfield, Esq., and  
Bryant O'Donnell, Esq., for  
Applicant;  
Brian H. Goral, Esq., Assist-  
ant City Attorney, City &  
County of Denver, for the  
City of Denver;  
Everett R. Thompson, Denver,  
Colorado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

Under the above-entitled application, by virtue of Decision No. 53733, Public Service Company of Colorado was permitted to file certain additional sheets to its Tariff, Colorado P.U.C. No. 3, Gas, reducing the rates for residential and commercial natural gas to customers supplied with natural gas purchased from Colorado Interstate Gas (Colorado Interstate) and Colorado-Wyoming Gas Company (Colorado-Wyoming), and reducing rates for interruptible gas service to customers in certain specified territory. At the time of the hearing on the above proposed reduction, it was stated that there was still pending before the Federal Power Commission a settlement of Docket G-13577 involving Colorado-Wyoming. It was also anticipated that at the time of

the final settlement in Docket G-13577, a further reduction of the rates for natural gas service would be forthcoming and a refund of monies received from Colorado-Wyoming would be made to customers of Public Service Company.

Public Service Company on April 8, 1960, filed its application with this Commission seeking authority to place into effect with meter readings beginning April 15, 1960, a temporary gas rate adjustment to be published in Applicant's Tariff, P.U.C. No. 3, Gas, effecting a reduction in rates for gas service as a result of the settlement of Colorado-Wyoming rate proceeding in Federal Power Commission Docket G-13577. By Decision No. 53733, previously referred to, this Commission expressly reserved jurisdiction in the matter to make such further order, or orders as it deemed necessary.

This Commission has had previous hearings in regard to both the increase in rates necessitated by the increases in gas costs to Public Service by its wholesale supplier, Colorado Interstate and Colorado-Wyoming, and the decrease authorized by our Decision No. 53733. We do not believe it is necessary at this time to hold further hearings in this matter since the record and files of the Commission are sufficient to fully inform us in regard to this matter.

It will be recalled that Colorado Interstate had increased its wholesale rates to Applicant by the prosecution under the Natural Gas Act, as amended, of four separate increase proceedings. The first three rate increase proceedings of Colorado Interstate were settled by an order terminating such proceedings and ordering a refund issued by the Federal Power Commission on December 30, 1958, in Docket Nos. G-2260, G-2576 and G-11717. The fourth rate increase of Colorado Interstate being designated FPC Docket No. G-13541 was settled by order issued by the Federal Power Commission on December 31, 1959, in FPC Docket No. G-13541, a copy of which order is in the files of the Commission. The aforesaid order not only established the rates for the

periods covered by the settlements, but established a lower rate for gas to be purchased by Applicant from Colorado Interstate for the period commencing November 26, 1959. Pursuant to the reductions in Applicant's wholesale gas rates, Applicant reduced its appropriate retail rates in the areas of service which are supplied by gas purchased from Colorado Interstate and Colorado-Wyoming in accordance with the order of this Commission issued January 20, 1960, in Decision No. 53733, as amended by Decision No. 53771, dated January 25, 1960.

The first three rate increase proceedings of Colorado-Wyoming, being designated as FPC Docket Nos. G-2261, G-2720 and G-11848, were settled by Federal Power Commission orders subject to a refund being made by Colorado-Wyoming to its jurisdictional customers, including Applicant, of any refunds received from Colorado Interstate as a result of the settlement of Colorado Interstate's FPC Docket Nos. G-2260, G-2576 and G-11717 proceedings.

The fourth rate increase proceedings of Colorado-Wyoming, designated as FPC Docket No. G-13577, was finally determined and settled by the Federal Power Commission by its Order issued April 1, 1960, approving the Proposal for Settlement by Colorado-Wyoming. Copies of said order and proposal are a part of the latest filing by Applicant herein. Said order prescribed a lower rate for gas sold for resale subject to the jurisdiction of the Federal Power Commission, including a lower rate for gas sold by Colorado-Wyoming to Applicant.

The annual decrease in the cost of natural gas purchased by Applicant from Colorado-Wyoming pursuant to the decreased wholesale rate ordered by the Federal Power Commission in the aforesaid order, of April 1, 1960, is estimated to be approximately \$914,979.

Applicant proposes, subject to authorization by this Commission, to put into effect with meter readings beginning April 15, 1960,



reduced natural gas retail rates as more particularly set forth on Original Sheets Nos. 44, 44A and 44B which are a part of Applicant's filing herein and made a part hereof, by reference, effecting an annual decrease in the operating revenues of the Applicant in the estimated amount of \$916,930.

A study of the pass-on of the Colorado-Wyoming wholesale rate decrease in gas purchased by the Applicant from Colorado-Wyoming was also submitted. Pursuant to this study, the gas purchased by the Applicant from Colorado-Wyoming for the year 1959 has been normalized and such normalized volumes recosted on the basis of the reduced rate. The resulting decrease in the cost of gas purchased by Applicant, as shown by said study, is \$914,979 based on 1959 purchases.

All moneys refunded to Applicant by Colorado-Wyoming resulting from a reduction of its wholesale rates for gas purchased by Applicant for the period from February 5, 1958 to February 25, 1960, inclusive, will be refunded by Applicant to its customers entitled to the same in a manner to be approved later by this Commission.

The rate reduction as proposed by the Company applicable to residential and commercial natural gas service amounts to \$0.00147 per 100 cubic feet of gas used per month. The proposed reduction for interruptible industrial gas service applicable in the specified territory amounts to \$0.01691 per thousand cubic feet per month. Both of the above adjustments are in the form of riders applying to certain rate schedules previously increased by order of this Commission.

The plan for final refund as a result of the settlement of the last pending rate cases of Colorado Interstate and Colorado-Wyoming will be submitted by Public Service Company of Colorado to this Commission after a final audit has been made of the Colorado Interstate books by the Federal Power Commission staff in accordance with the Federal Power Commission order authorizing the refund. Since it

was not possible for Public Service to immediately place into effect reduced rates to its customers at the same time its wholesale gas rates were reduced, it will provide in its refund plan, a refund for the interim period between the date the wholesale rate was reduced and the date on which it placed into effect its reduced retail rates.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the foregoing Statement, by reference, is made a part hereof.

That the Commission is fully advised in the premises.

That the Commission has jurisdiction of the Applicant herein, of its tariff and of the subject matter herein involved.

That the proposed temporary riders reducing Applicant's rates for natural gas service for residential and commercial natural gas customers, and for its interruptible industrial customers supplied with natural gas purchased from Colorado-Wyoming, are just, reasonable, non-discriminatory, non-preferential, and should be permitted to be filed and become effective as hereinafter ordered.

That said temporary riders should be permitted to remain in force and effect until changed in accordance with law and the rules and regulations, or further order of this Commission.

That upon receipt of final refunds from its wholesale suppliers, Colorado Interstate and Colorado-Wyoming, Applicant should submit to this Commission the detailed plan for the refund of said monies, including the estimated cost thereof for the approval of this Commission.

That this Commission should retain jurisdiction of this matter to make such further Order, or Orders, as may be necessary.

### O R D E R

#### THE COMMISSION ORDERS:

That the proposed temporary riders submitted to this Commis-

sion by Public Service Company of Colorado reducing its rates for natural gas service for residential and commercial natural gas customers, and for its interruptible industrial customers supplied with natural gas purchased from Colorado-Wyoming, are just, reasonable, non-discriminatory, non-preferential, and shall be permitted to be filed and become effective as hereinafter ordered.

That Applicant shall file additional sheets to its Tariff, Colorado, P.U.C. No. 3, Gas, Original Sheets 44, 44A, 44B, "Temporary Rider Emergency Gas Rate Adjustment" reducing the rates for residential and commercial natural gas service to customers supplied with natural gas purchased from Colorado Interstate and Colorado-Wyoming in the amount of \$0.00147 per 100 cubic feet of gas used per month, and reducing the rates for interruptible industrial natural gas service rendered to customers in the areas as described on Exhibit No. 3, filed with the application to this Commission on April 8, 1960, in the amount of \$0.01691 per thousand cubic feet per month, on not less than one (1) days notice to the public and this Commission prior to the effective date thereof.

That said rates when filed shall become effective with all meter readings beginning April 15, 1960.

That said temporary rider shall be permitted to remain in full force and effect until changed according to law or the rules and regulations of this Commission or upon further Order of this Commission.

That upon receipt of final refunds by Public Service from Colorado Interstate and Colorado-Wyoming a detailed plan of the refunding operation, including estimated cost thereof, shall be submitted to this Commission requesting its approval therefor.

That the Commission shall retain jurisdiction of this matter to make such further Order, or Orders, as may be necessary.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nizio*  
*Ralph C. Norton*  
*Ken B. Zailurgo*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY LEE YATES, 635 EAST SANTA FE, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

APPLICATION NO. 17449  
SUPPLEMENTAL ORDER

- - - - -  
April 15, 1960  
- - - - -

Appearances: Edwin Strand, Esq., Colorado  
Springs, Colorado, for  
Applicant;  
Karl R. Ross, Esq., Colorado  
Springs, Colorado, for  
Becker's Ash and Trash,  
Estes Service Company,  
Garbage Service Company,  
Inc., Johnson's Service,  
Joe Lee Tafoya;  
C. Lee Goodbar, Esq., Colorado  
Springs, Colorado, for  
Disposal Service Company,  
Security Garbage Company.

S T A T E M E N T

By the Commission:

Pursuant to Order entered by this Commission, oral argument was held on Petition for Rehearing on this cause on the 8th day of March, 1960, in the County Court Room, Court House, Colorado Springs, Colorado.

After listening to arguments of counsel, and reviewing the files in this matter, the Commission, being fully advised in the premises, doth find no substantial or prejudicial error was committed by the Commission in its previous Order, and Petition for Rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission in the above-styled application on December 30, 1959, by Attorney for

Applicant herein, 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

Joseph F. Neira  
Ralph C. Holman  
Alvin E. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of April, 1960.

ea

original

(Decision No. 54124)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
H. A. DE WILD, 8945 WEST 52ND )	PERMITS NOS. B-2594
AVENUE, ARVADA, COLORADO. )	<u>M-2655</u>
- - - - - )	

- - - - -  
April 15, 1960  
- - - - -

S T A T E M E N T

By the Commission:

Heretofore, Permit No. B-2594 was issued to "H. A. DeWild," and Permit No. M-2655 was issued to said H. A. DeWild, doing business as "DeWild Sand & Gravel."

The Commission is now in receipt of a communication from H. A. DeWild, requesting that said permittee be authorized to do business under the trade name and style "DeWild Gravel and Service," in the conduct of operations under said Permits Nos. B-2594 and M-2655.

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 Secretary of the Commission is hereby directed to change the records of the Commission to show:

"H. A. DeWild, doing business as  
'DeWild Gravel and Service,' "

to be the owner and operator of Permits Nos. B-2594 and M-2655, as requested by said H. A. DeWild, owner and operator thereof.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Hign*  
*Ralph C. Nelson*  
*Paul E. Huley*  
Commissioners,

Dated at Denver, Colorado,  
this 15th day of April, 1960.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LONE STAR BAG AND BAGGING COM- )  
PANY, P. O. BOX 276, HOUSTON, )  
TEXAS. )  
-----

PERMIT NO. M-8369  
CASE NO. 503-INS.

-----  
April 14, 1960  
-----

S T A T E M E N T

By the Commission:

On April 7, 1960, in Case No. 503-Ins., the Commission entered its Order, revoking Permit No. M-8369 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-8369 be, and the same hereby is, restored to active status, as of April 7, 1960, revocation order entered by the Commission on said date in Case No. 503-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Hutton*  
*Harry E. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of April, 1960.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE INCREASE IN RATES ON MILK )  
IN CANS AS PUBLISHED IN ITEMS NOS. )  
3290 AND 3320, 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. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 431

-----  
April 15, 1960  
-----

S T A T E M E N T

By the Commission:

By an Order dated December 15, 1959 (Decision No. 53531) the Commission entered upon a hearing concerning the lawfulness of certain rates, rules, regulations and provisions covering the movement of milk in cans as published in a tariff designated in said order.

Pending such hearing and decision, the Commission ordered that the operation of the schedules contained in said tariff be suspended and that the use of the rates, rules, regulations and provisions therein stated be deferred upon intrastate traffic until April 16, 1960, unless otherwise ordered.

F I N D I N G S

THE COMMISSION FINDS:

That such hearing and decision cannot be concluded within the period of suspension above stated and that the schedules stated in said tariff should be further suspended.

O R D E R

THE COMMISSION ORDERS, That:

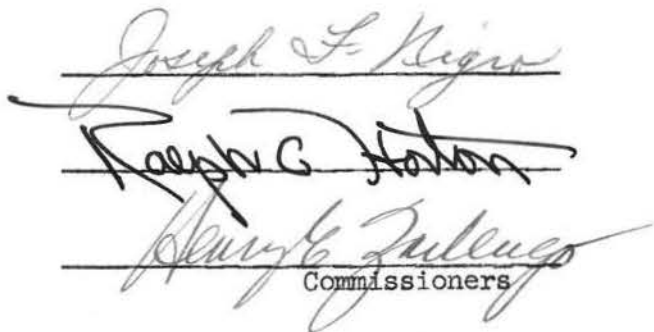
1. The operation of the schedules contained in the tariff specified in its Order dated December 15, 1959 (Decision No. 53531) be further suspended and that the use of the rates, rules, regulations and provisions therein stated be further deferred upon Colorado intrastate traffic until the 16th day of October, 1960, unless otherwise ordered by the Commission, and no change shall be made in such rates, rules, regulations and provisions during the said period of suspension.

2. The rates, rules, regulations and provisions thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired.

3. Copy of this Order be filed with such tariff in the Office of the Commission and that a copy hereof be forthwith served upon Mr. J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, 4060 Elati St., Denver 16, Colorado; A. J. Meiklejohn, Esq., 526 Denham Building, Denver 2, Colorado; Mr. Stuart G. Cochran, General Manager, Denver Milk Producers, 945 11th St., Denver 4, Colorado; Mr. Allan B. Lamb, Dairy Committee of Weld County Farm Bureau, Greeley, Colorado; Mr. Kenneth Martin, Colorado Milk Transport, Inc., Rt. 1, Box 141, Broomfield, Colorado; Mr. John P. Norman, Manager, Motor Tariff Service, 426 E & C Building, 17th and Curtis Streets, Denver 2, Colorado, and Ed Rutt, 1099 Bush St., Brighton, Colorado.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 15th day of April, 1960.

mem

original

(Decision No. 54127)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PROFESSIONAL DELIVERY SERVICE, INC., )  
SUITE 309, 333 WEST COLFAX AVENUE, )  
DENVER, COLORADO, FOR A CERTIFICATE ) APPLICATION NO. 17671  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
April 19, 1960  
-----

Appearances: Leo T. Zuckerman, Esq.,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

Said application was regularly set for hearing at 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at ten o'clock A. M., April 18, 1960, due notice of the time and place of hearing being forwarded to all interested parties.

When the application was called up for hearing, counsel for applicant requested that the hearing be vacated and the matter reset at some future time convenient to the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the hearing herein should be vacated, and the matter reset for hearing at some future time.

O R D E R

THE COMMISSION ORDERS:

That hearing on Application No. 17671 be, and the same is hereby vacated, at request of counsel for applicant, and the matter

reset for hearing at some future time, at the convenience of the Commission, with notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regis  
Joseph C. Hahn  
Henry E. Zullig  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
S. S. KROSKY, 1919 THIRTEENTH )  
STREET, GREELEY, COLORADO, FOR AU- )  
THORITY TO TRANSFER PERMIT NO. )  
B-4449 TO WESLEY G. SCHAEFFER, )  
256 SOUTH CLEVELAND, LOVELAND, )  
COLORADO. )  
- - - - - )

APPLICATION NO. 17669-PP-Transfer

- - - - -  
April 19, 1960  
- - - - -

Appearances: S. S. Krosky, Greeley,  
Colorado, pro se;  
Wesley G. Schaeffer,  
Loveland, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

S. S. Krosky, Greeley, Colorado, is the owner and operator  
of Permit No. B-4449, authorizing:

transportation of sand, gravel, and other road-  
surfacing materials, from pits and supply points  
in the State of Colorado, to road and building  
construction jobs within a radius of fifty (50)  
miles of said pits and supply points, excluding  
service in Boulder, Clear Creek, and Gilpin  
Counties.

By the instant application, said permittee seeks authority  
to transfer said Permit No. B-4449 to Wesley G. Schaeffer, Loveland,  
Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the District  
Court Room, Court House, Greeley, Colorado, April 14, 1960, and at the  
conclusion of the evidence, the matter was taken under advisement.

S. S. Krosky, the transferor, and Wesley G. Schaeffer, the  
transferee, testified in support of the application to the effect  
that the transferor was unable to work the permit because of other  
business interests; that the transferee desired to operate the permit;

that he has had experience; and has a net worth of approximately \$11,000.

No one appeared in protest to the proposed transfer.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That S. S. Krosky, Greeley, Colorado, should be, and he hereby is, authorized to transfer Permit No. B-4449 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Wesley G. Schaeffer, Loveland, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph O. Johnson  
Samuel E. Zuckerman  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of April, 1960.

ea



original

(Decision No. 54129)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GARY D. CHAMBERLAIN, 2520 SEVEN- )  
TEENTH AVENUE, GREELEY, COLORADO, )  
AND CHARLES B. RUGH, 2441 FOUR- )  
TEENTH AVENUE, GREELEY, COLORADO, )  
CO-PARTNERS, DOING BUSINESS AS )  
"C & R HAULING SERVICE," FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )  
- - - - - )

APPLICATION NO. 17552

- - - - -  
April 19, 1960  
- - - - -

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and rubbish, to the Greeley City Cump, from points within the City of Greeley, Colorado, and from points within a radius of ten miles thereof.

Said application was regularly set for hearing at the Court House, Greeley, Colorado, April 14, 1960, due notice of the time and place being forwarded to all parties in interest.

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

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

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

It does not appear that the granting of said certificate, and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

## F I N D I N G S

### THE COMMISSION FINDS:

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

## O R D E R

### THE COMMISSION ORDERS:

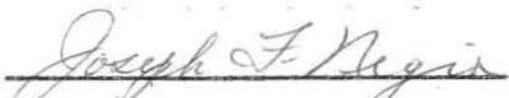
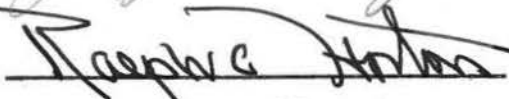

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand, service of Gary D. Chamberlain, 2520 Seventeenth Avenue, Greeley, Colorado, and Charles G. Rugh, 2441 Fourteenth Avenue, Greeley, Colorado, co-partners, doing business as "C & R Hauling Service," for the transportation of ashes, trash, and rubbish, to the Greeley City Dump, from points within the City of Greeley, Colorado, and from points within a radius of ten miles thereof, 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 19th day of April, 1960.

ea

original

(Decision No. 54130)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED OLIVAS, 1532 THIRD AVENUE, )  
GREELEY, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY, TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

APPLICATION NO. 17553

- - - - -  
April 19, 1960  
- - - - -

Appearances: M. E. H. Smith, Esq.,  
Greeley, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, Fred Olivas, Greeley, Colorado, seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of all forms of trash, ashes and refuse, from point to point within a radius of ten miles of Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 14, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Fred Olivas appeared in support of the application and testified in effect that he has had experience in the type of transportation under the authority requested; that he has had numerous demands for the service; and, has a net worth of approximately \$7,500.

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

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

It does not appear that the proposed service of applicant will impair the efficiency of any common carrier motor vehicle service

operating in the territory which applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

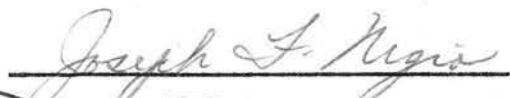
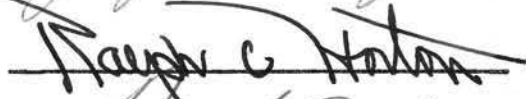

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service of Fred Olivas, Greeley, Colorado, for the transportation of all forms of trash, ashes and refuse, from point to point within a radius of ten miles of Greeley, Colorado.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION OF UNION PACIFIC	)	
RAILROAD COMPANY, 560 DENVER	)	
CLUB BUILDING, DENVER, COLORADO,	)	<u>INVESTIGATION AND SUSPENSION</u>
FOR AUTHORITY TO DISCONTINUE	)	<u>DOCKET NO. 432</u>
AGENCY STATION AT KERSEY, WELD	)	
COUNTY, COLORADO.	)	
-----	)	

-----  
April 19, 1960  
-----

Appearances: Edward G. Knowles, Esq.,  
and  
Emden Smith, Esq., Denver,  
Colorado, for Applicant;  
Fred C. Huffert, Kersey,  
Colorado, as Mayor of  
Kersey and for Board of  
Trustees of the Town  
of Kersey.

S T A T E M E N T

By the Commission:

By the present application, Union Pacific Railroad Company, Denver, Colorado, seeks authority to discontinue agency station at Kersey, Weld County, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 14, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

J. J. Spellecy testified in effect and as follows, that he is Freight Accountant for Union Pacific Railroad Company and has examined freight accounts at Kersey; that he caused the Exhibits, 1 to 10, inclusive, to be prepared under his supervision and that the same are true and accurate. His testimony concerned itself with an explanation of the exhibits which are more or less self-explanatory.

R. W. Holland testified that he is a Train Master for the Union Pacific, living at North Platte; that he has been with the

company for some 18 years and is familiar with the service at Kersey; that he discussed plans on three different occasions with the people of Kersey, explaining to them that the service would be the same in all respects, excepting that the business and transactions would be handled by the Agent at La Salle; that such a change would really provide a better service in that the Agent at La Salle is on a twenty-four hour a day basis, seven days a week, whereas, the Agent at Kersey is on an eight hour a day basis on Monday through Friday, only; that the Agent at La Salle will take the billing to Kersey, and notification to the patrons of the railroad would be the same as at the present time; that LCL shipments would be handled by the Union Pacific Supplemental Service, which service has been in effect for many years; that said shipments would be placed in the freight house and as desired by the patrons keys would be left with them or the freight house would be left unlocked; that C.O.D. shipments are infrequent and inconsequential insofar as volume is concerned; that passengers board the train at Greeley or LaSalle in any event; that telegraph service would be handled at LaSalle by telephone as is usually the case.

Glen G. Sherrill testified that he is the Station Supervisor for the Union Pacific, living at Omaha; that he has handled freight accounting for the Nebraska Division at numerous branches; that Kersey is eight miles east of La Salle on a surfaced road; that the population of Kersey is some 350 people, has been stationary for many years, and there is no prospect that such population will increase; that the industry involved consists of farm products and stock raising, beans and beets being the principal products; that the station at Kersey is a one-man agency and the railroad does not use such agent for the operation of trains; that in his opinion the Agent at La Salle can give the same service as is given by the Agent at Kersey as the shippers and receivers of freight generally use the telephone, which telephone service is provided without charge; that in the case of stock shipments, the Agent at La Salle will go to Kersey; that LCL

merchandise would be placed in the freight house, the truck driver making deliveries thereto as has for many years been done by the Union Pacific Supplemental Service; that the same switching service would be provided with regard to carload shipments.

Cross examination of the applicant's witnesses was practically nil.

In support of the protestants' case, the following witnesses testified in effect and as follows, to-wit:

Raymond Corsperg, of Kersey -- that he has been in the retail lumber business at Kersey since 1914; that he ships mostly by carload lot; that it would be an inconvenience to him to pay the freight bills at La Salle; that he has never attempted to establish credit to avoid the inconvenience of paying at the depot; that his business involved eight carloads in 1958 and nine in 1959. On cross-examination, he stated that the Agent comes to make the collection; that it would make no difference to him if the Agent came from La Salle and that he does use the telephone to make contact with the Agent.

J. K. Christman, of Kersey -- that he is not a carload shipper and has had very little shipping; that he uses truck carriers or others and, if the phone service were proper, he could use the telephone to contact the Agent.

Emil Accomasso -- that he is Manager of the Farmers Union at Kersey; he "believes that" the business at Kersey does not warrant closing of the station; that the use of telephone communication would be inconvenient to reach La Salle.

James A. Park -- that he lives at Hardin, Colorado; that the railroad moved the stockyards away from Hardin and he must now come to Kersey to handle his sheep; that in 1959, four carloads were involved. On cross-examination, he stated that he has been mostly using phone service to make contact with the Agent; and, that his main objection is fear that the stockyards may be moved from Kersey if the Agent is discontinued.



Fred C. Huffert -- that he is operating a gas service station at Kersey and is speaking for the Town Board; that he does not use the railroad and none of the signers or the Trustees of the Town of Kersey use the railroad; that the people just don't like to see the agency discontinued.

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

##### THE COMMISSION FINDS:

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

That the evidence presented clearly indicates that the service which will be given from La Salle, as is contemplated, will, except for some minor and inconsequential inconveniences on the whole, be just as adequate, if not better, than the service presently given by maintaining the Agent at Kersey, Colorado.

That the expenses involved to the Company in maintaining the Agent at Kersey are not justified in view of the contemplated change.

That public convenience and necessity no longer require the maintenance of the Agent at Kersey, Colorado, under the evidence presented.

#### O R D E R

##### THE COMMISSION ORDERS:

That Union Pacific Railroad Company, Denver, Colorado, be, and it hereby is, authorized to discontinue its Agency Station at Kersey, Weld County, Colorado, and thereafter to handle all railroad business at the Agency Station of La Salle, Weld County, Colorado.

That reference shall be made to this decision in the affected tariff schedules to show the closing of said station and as authority for such action.

That the Commission hereby retains jurisdiction to make such further Order, or Orders, as may be required in the instant matter.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hottel  
Harry E. Zarlengo  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of April, 1960.

ea

Original

(Decision No. 54132)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE RULES AND  
REGULATIONS GOVERNING COMMON  
CARRIERS BY MOTOR VEHICLE.  
-----

CASE NO. 5176

-----  
May 16, 1960.  
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S T A T E M E N T

By the Commission:

By statute (Chapter 115, C. R. S., 1953), the administration and enforcement of Rules and Regulations Governing Common Carriers by Motor Vehicle is vested in The Public Utilities Commission of the State of Colorado. The Commission is expressly given the power to prescribe rules and regulations as may be necessary for the effective administration of the provisions of said statute. Pursuant to that power, various Rules and Regulations Governing Common Carriers by Motor Vehicle have been adopted by the Commission.

Since the last revision of the Common Carrier Rules and Regulations, effective May 1, 1955, changed conditions and circumstances affecting Common Carriers by Motor Vehicle have necessitated further amendment and revision of said Rules and Regulations. In consequence thereof, the Commission instituted this Case, on its own motion. Pursuant to the provisions of Section 2 of Chapter 37, Session Laws of 1959 (Administrative Code), notice of proposed rule-making proceedings must be given to every person who has requested to be placed upon the Commission's mailing list, and who has paid the fee therefor. No person having requested to be placed on said list, notice of the proposed adoption of Rules and Regulations Governing Common Carriers was given by the Commission to all persons, corporations, and partnerships as shown by the records of the Commission to be a holder of a Certificate of Public Convenience and Necessity.

Pursuant to notice given, the Commission, on February 15, 1960, held a public hearing on proposed new Rules and Regulations Governing Common Carriers by Motor Vehicle.

After consideration of the record made at the hearing, and the suggestions made by counsel and the carriers, the Commission hereby promulgates, adopts, approves, and issues its revised "Rules and Regulations Governing Common Carriers by Motor Vehicle," which said Rules and Regulations are attached hereto, and by reference made a part of this Order.

O R D E R

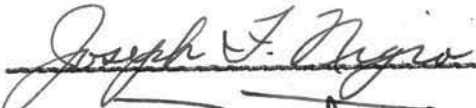


THE COMMISSION ORDERS:

That the Rules and Regulations hereto attached and made a part hereof, be, and the same are hereby, promulgated, adopted, and approved, hereafter to be designated as "Rules and Regulations Governing Common Carriers by Motor Vehicle."

IT IS FURTHER ORDERED, That all previous "Rules and Regulations Governing Common Carriers by Motor Vehicle" issued by this Commission are hereby cancelled, annulled, and revoked.

IT IS FURTHER ORDERED, That this Order, and the Rules and Regulations hereby promulgated, adopted, and approved, shall become effective June 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 16th day of May, 1960.

# TABLE OF CONTENTS

\* \* \*

<u>Rule No.</u>		<u>Page No.</u>
1.	Carriers and Operators shall read Rules, Regulations, and Law; Application of Rules . . . . .	1
2.	Filing and Issuance Fees. . . . .	1
3.	Contents of Application for Certificate . . . . .	1
4.	Hearings -- Issuance of Certificates -- Temporary Certificates. . . . .	2
5.	Transfer, Consolidation, Merger, and Acquisition of Control. . . . .	3
6.	Extension of Certificate Prohibited without Hearing . . .	4
7.	Suspension, Revocation, or Alteration of Certificate. . .	5
8.	Dual Operations Prohibited. . . . .	5
9.	Failure to Begin Operations . . . . .	5
10.	Abandonment of Operation . . . . .	5
11.	Marking of Vehicles . . . . .	6
12.	Equipment . . . . .	6
13.	Identification Cards (Cab Cards) and Letters of Authority. . . . .	6
14.	Leasing of Equipment as Lessee. . . . .	7
15.	Emergency Equipment -- Emergency Letters. . . . .	8
16.	Use of Certificate by Others than Certificate Holder. . .	8
17.	Equipment of Motor Vehicles . . . . .	8
18.	Insurance -- Surety Bond. . . . .	10
19.	Compliance with Colorado Motor Vehicle Laws . . . . .	11
20.	Drivers; Maximum Hours. . . . .	11
21.	Stops at Railroad Crossings and Ports of Entry. . . . .	11
22.	Sanitary Regulations. . . . .	12
23.	Transportation of Explosives and Dangerous Articles . . .	12
24.	C. O. D. Shipments -- Bond Required . . . . .	12
25.	Accident Reports. . . . .	13
26.	Annual Reports. . . . .	13
27.	Bills of Lading . . . . .	14
28.	Load Sheets or Manifests. . . . .	15
29.	Passenger Tickets and Baggage Checks. . . . .	15
30.	Commissions for Soliciting Business . . . . .	16
31.	Tariffs and Rates to be Observed. . . . .	16
32.	Classification of Freight . . . . .	17
33.	Compilation of Tariffs, Classifications and Time Schedules . . . . .	17
34.	Changes in Tariffs. . . . .	18
35.	Passenger Tariffs . . . . .	18
36.	Freight Tariffs . . . . .	19
37.	Time Schedules. . . . .	20
38.	Observance of Time Schedules. . . . .	20
39.	Posting of Tariffs and Time Schedules . . . . .	20
40.	Payment of Rates and Charges of Motor Carriers; Credit Arrangements . . . . .	21
41.	Rule Exemption. . . . .	21

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RULES AND REGULATIONS  
GOVERNING COMMON CARRIERS  
BY MOTOR VEHICLE

RULE 1

Carriers and Operators shall read Rules, Regulations, and Law; Application of Rules.

Every Common Carrier by motor vehicle, and all operators, drivers, and employees of any such Common Carrier by motor vehicle, shall read the following Rules and Regulations, and the statutes printed in this pamphlet, and shall become familiar with the same. These Rules apply to all Common Carriers by motor vehicle, ("motor vehicle carriers"), as defined by law (see statutes printed herein), operating in Colorado, and all such carriers shall at all times comply with these Rules and Regulations and all applicable statutes and laws of the State of Colorado.

Nothing in these Rules and Regulations shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any certificate of public convenience and necessity heretofore or hereafter issued to any Common Carrier.

Note: ( In addition to these Rules, motor vehicle Common Carriers should refer to the Commission's Rules of Practice and Procedure for requirements as to rates, tariffs, filings, procedure, and other matters common to all carriers. )

RULE 2

Filing and Issuance Fees.

All applications for a certificate of public convenience and necessity to operate as a Common Carrier, and all applications to sell, assign, lease, or transfer such certificates, shall be filed in the office of the Commission, at Denver, Colorado, upon payment of the following fees:

<u>Intrastate Authority:</u>	
Filing Fee . . . . .	\$35.00
Issuance Fee . . . . .	5.00
Total. . . . .	\$40.00

<u>Interstate Authority:</u>	
Filing Fee . . . . .	\$20.00

<u>Application for Transfer or Lease:</u>	
Intrastate Authority . . . . .	\$15.00
Interstate Authority . . . . .	5.00

An application to extend authority, either intrastate or interstate, shall require the same fee as an original application.

No fee shall be required in filing an application to curtail authority.

RULE 3

Contents of Application for Certificate.

Every Common Carrier by motor vehicle, before commencing operations, shall make application to and receive from The Public Utilities Commission of the State of Colorado, a certificate of public convenience and necessity. Said application shall contain the following information:

(a) The name and address of the applicant and the name under which the operation shall be conducted. If the applicant is a corporation, a statement of that fact, the name of the state in which it is incorporated, location of its



principal office, if any, in this State, and the names of its Directors and Officers and Colorado Agent for Service. A corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter. If the applicant is a partnership, the names and addresses of all partners shall be set forth.

(b) A statement of the kind of transportation in which applicant intends to engage, whether passenger, freight, or express.

(c) A statement of the area, route, or routes, or the points to be served and the proposed time schedule, if any, all of which may be set out in the application or set forth in an exhibit attached thereto. In all cases, a map, blueprint, or sketch shall be attached to the application, showing the proposed area and route.

(d) A description of the equipment to be operated in the proposed service.

(e) The names of all motor vehicle common carriers, steam railroads, and electric railways with whom applicant will be likely to compete, and all Common Carriers known to the applicant to be operating over or parallel to such route, or serving the majority of the cities and towns listed.

(f) A statement of all the facts and circumstances relied upon by the applicant to show public convenience and necessity, and stating in detail the conditions requiring a new system or additional service by applicant, including all data necessary to give a complete understanding of the situation.

(g) A financial statement showing applicant's ability and resources and all details which may serve to indicate the permanency of the industry to be established by the applicant.

(h) Every application shall be signed by the applicant or his or its attorney or agent with the address of such attorney or agent. Two copies besides the original, with copies of all exhibits, shall be filed with the Commission, and additional copies may be required by the Commission if it finds additional competitors entitled to notice.

#### RULE 4

##### Hearings -- Issuance of Certificates -- Temporary Certificates.

(a) All applications for intrastate certificates will be set down for hearing, and written notice thereof given to all competing motor vehicle common carriers whose operations may be affected by the issuance of such certificate, at least ten (10) days prior to the time fixed for such hearing, unless the Commission shall find that public interest or necessity require that any such hearing be held at an earlier date.

(b) While, ordinarily, interstate certificates will issue without notice or hearing, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, the Commission, if it so elects, may require a hearing on the application.

(c) The granting of any certificate of public convenience and necessity to operate a motor vehicle for compensation, either for the transportation of persons or property, shall not be deemed to be an exclusive grant or monopoly.

The Commission reserves the right and authority to grant additional certificates of public convenience and necessity to other petitioners to operate motor vehicles over and along the same route or a part thereof, if the public convenience and necessity may require, after a proper showing.

(d) Where, in the opinion of the Commission, public convenience and necessity require, the Commission may, in its discretion, and without hearing or other proceedings, grant a temporary certificate. Such temporary certificate, unless suspended or revoked for good cause, shall be valid for such time as the



Commission may specify, but not to exceed ninety (90) days, and shall create no presumption that permanent authority will be granted thereafter. Such temporary certificate shall expire on the expiration date therein set, and shall thereafter be null and void, without any hearing, unless otherwise ordered by the Commission.

#### RULE 5

#### Transfer, Consolidation, Merger, and Acquisition of Control

No Common Carrier shall sell, lease, assign, mortgage, transfer, by act or deed or by operation of law, or otherwise dispose of or encumber its certificate, or any right or interest thereunder, by any means whatsoever, directly or indirectly, or merge or consolidate its certificate, or any part thereof, with any other motor vehicle carrier or to any one not a motor vehicle carrier, without first having received from the Commission an Order authorizing it so to do. Every such sale, lease, assignment, mortgage, encumbrance, transfer, merger, consolidation, or other disposition, made without the prior authorization of the Commission shall be void.

Whenever any such certificate of public convenience and necessity, or rights obtained thereunder, are owned or held by a corporation, there shall not be any sale, lease, assignment, mortgage, or transfer of the capital stock of such corporation as will effectuate control of the corporation, and indirectly the certificate held by it, without first having been authorized to transfer said control by The Public Utilities Commission of the State of Colorado. Every assignment or transfer of control, or agreement for assignment or transfer by any means whatsoever, in violation of the above provisions, without prior approval of the Commission, shall be void and of no effect.

For the purpose of this regulation, control of the certificate owned by said corporation shall be judged on the merits of each individual case, to the end that there shall be no control of the management of the corporation passing to any other person, or group of persons, other than those in control at the time ownership of the certificate by the corporation was previously approved by this Commission.

The execution of a chattel mortgage, deed of trust, mortgage, or other similar document which has or has not been approved by the Commission, does not constitute a transfer within the meaning of this Rule.

A transfer of a certificate of public convenience and necessity by means of foreclosure of a mortgage, deed of trust or other lien or encumbrance upon such certificate of public convenience and necessity, or by an execution in satisfaction of any judgment or claim against the holder thereof, shall not be effective without the prior approval of the Commission.

The Commission will not approve a transfer of operating rights to a carrier who is the holder of operating rights duplicate, in whole or in part, except to an immaterial extent, to those proposed to be transferred, unless the transferee shall agree to cancel such duplicating rights.

A proposed transfer of operating rights will not be approved if the Commission finds that the transferee does not intend to, or would not engage in, bona fide motor carrier operations under such operating rights, or if the Commission finds that the transferor has acquired such operating rights for the purpose of profiting therefrom, and has not engaged in bona fide motor carrier operations under such operating rights.

The transfer of any operating rights under which operations are not being conducted at the time of the proposed transfer, and have not been performed for a substantial period of time, will be allowed only upon the showing that the cessation of operations was caused by circumstances over which the operator of such operating rights had no control, or had been suspended by an Order of the Commission.

(a) Such application shall be made in duplicate, and shall contain all information concerning the transferee or transferees now or hereafter required in original applications.

(b) Unless the Commission finds after a hearing that the public interest otherwise requires, said application will not be entertained unless all the rights granted under said certificate are sought to be sold, assigned, leased, encumbered, or transferred, or the rights not so included are voluntarily surrendered.

(c) Unless said operating rights have been suspended by the Commission, it must appear upon the records of the Commission that such certificate is in full force and effect, and that the certificate-holder has the required insurance or surety bond on file, and has made all reports, before said application will be considered by the Commission.

(d) The financial standing and qualifications of the transferee to conduct the operation must be established to the satisfaction of the Commission before application will be granted.

(e) The transferor must not cancel his insurance, surety bond, or tariff on file with the Commission until the Commission has approved the transfer, and until the transferee has filed all such documents in his own name.

(f) The transferee shall not begin operations until after the Commission has approved the transfer and until said transferee has filed all necessary documents with the Commission, including the Acceptance required by this Rule, and secured the necessary evidences of his authority.

(g) No transfer shall become effective in any event for any purpose unless and until the transferee shall file a written Acceptance with the Commission, accepting the terms and conditions of the Order allowing the transfer, and stating the exact date on which said transferee will begin and be responsible for operations under the certificate. The Acceptance shall also contain a statement, which must be signed by the transferor, to the effect that transferee has complied with all provisions of the agreement of sale, lease, or other transfer.

(h) In every case where a transfer is sought, the transferor shall, under oath in the application itself, or in an exhibit attached thereto, state the names and addresses of his creditors to which he is indebted on account of expenses of his operation, and the amount of the indebtedness to each. No Order authorizing the transfer will be made unless such creditors are paid, or reasonable provision therefor, to be approved by the Commission, is made.

(i) The application shall also contain a statement by the transferor and the transferee of the total consideration to be paid for the transfer. An application for transfer of operating rights by sale and purchase thereof will not be approved if the Commission considers and determines that the purchase price to be paid would be excessive and contrary to the public interest.

#### RULE 6

##### Extension of Certificate Prohibited without Hearing.

(a) No Common Carrier by motor vehicle shall extend, or in any manner enlarge, diminish, change, alter, or vary the territory, route or routes, or the service authorized by his certificate, or serve any points or transport any commodities not included therein, unless and until such Common Carrier has made application to the Commission and the Commission has authorized the same.

(b) No Common Carrier by motor vehicle shall extend or enlarge the route, territory, or privileges authorized in his or its certificate by transporting or accepting for transportation any shipment destined to or originating at any point intermediate to the termini of his or its route, unless service to intermediate points is authorized by his certificate.

## RULE 7

### Suspension, Revocation, or Alteration of Certificate.

(a) Any certificate may, at any time, be revoked, suspended, altered, or amended by the Commission, after a hearing, upon at least ten (10) days' notice to the Common Carrier affected, for any of the following reasons:

1. Violation of or failure to comply with any statutory enactment concerning Common Carriers by motor vehicle.
  2. Violation of or failure to comply with the terms and conditions of his or its certificate.
  3. Exceeding the authority granted in his or its certificate.
  4. Violation of or failure to observe and comply with any lawful order, rule, or regulation of the Commission.
  5. Where public convenience and necessity require such action.
- (b) Voluntary suspensions may be granted by the Commission on application, upon such terms and conditions as the Commission may deem proper.

## RULE 8

### Dual Operations Prohibited.

Common Carriers who also hold a Private Carrier Permit from this Commission shall not transport freight under more than one of such authorities on the same vehicle or combination of vehicles at the same time.

## RULE 9

### Failure to Begin Operations.

Failure on the part of any Common Carrier to commence operations over any route or routes specified in any certificate of convenience and necessity within thirty (30) days after the issuance of the certificate, unless otherwise provided in said certificate, shall be deemed sufficient cause for the Commission to cancel such certificate after reasonable notice and hearing thereon.

## RULE 10

### Abandonment of Operation.

(a) No Common Carrier having received from the Commission a certificate of public convenience and necessity shall abandon operations thereunder without first making application, in writing, to the Commission, submitting evidence giving reasons for the abandonment, and securing an Order permitting such discontinuance and revoking and cancelling said certificate. Applications for abandonment may or may not be set for hearing, depending upon the protests received and the circumstances involved in the abandonment.

(b) Discontinuance of service for a period of five consecutive days without written notice to and approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of the certificate, provided, however, that the Commission may permit the resumption of operations after such five days on proper showing that the carrier was not responsible for the failure to give service.

(c) The provisions of sub-paragraph (b) of this Rule shall not apply to Common Carriers whose certificates authorize the transportation of passengers or property over irregular routes, on call and demand, nor to Common Carriers engaged in sightseeing, taxi, or seasonal operations. Carriers engaged in seasonal operations shall notify the Commission, in writing, within five (5) days before the commencement and the close of the period for which such seasonal service is rendered.



## RULE 11

### Marking of Vehicles

(a) Within ten (10) days after a certificate of public convenience and necessity has been issued to a motor vehicle carrier, the carrier shall cause to be painted on each side of the motor vehicles, trailers, and other vehicles used in his operation, except emergency vehicles, in letters of a color contrasting with the color of the vehicle, not less than two and one-half inches in height, the following:

1. Name and address of carrier as set out in the certificate. This requirement shall not apply to vehicles used exclusively in sightseeing and taxi service.

2. COLO. P. U. C. No. \_\_\_\_\_.

Provided, however, that in lieu of the above required markings Common Carriers by motor vehicle may use a detachable placard, constructed of metal, wood, or other durable material, which shall be securely attached to each side of all the above-described vehicles and in the manner as above set out.

(b) Motor vehicles used in the transportation of passengers only, except passenger buses having a seating capacity of ten or more, may, in lieu of the above requirements, be identified by marking in accordance with (a) (2) only, or by securely attaching both in front and rear of each motor vehicle in such a manner as to be conspicuously displayed at all times, a metal plate, carrying certificate number as per specifications shown below and reading as follows:

C  
O  
L  
O  
PUC NO. \_\_\_\_\_

Specifications: Background and letters in contrasting colors.

"COLO." reading down left-hand side, in letters 3/4 of an inch in height.

"PUC No. \_\_\_\_\_" in letters two and one-half inches in height.

(c) All markings shall be completely removed from all vehicles when permanently withdrawn from service under the certificate.

## RULE 12

### Equipment

All certificate-holders shall either own their own motor vehicles operated under their certificate (proprietary control being deemed ownership), or lease such equipment, in accordance with these Rules; provided that where there is any restriction as to the size or number of vehicles that may be used under a certificate, then the certificate-holder shall file a description of all vehicles used.

## RULE 13

### Identification Cards (Cab Cards) and Letters of Authority

(a) No motor vehicle shall be operated upon the public highways of this state by any common carrier in intrastate commerce, unless and until said carrier has obtained and placed upon said vehicle a letter of authority, stating the operating authority issued to said carrier by the Commission. Said letter of authority shall be obtained from the Commission upon the request by the carrier in such quantity as the carrier may need or require.

(b) No motor vehicle shall be operated upon the public highways of this state by any common carrier, in interstate commerce, unless and until said carrier has obtained and placed upon said vehicle an identification card. Said identification cards shall be obtained from the Commission, upon request by the carrier in such quantity as the carrier may need or require.

(c) The letters of authority and identification cards herein required shall be marked "continuous unless revoked, cancelled, suspended, altered or amended" by the Commission. No carrier may alter either the said letters of authority or identification cards in any manner whatsoever.

(d) Whenever any vehicle is leased, as provided for by these Rules, by a Common Carrier engaged in intrastate commerce, and lease has been approved by the Commission, a letter of authority to be issued by the Commission shall be placed upon said leased vehicle.

(e) Whenever any vehicle is leased by a Common Carrier engaged in interstate commerce, and the lease has been approved by the Commission, an identification card to be issued by the Commission shall be placed upon said leased vehicle.

(f) No list of equipment need be filed with the Commission other than a list of the number of vehicles to be operated in order to obtain for each vehicle a letter of authority or identification card, as may be the case.

#### RULE 14

##### Leasing of Equipment as Lessee.

Unless the Commission finds, after a hearing, that the public interest otherwise requires, no Common Carrier shall, as lessee, lease or rent equipment to be used under this certificate except in accordance with these Rules. Leases shall be filed in the form attached hereto as "Appendix A."

(a) No lease of equipment shall be executed for any period less than three (3) months, but shall be subject to cancellation by either party to said lease upon fifteen (15) days' written notice of cancellation served upon the other party and the Commission.

(b) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on a percentage basis, dependent on gross receipts per trip, or for any period of time, is prohibited.

(c) All leases shall be in writing, signed by the parties thereto, and approved by the Commission. Said leases shall specify the period of time for which they are to be in effect, and shall specify the consideration to be paid by the lessee, and during the entire period of such lease, a signed and approved copy thereof shall be carried in each motor vehicle covered thereby. During the existence of the lease, the lessee shall have full discretion and complete control of said motor vehicle (s), and will be fully responsible for the operation thereof, in accordance with applicable law and regulations, as if lessee were the owner of such vehicle(s), including the requirements of these Rules, as to safety of equipment and inspection thereof, and insurance coverage.

(d) The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

(e) No Common Carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof, to any person, firm, or corporation not a carrier by motor vehicle for hire.

## RULE 15

### Emergency Equipment -- Emergency Letters.

(a) Whenever any Common Carrier by motor vehicle, in cases of emergency or unusual demands for transportation, must use equipment not owned or under lease to him or for which letters of authority have not been issued, the carrier may engage such other equipment as is necessary to meet the emergency and demands. The carrier shall, before the emergency equipment is placed in operation, issue an Emergency Letter, in the form attached hereto as "Appendix A-1," and place one copy of the letter upon the emergency vehicle; one copy shall be mailed immediately to The Public Utilities Commission of the State of Colorado, at Denver, Colorado, and be on file with said Commission within three (3) days after the issuance thereof, and one copy shall be retained by the carrier. The Emergency Letter required herein shall not be for a period of more than ten (10) days, and shall contain the following information:

1. Name and address of the carrier issuing the letter.
2. Certificate number of the issuing carrier.
3. License number of the vehicle used.
4. Complete description of the vehicle.
5. Nature of emergency.
6. Origin and destination of vehicle movement.
7. Period the emergency vehicle is to operate.

(b) The driver or operator of any such emergency vehicle need not bear the relationship of an employee to the carrier, but in all such cases, all requirements of these rules shall be complied with by said driver and operator, and the carrier hiring said equipment and driver shall be held fully responsible for said driver and operator in regard to insurance and all other requirements of law and of these Rules.

(c) Where interstate freight is carried in a trailer or semi-trailer which is turned over to a connecting carrier and a "Receipt and Inspection Report" is executed and carried on the trailer or semi-trailer as required by the Rules and Regulations of the Interstate Commerce Commission, it shall not be necessary to execute an "Emergency Letter" as provided in sub-section (a) above.

## RULE 16

### Use of Certificate by Others than Certificate-Holder.

No Common Carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these Rules, under his or its certificate, without first having obtained the consent of the Commission, in writing. Any Common Carrier permitting any person, firm, or corporation to operate vehicles under his or its certificate, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user.

## RULE 17

### Equipment of Motor Vehicles.

(a) All motor vehicles shall be maintained in a safe and sanitary condition, and shall be at all times subject to inspection by the Commission or its duly authorized representatives and shall not be used or operated if found to be in an unsafe condition by the Commission or any of its said representatives.



(b) All motor vehicles used in the transportation of persons and having a covered top, or top up, and operated during the period from one hour after sunset to sunrise, shall maintain a light, or lights, of not less than two (2) candle power each within the vehicle and so arranged as to light up the whole of the interior thereof except that portion occupied by the driver.

(c) All motor vehicles used in the transportation of persons shall, when leaving a terminus, be equipped with at least one extra serviceable tire. Provided that when bus and taxi cab operators, who operate within and adjacent to cities of not less than 50,000 persons, and who provide a special service for changing of tires on the road, and where such special service is provided, it will not be necessary to have the extra tire herein provided for in the vehicle.

(d) Passenger-carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same reasonably comfortable for its patrons.

(e) Passenger-carrying vehicles shall be equipped with a power windshield wiper and defroster apparatus which will provide the driver with clear vision in all kinds of weather.

(f) There shall be an adequate system of ventilation, and exhaust gases from the motor shall be vented to keep them outside the body of the vehicle.

(g) There shall be an approved fire extinguishing apparatus accessibly located within the motor vehicle.

(h) Sufficient reserve equipment shall be maintained by all motor carriers to insure the reasonable maintenance of established routes and fixed time schedules. Where a carrier's equipment is limited by its certificate of convenience and necessity, no increase thereof is permissible except on application to and authorization by the Commission.

(i) No motor vehicle carrier engaged in sightseeing service shall operate any vehicle in the transportation of passengers which is more than ten years old; provided, however, that upon written request to The Public Utilities Commission by any such motor vehicle carrier, and after investigation by duly authorized inspectors of the Commission, the Commission may extend the use of such equipment for a longer period, and provided further that the Commission may prohibit the operation of any equipment less than ten years old which, in the opinion of the Commission's duly authorized inspector, is unsafe for the transportation of passengers over any route operated by the carrier.

(j) If any duly authorized representative of the Commission shall find, upon inspection of any motor vehicle used in passenger, sightseeing or auto livery service, that any such motor vehicle is being maintained in an unsafe or unsanitary condition, or does not have sufficient power to effect a practical operation hereunder, such representative shall be authorized to take such motor vehicle out of service, either permanently or temporarily. In the event that the removal of such motor vehicle from service shall be only temporary, the operator shall not again use such motor vehicle until it is again inspected by a representative of the Commission and its condition approved as safe and sanitary, and otherwise meeting the requirements of this Rule.

(k) All motor vehicles used in sightseeing or auto livery service shall at all times carry the following accessories and equipment, to-wit: At least one extra tire, one set of tire chains, one jack, one lug wrench, one hammer, one screw driver, one pair of pliers, one flashlight, and such other accessories and equipment as the Commission shall, from time to time, prescribe. All such accessories and equipment shall at all times be in serviceable condition. The provisions of this sub-section shall not apply to a carrier of passengers which maintains a twenty-four-hour maintenance service when that service is reasonably available to handle breakdown in operating equipment.



(l) No operator engaged in sightseeing or auto livery service shall use in such service a motor vehicle of larger seating capacity, or of other kind or type, than that allowed under his certificate of public convenience and necessity, unless authorized to do so by the Commission. In no event shall such operator use in such service a motor vehicle of a kind or type other than is practical for his operation, the kind or type to be approved by the Commission, or its duly authorized representative.

(m) No operator engaged in sightseeing or auto livery service shall carry in any motor vehicle used in such service more persons than the rated carrying capacity of such vehicle, as established by the manufacturer thereof; provided, however, that in no event shall more than two persons, including the driver, be carried in the front seat of such vehicle, unless the width of the front seat is sixty inches or more, in which event three persons, only, including the driver, may be so carried.

(n) Organized Party Tours. Sightseeing operators shall extend organized party fares only to bona fide organized tours, which have been organized, and for which transportation has been engaged, by letter or telegraph, prior to the starting time, from point of origin of the party, and on which the members thereof are traveling together under the personal supervision of a guide or manager.

#### RULE 18

##### Insurance -- Surety Bond

(a) Every Common Carrier by motor vehicle shall obtain and keep in force at all times public liability and property damage insurance, or a surety bond providing similar coverage, issued by some insurance company or surety company authorized to do business in the State of Colorado, which shall be in such form, with such schedules and endorsements as may be prescribed by the Commission, covering all vehicles which may at any time be operated by or for, or which may be under the control of, the carrier (such coverage to be accomplished by a so-called "waiver of description" endorsement on each policy), in no less amounts than the following:

(1) Passenger Carriers:

<u>Passenger Capacity</u>	<u>For Death or Injury to any One Person</u>	<u>Total Liability in any one Accident</u>	<u>Property Damage</u>
12 or less	\$25,000	\$50,000	\$5,000
13 to 18, inclusive	25,000	70,000	5,000
19 to 24, inclusive	25,000	90,000	5,000
More than 24	25,000	100,000	5,000

(2) Vehicles used in transportation of property:

For death or injury to any one person	\$25,000
Total liability in any one accident	50,000
Property damage	5,000

(3) Cargo coverage:

Light weight vehicles, one ton or less rated capacity	\$ 500
Medium weight vehicles, over one ton and not to exceed three and one-half tons rated capacity	750
Heavy weight vehicles, over three and one-half tons rated capacity	1,000

Provided that no cargo carrier shall in any event accept or transport any single shipment unless the declared value of the shipment is covered by trip insurance or other cargo insurance.

No evidence of cargo insurance will be required for the transportation of any commodity which the Commission may, in its discretion, rule as having a small nominal value.

The Commission may increase, decrease, or amend these requirements as to the extent of coverage for any carrier.

(b) A Certificate of Insurance (or Surety Bond), executed by a duly authorized agent of the insurer, shall be filed with the Commission in lieu of the original policy, such certificate to be in a form prescribed by the Commission. Original policy is to be retained by the assured and kept available for inspection by any authorized representative of the Commission.

(c) All insurance coverage must be filed with the same initials, name, trade or corporate name, and address as listed in the application for the certificate, subject to changes of address upon written notice to the Insurance Department of the Commission.

(d) Every insurance certificate required by and filed with the Commission shall be kept in full force and effect unless and until cancelled by ten (10) days' written notice, which time shall run from the date the notice is actually received by the Commission, and the certificate shall contain a statement to this effect.

#### RULE 19

##### Compliance with Colorado Motor Vehicle Laws.

All Common Carriers by motor vehicle shall comply with the provisions of the Colorado Motor Vehicle Laws and other State, Federal, or local legislation applicable to the use of motor vehicles upon the public highways of this State, and all rules concerning light, brakes, size, weight, and loads of any such motor vehicles, and all laws governing the registration and licensing of vehicles, equipment and drivers.

#### RULE 20

##### Drivers; Maximum Hours.

(a) No Common Carrier shall cause or allow any driver or operator to work as such for more than a maximum of ten (10) driving hours in the aggregate in any twenty-four-hour period unless such driver, or operator, shall be off duty for at least eight consecutive hours' rest during or immediately following the ten hours' aggregate driving and within said twenty-four-hour period, provided that two periods of resting or sleeping in the truck berth may be cumulated to give the total of eight hours off duty. No carrier subject to these regulations, if himself a driver, shall remain on duty or drive for longer periods than those prescribed for employed drivers.

(b) In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run, except for said emergency, could reasonably have been completed without such violation.

#### RULE 21

##### Stops at Railroad Crossings

(a) The driver of any motor vehicle carrying passengers for hire, or of any vehicle carrying explosive substances or inflammable liquids, as a cargo, or part of a cargo, before crossing at grade any track or tracks of any railroad, shall bring such vehicle to a full stop out of the line of traffic as far as possible, within fifty (50) feet, but not less than ten (10) feet from the nearest

rail of such track or tracks, and while so stopped shall listen and look in both directions along such track or tracks for any approaching locomotive, train, or car, and for signals indicating the approach of a locomotive, train or car, and shall not proceed across said track or tracks until such crossing may be safely made. No stop need be made at any such crossing where a police officer or a traffic control signal directs and controls the flow at such crossing.

(b) The foregoing rule shall not apply to the operations of motor vehicle carriers within municipalities over the tracks of electric railroads.

(c) Where there are two or more adjoining main line tracks at any public highway grade crossing, located one hundred and twenty feet or more apart, measured center to center of tracks, and where such tracks are closer together, and conditions make it necessary, in the opinion of the Commission, to stop such vehicles, then the driver of such motor vehicle shall cause such vehicle to come to a full stop at each track.

## RULE 22

### Sanitary Regulations.

(a) All motor vehicles used for the transportation of foodstuffs shall be kept in a clean and sanitary condition, and all Common Carriers shall comply with the Rules and Regulations of the State Department of Agriculture and the State Dairy Commissioner when transporting milk, cream, and other commodities, the transportation and distribution of which are under the jurisdiction of the above-mentioned departments of the State.

(b) No Common Carrier by motor vehicle shall transport milk and cream, or other foodstuffs upon the same vehicle with livestock or live poultry, unless such carrier secures the prior approval of the Commission and complies with Section (a) of this Rule.

(c) No Common Carrier by motor vehicle shall transport milk, cream, or other foodstuffs upon the same vehicle with gasoline, kerosene, oil, mixed feeds, coal, or other commodities that might contaminate the milk, cream, or other foodstuffs, unless the same are carried in a separate, tightly closed compartment.

## RULE 23

### Transportation of Explosives and Dangerous Articles.

All Common Carriers by motor vehicle who are authorized by Order of this Commission to transport explosives and/or other dangerous articles shall maintain standards of care and safety devices which at minimum meet the requirements of the Rules and Regulations of the Interstate Commerce Commission concerning the transportation of explosives and/or other dangerous articles.

## RULE 24

### C. O. D. Shipments; Bond Required.

(a) Unless such carrier shall have secured a written waiver from the Commission, no Common Carrier by motor vehicle, except motor vehicle carriers supplemental to railroad transportation and on railroad bills of lading, shall accept any C.O.D. shipments or otherwise collect money from any consignee to be paid to any consignor, or render any C.O.D. service, unless such carrier has published, posted, and filed with this Commission tariffs which contain rates, charges, and rules governing such service (which rules shall conform to this Rule), and unless such carrier shall have on file with this Commission cash or a surety bond in an amount not less than \$2,000, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C.O.D. or other collections by the carrier to the consignor.



(b) Every motor vehicle Common Carrier subject to this Rule shall remit each C.O.D. collection directly to the consignor (or other person designated by the consignor as payee) promptly and at least within ten (10) days after delivery of the C.O.D. shipment to the consignee. If the C.O.D. shipment moved in interline service, the delivering carrier shall, at the time of remittance of the C.O.D. collection to the consignor or payee, notify the originating carrier of such remittance.

(c) The surety bond to be filed with the Commission shall authorize the Commission summarily to apply any part or all of the amount thereof to the payment of any C.O.D. or other collection account owed by the carrier to any consignor, which the carrier has not paid within ten (10) days after the receipt thereof.

(d) No. C.O.D. shipment shall be delivered by any carrier unless the consignee shall pay the full amount of the charges due thereon, and delivery of C.O.D. merchandise shall constitute prima facie evidence that payment has been received by the carrier, and shall authorize the Commission to pay the charge from the C.O.D. deposit on file if payment is not made by the carrier.

(e) The Commission may waive this Rule and allow self-insurance by Common Carriers upon application showing financial responsibility to the satisfaction of the Commission.

(f) Every motor vehicle Common Carrier subject to this Rule handling C.O.D. shipments as a delivering carrier, shall maintain a record of all C.O.D. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment:

1. Number and date of freight bill.
2. Name and address of shipper or other person designated as payee.
3. Name and address of consignee.
4. Date shipment delivered.
5. Amount of C.O.D.
6. Date collected by delivering carrier.
7. Date remitted to payee, and
8. Check number or other identification of remittance to payee.

#### RULE 25

##### Accident Reports

Accidents arising from or in connection with the operation of motor vehicles under these Rules and Regulations resulting in injury to any person shall be reported immediately in detail to the Financial Responsibility Department of the Colorado Motor Vehicle Department in accordance with the Colorado Motor Vehicle Law.

#### RULE 26

##### Annual Reports.

Every motor vehicle carrier holding an active Common Carrier Certificate shall file an Annual Report with this Commission not later than three (3) months after the close of the calendar year, or if on a fiscal year basis, may, upon obtaining permission from the Commission, file three months after the close of the fiscal year, on forms furnished by the Commission, showing:

- (a) Statement of assets and liabilities.
- (b) Itemized statement of gross revenues and expenses.
- (c) Number of motor vehicles owned and operated.
- (d) Number of passengers carried, passenger miles, and car miles.
- (e) Number of tons of freight hauled, ton miles and truck miles, and
- (f) Any additional information that may be requested or required by the Commission.

Motor vehicle carriers operating interstate shall report the total business performed as fully and completely and in the same manner as required of intrastate carriers. Provided, however, in case the Annual Report required by the Interstate Commerce Commission is in substantially the same form required by this Rule, a copy of said report filed with this Commission within the time prescribed shall constitute compliance with this Rule.

In making reports, carriers shall use the following classifications:

Class I -- Property -- Carriers having average gross operating revenues (including interstate and intrastate) of \$1,000,000.00 or over annually from motor carrier operations shall file an Annual Report on the Form "A" report prescribed by the Interstate Commerce Commission for carriers of freight. (Forms to be supplied by the Commission).

Class II -- Property -- Carriers having average gross operating revenues (including interstate and intrastate) of less than \$1,000,000.00, but over \$200,000.00, annually from motor carrier operations shall file an Annual Report on the Form "B" report prescribed by the Interstate Commerce Commission for carriers of freight. (Forms to be supplied by the Commission).

Class I -- Passenger -- Carriers having average gross operating revenues (including interstate and intrastate) of over \$200,000.00 annually from motor carrier operations shall file an Annual Report on the Form "D" report prescribed by the Interstate Commerce Commission for carriers of passengers, only. (Forms to be supplied by the Commission).

Class III -- Carriers having average gross operating revenues (including interstate and intrastate) of less than \$200,000.00 annually from motor carrier operations shall file an Annual Report on Form A-3MV, revised, prescribed by this Commission for carriers of freight and/or passengers. (Forms to be supplied by the Commission).

All Motor Vehicle Carriers shall file promptly any other special reports that may be requested from time to time by the Commission.

#### RULE 27

##### Bills of Lading.

(a) Every motor vehicle carrier, unless otherwise provided herein (except livestock carriers, see Appendix C-1), shall issue, at time of accepting shipment, a bill of lading covering each shipment, which shall be itemized in a manner so as to fully and clearly show the description and classification of the shipment and the rate charged for transportation thereof.

(b) Motor vehicle carriers, when engaged in transporting milk and cream, ore, concentrates, coal, sand, gravel, gasoline, oil, grain, or other bulk commodities, in truck loads from one consignor to one consignee, at one time, will not be required to issue and carry bills of lading if some other written record of each shipment is issued, received and carried by the carrier showing the description, classification, and rate as above required.

(c) All bills of lading used shall be in the form of the uniform straight bill of lading which has been prescribed as the uniform bill of lading by the Commission in Case No. 1585. (For livestock bill of lading, see Appendix C-1).

(d) Copies of all bills of lading shall be retained by the carrier at his or its place of business within the State of Colorado for a period of at least two years, and shall be made available to the Commission or its representatives upon request.

(e) When shipments are received in excess of the quantity that can be loaded in or on another truck, or trucks, and be transported under one bill of lading, the bill of lading must accompany the first truck load and carry the notation: "Part lot to follow" or "1, 2, 3, etc. truck loads to follow."

#### RULE 28

##### Load Sheets or Manifests.

Every motor vehicle carrier of freight, except as herein provided, shall carry with each truck a load sheet or manifest, or in lieu thereof, duplicate bills of lading or freight bills for all shipments except milk and cream, carried on each truck, which shall be subject to inspection at all times.

This load sheet or manifest shall be made out in duplicate for each motor vehicle carrying freight (property for hire), by the forwarding agent or office of the carrier prior to the beginning of each trip. The second copy shall be delivered to the driver who will, after completing the trip, add to the report shipments taken aboard en route, if any, and return the report to the general office or dock of the carrier. The original copy shall be retained at the forwarding office, which, after receiving the driver's or second copy, shall have transcribed thereon the record of additional shipments, if any, taken aboard by the driver. These load sheets or manifests shall be numbered in numerical order by print at the time of printing. The load sheet or manifest when properly filled out shall contain the number of all bills of lading or express receipts, the destination, consignor, consignee, and weight of the shipments covered by the freight bills, together with the make and license number of the truck and the signature of the driver or drivers. All interstate motor vehicle carriers shall keep a copy of each such manifest or load sheet at some place in the State of Colorado, which shall show the foregoing details concerning every shipment transported into or out of the State.

Every motor vehicle carrier shall preserve one complete original copy of every such load sheet or manifest issued, in numerical order, at his or its principal office within the State for a period of at least two (2) years.

Motor vehicle carriers engaged in transporting ore, concentrates, newspapers, coal, sand, gravel, gasoline, oil, or other bulk commodities in truck loads from one consignor to one consignee, will not be required to carry the load sheets or manifests required by this Rule, if, in lieu thereof, a bill of lading, shipping order or some other written record of each load or trip is kept and carried on each truck, and shall be preserved in numerical or chronological order for a period of at least two (2) years as required by this Rule for the preservation of manifests or other daily trip reports.

All such load sheets, trip reports, manifests, bills of lading, shipping orders or other written records kept under the provisions of this Rule shall be filed separately from all other records of the carrier, and shall be made immediately available to the Commission or its representatives upon request.

#### RULE 29

##### Passenger Tickets and Baggage Checks.

(a) All motor vehicle carriers transporting passengers are required to provide and sell tickets at tariff rates, to cover the transportation of each



and all passengers carried, tickets to be taken up and cancelled by the driver or person in charge, provided that the Commission may, by Order, make such exception from the operation of this Rule as it may consider just and reasonable.

Tickets (single or round-trip) shall be printed and shall show station of origin and destination. Each issue of tickets printed shall be numbered in numerical order, each ticket bearing a different number. A record shall be kept of the number of tickets printed, sold, and used, spoiled or otherwise destroyed.

(b) All motor vehicle carriers, whose tariffs or rules provide for the carrying of baggage, shall be required to issue baggage checks or receipts for each piece of baggage when placed in their possession, same to be taken up upon re-delivery of baggage to the passenger.

### RULE 30

#### Commissions for Soliciting Business.

(a) No motor vehicle carrier shall pay any commission, fee, token, trading stamps, or any other compensation in the nature of a commission, to any individual, firm, association, or corporation, their lessees, trustees, or receivers, in Colorado, for the sale of any ticket or fare, or for the soliciting, receiving, billing, handling or delivery of property, or for any service in connection with the transportation of property, unless the motor vehicle carrier shall have filed with the Commission before the first service is rendered or act is done, for which such commission, fee, or compensation is to be paid, a signed statement giving the name of the payee, his, their, or its address, the amount of such commission, fee or compensation to be paid, and the period during which the payment, or payments, shall be made.

(b) No motor vehicle carrier conducting a sightseeing operation shall pay any commission, fee, or compensation in the nature of a commission, directly or indirectly, to any individual, firm, association, or corporation, for the solicitation of business or sale of any ticket or fare, in excess of twenty per cent (20%) of the rate charged for such ticket or fare.

### RULE 31

#### Tariffs and Rates to be Observed.

(a) No motor vehicle carrier shall charge, demand, collect, or receive a greater, or less, or different, compensation for the transportation of any commodity or shipment than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission for the transportation of any such commodity or shipment, which said rates, charges, classification, exceptions, rules and regulations shall be published in the manner and form prescribed by law and the Orders of the Commission.

(b) No motor vehicle carrier shall charge, demand, collect, or receive a greater, or less, or different, compensation for any service rendered, or to be rendered, than the rates and charges applicable to such transportation service as specified in its schedules on file and in effect at the time, nor shall any such motor vehicle carrier refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates and charges so specified, nor extend to any corporation or person any form of contract or agreement or rule or regulation, or any facility or privilege, except such as are regularly and uniformly extended to all corporations and persons; provided, the Commission may, by Rule or Order, establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each motor vehicle carrier.

(c) No motor vehicle carrier shall, directly or indirectly, issue, give, tender, or honor any free ticket or free pass for passengers between points within the State of Colorado, except as provided by law.

(d) No motor vehicle carrier in sightseeing operations shall give free transportation service from a railroad, bus, or airline depot to a hotel,

rooming house, or private residence, or vice versa, when offered in connection with a sightseeing trip or trips; provided, however, that the application of this Rule shall not apply to sightseeing operators in the Colorado Springs area if said operators shall, in their tariffs, make provision for and set forth any and all free transportation service which they desire to render from railroad, bus, or airline depots to hotels, rooming houses or private residences, or vice versa, when offered in connection with sightseeing trip, or trips.

#### RULE 32

##### Classification of Freight.

All freight transported by any motor vehicle carrier operating in intrastate commerce shall be classified according to the classifications from time to time prescribed by the Commission. No change shall be made in the classification of any commodity without the authority of the Commission first had and received after due notice and hearing, as required by law.

#### RULE 33

##### Compilation of Tariffs, Classifications and Time Schedules.

(a) All motor vehicle common carriers shall file with the Commission one copy of a tariff showing all the rates, fares, charges, rules and regulations for transportation and one copy of a time schedule showing the territory, stations, distances, times of arrival and departure of vehicles, and location of depots.

(b) All passenger and freight tariffs, classifications and schedules must be in book, sheet or pamphlet form (loose leaf plan may be used by major carriers or agents so that changes can be made by re-printing and inserting a single leaf of book tariff, see item (g) (below), size not more than  $8\frac{1}{2}$  x 11 inches, nor less than 8 x 11 inches, of good quality paper, printed or issued by any of the various printing processes or typewritten in clear and legible manner.

(c) Each tariff or time schedule as issued, irrespective of the serial number of carriers, must be given the next Colo. P.U.C. number, except that the carrier's serial number only is required for time schedules.

(Note: Certain carriers may have several kinds of tariffs in effect at one time covering local or joint operations, bearing different series numbers, such as 1-A or 4-B for identification; thence the Colorado P.U.C. number must be continuous as the various series are issued or reissued. See note Rule 35 (h) and note Rule 37 (d).)

(d) All tariffs filed shall bear on the title page the initials "Colo. P.U.C.," followed by the number, said number to begin with No. One. Each tariff shall be numbered consecutively, beginning with Number One, and in any reference or supplement made in such tariff, reference must be made to the number of the original tariff.

(e) Any change or addition to a tariff must be made by reissuing the tariff or by the issuance of a supplement to the tariff, and such supplements must be numbered consecutively, as "Suppl. No. 1 to Colo. P.U.C. No. 4" or "Suppl. No. 2 to Colo. P.U.C. No. 4, cancelling Suppl. No. 1"; date of issue, and date effective.

(f) Not more than one supplement may be in effect at any time to a tariff of less than five pages, and such supplement may consist of not more than three pages. Not more than two supplements may be in effect at any time to a tariff of five or more pages, and such supplement may not contain in excess of 40 per cent of the number of pages contained in the tariff. Supplements issued wherein, through error or omission, a later issue failed to cancel the previous issue, in case of change of ownership or control of a carrier, or in case of a

suspension of a supplement or tariff, such supplement will not be counted in the limit of supplements as provided herein. Supplements to time schedules will not be permitted; any change therein may be made only by reissue.

(g) All changes in and additions to book tariffs issued in loose leaf form must be made by re-printing both pages of the leaf upon which change is made. Such pages must be designated "First Revised Page \_\_\_\_\_, cancelling Original Page \_\_\_\_\_," or, as the case may be, must show the Colo. P.U.C. number of the tariff, serial number of tariff, date of issue, date effective and the name and title of official by whom issued.

(h) The Commission may order the reissuance of a tariff or schedule at any time.

(i) All tariff publications or supplements thereto must indicate advances or reductions thereby made in fares, rates, charges, classifications, rules or regulations by the use of the following uniform symbols:

(A) To indicate advances;

(B) To indicate reductions;

(C) To indicate changes other than advances or reductions.

(j) If the carrier wishes a receipt showing the date when the Commission received any tariff, supplement, or amendment, then each such schedule shall be accompanied by a letter of transmittal in duplicate, in the form of Appendix B to these Rules.

#### RULE 34

##### Changes in Tariffs.

Procedure to make changes in tariffs shall be as set out in the Commission's Rules of Practice and Procedure.

#### RULE 35

##### Passenger Tariffs.

(a) Generally, passenger tariffs will be in the form set out as Appendix C hereto. If the party issuing the tariff is acting agent for others operating under such tariff (power of attorney having been executed authorizing such agent to file tariffs with The Public Utilities Commission), a full list showing name and address of the parties so operating must be shown in the tariff.

(b) The Rules and Regulations governing the tariff shall be shown in clear and explicit terms, setting forth all privileges, fares for children, stop-overs, limits, baggage rules, excess baggage rates, rates for packages or merchandise when carried on passenger vehicles, objectionable persons, dogs, basis for fares to or from intermediate points not named in tariff, and the basis for refunds on unused portions of tickets.

(c) A separate publication covering rules, regulations, and conditions governing tariffs may, if desired, be issued, filed, and made a part of any tariff, by showing reference in such tariff to the Colo. P.U.C. number of the publication containing the rules and regulations, i.e., "Governed by rules, regulations and conditions shown in this company's issue, bearing Colo. P.U.C. No. \_\_\_\_\_ on file with The Public Utilities Commission."

(d) All tariffs must show the fares explicitly stated in cents, or dollars and cents, together with the names of the places from and to which they apply arranged in a systematic manner, with the distance from terminal to each point shown thereon. (See sub-section (e) of this Rule).



(e) If desired, carriers may use a distance table for basis of fares, by incorporating in their tariffs an official list of all points to which the distance basis is to apply, and showing in geographical order the distance between such points.

(f) All tariffs must contain a full explanation of reference marks, symbols (See Rule 33 (i) and abbreviation used in the tariff.)

(g) All tariffs must show location of each terminal depot.

(h) The title page of every tariff must show:

- (1) Colorado P.U.C. Number in upper right-hand corner, followed by Colo. P.U.C. Number cancelled thereby.

(Note: The letters "Colo. P.U.C." indicate Colorado Public Utilities Commission. A separate series of Colo. P.U.C. numbers for passenger and freight tariffs must be used).

- (2) Name of issuing transportation company.

- (3) Whether tariff is local or joint, or both, with carrier's serial number. (Names of participating transportation companies, if joint tariff).

- (4) The territory or points, from which and to which the tariff applies, briefly stated.

- (5) Date of issue; date effective.

- (6) Name, title, and address of official by whom tariff issued.

#### RULE 36

##### Freight Tariffs.

(a) Generally, freight tariffs shall be in the form set out as "Appendix D" attached hereto.

(b) The governing rules and regulations shall be shown in the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates, such as freight storage, store door receipt and delivery, intermediate application of rates, and terminal charges, if any.

(c) All tariffs shall contain a complete alphabetical index of all commodities, which index shall refer to the tariff page and item number showing the applicable rates on each commodity.

(d) All rates must be explicitly stated in cents or dollars and cents per pound, per hundred pounds, per ton of two thousand (2,000) pounds, or other units of assessing charges, together with names of the places from and to which they apply, arranged in a simple and systematic manner, with the distance from terminal to each point shown thereon.

(e) The title page of every tariff must contain a reference by name and number to the freight classification covering the tariff, in the following form: "Governed, except as otherwise provided herein, by the \_\_\_\_\_ Classification No. \_\_\_\_\_, Supplements thereto and Reissues thereof." (A tariff is not governed by a classification or exceptions thereto except when and to the extent stated in the tariff).

(f) In addition to sub-sections (a) through (e) of this Rule, freight tariffs shall also be governed in form and substance by sub-sections "a" (except first sentence), "c", "e", "f", "g", and "h" of Rule 35 governing passenger tariffs.

### RULE 37

#### Time Schedules.

- (a) Generally, passenger and freight time schedules shall be in the form set out as Appendices E and F hereto. Time schedules shall contain a list of all stations on operator's route in geographical order, with distances to each point from termini; the time of arrival at and departure from all termini; the time of departure from intermediate points between termini; whether service is daily or otherwise.
- (b) Exact location of depot at all terminals.
- (c) Such other information, for instance, as any point on route of carrier to which service cannot be rendered, and reasons therefor; rest or lunch stations.
- (d) The title page of every time schedule must show:
- (1) Name of issuing transportation company.
  - (2) Time Schedule No. \_\_\_\_\_, followed by time schedule number cancelled thereby.
- (Note: Time schedules must be numbered in consecutive order from No. 1. Colo. P.U.C. numbers will not be necessary for time schedules).
- (3) The territory or points from and to which the time schedule applies, briefly stated.
  - (4) Date of issue; date effective.

### RULE 38

#### Observance of Time Schedules.

- (a) All motor vehicle carriers doing business in the State of Colorado shall file in the office of The Public Utilities Commission of the State of Colorado, at Denver, Colorado, a copy of all schedules of the movement of vehicles on their respective routes, and thereafter, when a change is made in any schedule, the same shall be filed promptly with the Commission. This Rule, however, will not apply where there is a curtailment of service, or where the time schedule is specified as an express condition contained in the certificate of public convenience and necessity; in such case, the change shall be made on statutory notice in accordance with the Commission's Rules of Practice and Procedure.
- (b) Time schedules as filed with the Commission and posted for the information of the public must be adhered to. All interruptions of regular service, where such interruptions are liable to continue for more than twenty-four hours, shall be promptly reported, in writing, to the Commission and communicated to the public along the route, with a full statement of the cause of such interruption and the probable duration thereof.

### RULE 39

#### Posting of Tariffs and Time Schedules.

A copy of each tariff and time schedule issued shall be open to the inspection of the public at the office of the operator or carrier at all reasonable times, and must also be posted for the information of the public in each waiting room at stations where tickets are sold, and at established freight depots. In the absence of waiting rooms, ticket offices or established freight depots, the driver of each vehicle will be required to carry copies of tariffs and time schedules, same to be submitted to passenger or shipper upon request.

#### RULE 40

##### Payment of Rates and Charges of Motor Carriers; Credit Arrangements.

Except as otherwise provided herein, all transportation and other lawful charges shall be payable before surrender of the property to the consignee or owner thereof, or, in the event of prepaid shipments, before the shipment will be forwarded to destination from point of origin.

Where proper and satisfactory credit arrangements have been made to assure payment of the tariff charges within the credit period herein specified, motor vehicle common carriers may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons being called shippers, for a period of seven (7) days excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight.

When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

Where a motor vehicle common carrier has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of thirty (30) calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently-presented freight bill.

Freight bills for all transportation charges shall be presented to the shippers within seven (7) calendar days from the first 12 o'clock midnight following delivery of the freight.

Where the United States mails are used as a means for the presentation of freight bills, the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper, may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these Rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

#### RULE 41

##### Rule Exemption.

In case of hardship, a carrier may file written application for relief, stating therein the grounds for relief, and the Commission, after hearing, if satisfied, may suspend such rule(s) or regulation(s) affecting such carrier as it deems just.



# APPENDICES

## APPENDIX A (Rule 14)

### LEASE OF MOTOR VEHICLE EQUIPMENT (To be made in duplicate)

THIS AGREEMENT, Made and entered into this \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, by  
and between \_\_\_\_\_ of \_\_\_\_\_  
Name Street Address Town  
hereinafter called Lessor, or Truck Owner, and \_\_\_\_\_  
Name  
of \_\_\_\_\_, hereinafter called Lessee, or the Business  
Street Address Town  
Owner or Manager.

WITNESSETH, THAT WHEREAS, Lessor is the owner of certain motor vehicle  
equipment suitable for the transportation of property, which equipment is more  
particularly described as follows:

	Make	Year	License No.	State	Motor No.
Tractor or Truck					
Trailer					

Insured by \_\_\_\_\_  
(In amounts of not less than \$25,000 and \$50,000 Public Liability and  
\$5,000 Property Damage, as required by Law.)

AND WHEREAS, Lessee is transporting (freight) (own merchandise) over the  
public highways of the State of Colorado under the following authority from The  
Public Utilities Commission of the State of Colorado: Certificate No.: \_\_\_\_\_  
Permit No. \_\_\_\_\_.

AND WHEREAS, Lessor desires to lease the above described motor vehicle equip-  
ment to Lessee, and Lessee desires to consummate such lease:

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED between the parties hereto that  
for the consideration, as stated in Paragraph 2 below, Lessor does hereby lease  
unto Lessee for the period of \_\_\_\_\_ (not less than three months), from  
the date first above written, only the motor vehicle equipment above described  
(driver not included). (Driver of each vehicle shall be exclusively the employee  
of the Lessee and carried on Lessee's payroll). Subject to the following conditions:

1. That during the existence of this lease the motor vehicle equipment above  
described shall be under the complete control of the Lessee.

2. As consideration, Lessee agrees to pay Lessor for the use of said equipment  
as follows: \_\_\_\_\_

(Compensation on percentage basis not acceptable. A consideration of \$1.00 and other  
valuable considerations not sufficient to cover lease. So much per day, week, month,  
period of lease, or so much per rolling mile is acceptable).

3. This lease may only be cancelled by the joint agreement of the parties hereto  
and only after fifteen (15) days' written notice by the parties hereto to The Public  
Utilities Commission of the State of Colorado.

(One copy of signed and approved  
lease must be placed on the leased  
vehicle, and one copy on file with  
The Public Utilities Commission of  
the State of Colorado).

\_\_\_\_\_  
Lessor  
\_\_\_\_\_  
Lessee

APPENDIX A-1 (Rule 15)

P. U. C. EMERGENCY LETTER

P. U. C. NO. \_\_\_\_\_

TO WHOM IT MAY CONCERN:

Under the rules and regulations of The Public Utilities Commission of the State of Colorado governing emergency motor vehicle equipment.

\_\_\_\_\_  
(Name of Certificate or Permit Holder)

\_\_\_\_\_  
(Address)

is operating the following described equipment under the above stated Colorado Public Utilities Commission authority:

\_\_\_\_\_  
(Make of Vehicle)

\_\_\_\_\_  
(Motor Number)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(License Number)

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Owner's Address)

\_\_\_\_\_  
(Operator's Name)

\_\_\_\_\_  
(Chauffeur's Number)

This emergency equipment is being operated for the purpose of transporting by motor vehicle property or merchandise described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and said property or merchandise is being transported from:

\_\_\_\_\_  
(Consignee)

\_\_\_\_\_  
(Address)

to:

\_\_\_\_\_  
(Consignor)

\_\_\_\_\_  
(Address)

This emergency equipment will be used under the above stated conditions for the period of: (not to exceed ten (10) days)

\_\_\_\_\_  
(Give Date or Dates)

and for the reason that \_\_\_\_\_

\_\_\_\_\_  
(Give full particulars why this equipment is being used)

Date \_\_\_\_\_, 19\_\_\_\_. (Signed) \_\_\_\_\_  
(Certificate or Permit Holder)

~~ORIGINAL COPY OF THIS LETTER TO BE  
MAILED TO THE PUC OFFICE, DENVER.  
ONE COPY TO BE PLACED ON VEHICLE.~~

ORIGINAL COPY OF THIS LETTER SHALL BE MAILED IMMEDIATELY TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, AT DENVER, COLORADO, AND BE ON FILE WITH SAID COMMISSION WITHIN THREE (3) DAYS AFTER THE ISSUANCE THEREOF, AND ONE COPY MUST BE PLACED ON THE VEHICLE.

APPENDIX B (RULE 33 (j))

Letter of transmittal of Tariff.

(Name of carrier) \_\_\_\_\_

Advice No. \_\_\_\_\_ (Date) \_\_\_\_\_

To The Public Utilities Commission of the State of Colorado  
506 State Services Building  
1525 Sherman Street  
Denver 2, Colorado

Accompanying schedule issued by the \_\_\_\_\_  
(Name of Carrier)

is sent to you for filing in compliance with law.

Colo. P.U.C. No. \_\_\_\_\_

Supp. No. \_\_\_\_\_ to Colo. P.U.C. No. \_\_\_\_\_

Effective \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Signature of Officer, with title)

APPENDIX C (RULE 35)

PASSENGER TARIFF

(Title Page)  
(Size 8½ x 11 inches)

(Page One)

Colo. P. U. C. No. 6  
Cancels Colo. P. U. C. No. 3

WM. SMITH AND JOHN BROWN  
Doing Business as  
"THE PARADISE VALLEY TRANSPORTATION COMPANY"

Local and Through Passenger Tariff No. 5  
Cancelling Passenger Tariff No. 3

Naming  
ONE-WAY AND ROUND-TRIP  
PASSENGER FARES

Between  
Denver and Fort Collins, Colorado, and Intermediate  
Points, Together with  
Rules and Regulations Governing Same.

Issued September 28, 1959

Effective October 31, 1959

Issued by JOHN BROWN, Manager,  
The Paradise Valley Transportation Co.

PASSENGER TARIFF

(Page 2) (Sample Form)  
(Size 8½ x 11 Inches)

Rules and Regulations Governing this Tariff

- |      |                      |  |
|------|----------------------|--|
| Rule |                      |  |
| 1    | (c) Fares:           | Fares shown on pages _____ are for adults.<br>Minimum fare _____ cents.  |
| 2    | Children's Fares:    | Children under _____ years in lap will be carried free.<br>Children _____ to _____ years will be charged one-half of fares shown herein.<br>Children _____ years or over will be charged full fare.<br>Minimum fare for children under _____ years<br>_____ cents. |
| 3    | Intermediate Points: | If auto buses are stopped at points not named herein passengers destined to or starting from such points will be charged _____.  |
| 4    | Limits:              | One-way tickets will be limited to continuous passage or _____.<br>Round-trip tickets will be limited to _____ days from date of sale.   |
| 5    | Stopovers:           | Stopovers will not be allowed (or will be allowed at _____)  |
| 6    | Reservations:        | If any restrictions, give details such as one hour at least before scheduled leaving time, or reserving right to send passenger on next car, etc.  |
- (c) Change; results in neither advances nor reduction.

- Rule  
7      Objectionable      State briefly the right to refuse transportation  
Persons:      to persons under influence of intoxicating liquor  
or drugs, with refunds of fare.
- 8      Baggage:      State baggage allowance and kind allowed, with  
rates for excess baggage.
- 9      Dogs:      State if allowed or under what conditions allowed.
- 10      Redemption of      Give details of refunds.  
Tickets:

Add any other rules, such as claims, lost tickets, rates for packages or express.

NOTE: Above samples are shown briefly as an aid to carriers. Rules may be extended and in more detail to suit carriers' operations.

#### ONE-WAY FARES

<u>Miles</u>	<u>Between</u>	<u>Denver</u>	<u>Lafayette</u>	<u>Longmont</u>	<u>Loveland</u>	<u>Fort Collins</u>
00.0	Denver	\$ 0.00	\$ 0.75	\$1.45	\$ 2.20	\$2.50
22.5	Lafayette	0.75	0.00	0.70	1.50	2.00
35.0	Longmont	1.45	0.70	0.00	0.75	1.20
53.0	Loveland	2.20	1.50	0.75	0.00	0.50
67.0	Fort Collins	2.50	2.00	1.20	0.50	0.00

#### ROUND-TRIP FARES

State the Round-trip Fares, or the basis to be used in arriving at the round-trip fare.

#### WEEK-END EXCURSIONS

State the conditions governing, where arrangements for week-end excursions are provided.

#### COMMUTATION TICKETS

State the conditions governing the sale of commutation tickets, if any such arrangements are in effect.

Add any other type of fares in use on line with full details thereof.

NOTE: This form is merely an illustration. Carriers desiring to follow this form must show all stations on their route, except where intermediate provisions are made.

APPENDIX C-1 (RULE 27)

FORM OF  
UNIFORM LIVESTOCK TRUCK BILL OF LADING  
(To be executed in quadruplicate)

UNIFORM LIVESTOCK TRUCK BILL OF LADING

Date \_\_\_\_\_, 19\_\_\_\_.

Received of \_\_\_\_\_

P. O. Address \_\_\_\_\_

Loaded at \_\_\_\_\_

Remit Proceeds to \_\_\_\_\_

Consigned to \_\_\_\_\_

Destination \_\_\_\_\_

This shipment accepted by carrier subject to the regulations of the Colorado PUC.

Pen	Cattle	Calves	Hogs	Sheep	Horses and Mules	Dead-Crip. on Arrival	Tag No.

Description and Weight: \_\_\_\_\_

Consignment Insured by \_\_\_\_\_ Insurance Co.

If Mortgaged, to Whom? \_\_\_\_\_

Transportation Rate \_\_\_\_\_ Per Cwt.

Other Trans. Charges \_\_\_\_\_

Signature of Owner or Agent \_\_\_\_\_

Truck Owner \_\_\_\_\_

By \_\_\_\_\_ Authorized Agent

Truck Owner's Address \_\_\_\_\_

Truck  
License No. \_\_\_\_\_ (Cert. No. \_\_\_\_\_)

State \_\_\_\_\_ PUC (Permit No. \_\_\_\_\_)

Arrived on \_\_\_\_\_, 19\_\_\_\_ A. M. \_\_\_\_\_ P. M.

Stockyards Receiving Clerk \_\_\_\_\_

Chute Pen \_\_\_\_\_ Lot Mark \_\_\_\_\_

Yarded in Pen No. \_\_\_\_\_ Driver \_\_\_\_\_

Received by (Consignee) \_\_\_\_\_



APPENDIX D (RULE 36)

FREIGHT LINE TARIFF

(Title Page)  
(Size 8½ x 11 inches)

(Page 1)

Colo. P. U. C. No. 4  
Cancels Colo.P. U. C. No. 2

DENVER-BOULDER FREIGHT LINE

Local Freight Tariff No. 2  
Cancels Freight Tariff No. 1  
Naming

CLASS AND COMMODITY RATES  
for  
The Transportation of Freight  
Between  
DENVER AND BOULDER, COLORADO  
and  
Intermediate Points

Governed except as otherwise provided herein by \_\_\_\_\_

Classification No. \_\_\_\_\_, supplements thereto and reissues thereof.

Issued October 20, 1959

Effective November 22, 1959

When tariffs are issued upon less than thirty (30) days' notice upon permission of the Commission, such permission must be shown on title page of tariff, as follows:

"Issued under Special Permission of The Public Utilities Commission of the State of Colorado

No. \_\_\_\_\_, Dated \_\_\_\_\_."

Issued by Denver-Boulder Freight Line,  
By Geo. Bishop, Manager.

(Sample Form)

(Page 2)

Freight Line Tariff  
(Size 8½ x 11 Inches)  
Rules and Regulations

Insert here a full set of rules and regulations incident to your individual operation, such as articles shipped loose, liability to delays on connecting line, C. O. D. arrangements, storage, special deliveries, etc., for example:

Rule 1

Storage:

Freight uncalled for at depots after due advice will be placed in public storage after a period of \_\_\_\_\_.

Exceptions to Classification

List here exceptions to classification where class rates are provided.

Commodity Rates

List any special commodity rates, for example:

Household  
Goods

Full truck loads, Denver to \_\_\_\_\_  
\$ \_\_\_\_\_ per load. Partial truck loads. Fractional parts  
will be assessed at \$ \_\_\_\_\_.

Fruits  
Vegetables,  
Fresh

In open boxes, orchard carriers or sacks \_\_\_\_\_  
to \_\_\_\_\_ \$ \_\_\_\_\_ per ton or  
\_\_\_\_\_.

If less than 25 commodities, arrange in alphabetical order. If more  
than 25, complete alphabetical index must be shown.

# APPENDIX E (RULE 37)

## PASSENGER TIME SCHEDULE

(Title Page) (Page 1)  
(Size 8½ x 11 inches)

WM. SMITH AND JOHN BROWN

Doing Business as  
"The Paradise Valley Transportation Company"

TIME SCHEDULE NO. 4  
Cancels Schedule No. 3  
Showing  
Times of Arrival and Departure  
from  
DENVER, FORT COLLINS  
and  
Intermediate Points

Issued September 28, 1959

Effective October 31, 1959

Address: 815 Majestic Building,  
Denver, Colorado

Issued by  
The Paradise Valley Transportation Co.,  
By John Brown, Manager

(Sample Form)

(Page 2)

### Passenger Time Schedule (Size 8½ x 11 Inches) Time Schedule Southbound Daily Read Down

		No. 2	No. 4	No. 6	No. 8
	Mls.	A. M.	A. M.	P. M.	P. M.
Fort Collins (Leave) . . .	00.0	7:00	11:15	2:30	4:45
Loveland (Leave) . . . . .	14.0	7:35	11:50	3:05	5:20
Longmont (Arrive) . . . . .	32.0	8:10	12:25	3:40	5:55
Longmont (Leave) . . . . .		8:20	12:35	3:50	6:05
Lafayette (Leave) . . . . .	44.5	8:50	1:05	4:20	6:35
Denver (Arrive) . . . . .	67.0	9:45	2:00	5:15	7:30

### Northbound Daily Read Up

		No. 1	No. 3	No. 5	No. 7
	Mls.	A. M.	A. M.	P. M.	P. M.
Fort Collins (Arrive) . . .	67.0	10:45	1:15	3:45	5:45
Loveland (Arrive) . . . . .	53.0	10:10	12:40	3:10	5:10
Longmont (Leave) . . . . .	35.0	9:25	11:55	2:20	4:25
Longmont (Arrive) . . . . .		9:15	11:45	2:10	4:15
Lafayette (Arrive) . . . . .	22.5	8:55	11:25	1:50	3:55
Denver (Leave) . . . . .	00.0	8:00	10:30	12:50	3:00

\* - No. 7 and No. 8 Express and Passenger Daily Except Sunday.

Note 1 -- Light figures A. M., Dark Figures P. M.  
Rest Room and Lunch Counter at Longmont

Depots:

Denver -- 1850 California Street

Longmont -- St. Vrain Hotel, 240 Main Street

Fort Collins -- Antlers Hotel, 224 Linden Street.

Note 2 -- This form is merely an illustration. Carriers desiring to follow it must show all stations on their route.

APPENDIX F (RULE 37)

(Title Page) (Page One)

FREIGHT LINE TIME SCHEDULE  
(Size 8½ x 11 Inches)

DENVER-BOULDER FREIGHT LINE

Time Schedule No. 2

Cancels No. 1

Times of Arrival and Departure of  
Freight Trucks

from

DENVER-BOULDER

and

Intermediate Points

Issued September 28, 1959

Effective October 31, 1959

Address: 1325 Blake Street,  
Denver, Colorado  
Issued by Denver-Boulder Freight Line  
By: \_\_\_\_\_

(Title)

(Sample Form)

(Page 2)

FREIGHT LINE TIME SCHEDULE  
(Size 8½ x 11 Inches)  
Time Schedule

South Bound Read Down		Miles		Miles		North Bound Read Up
8:00 A. M.	Lve.	00.0	Boulder	29.6	Arr.	10:45 A. M.
8:30 A. M.		5.4	Marshall	24.2		10:15 A. M.
8:50 A. M.		9.6	Superior	20.0		9:55 A. M.
9:30 A. M.		15.6	Broomfield	14.0		9:15 A. M.
10:45 A. M.	Arr.	29.6	Denver	00.0	Lve.	8:00 A. M.

Depots:

Denver -- 1325 Blake Street  
Broomfield -- Jack's Garage  
Boulder -- 280 Main Street

## MOTOR VEHICLE CARRIER ACT

### Foreword:

The Original "Motor Vehicle Carrier Act" was passed in 1927, as House Bill 430, being Chapter 134, Session Laws of 1927, pp. 499-514. It is printed in the 1935 Colorado Statutes Annotated as Sections 300-326 of Chapter 16, and is labeled Sub-division 1 of Article 4 of Chapter 16. The following compilation is taken from Colorado Revised Statutes, 1953 and includes all amendments thereto.

### ARTICLE 9

#### Motor Vehicle Carriers

115-9-1. Definitions -- (1) The term "corporation" when used in this article means a corporation, company, association or joint stock association.

(2) The term "person" when used in this article means an individual, a firm or a partnership.

(3) The term "commission" when used in this article means the public utilities commission of the state of Colorado or such other official board or body as may succeed to the powers and duties of said public utilities commission.

(4) The term "motor vehicle carrier" when used in this article means and includes every corporation, person, firm, association of persons, lessee, trustee, receiver or trustee appointed by any court whatsoever, owning, controlling, operating or managing any motor vehicle used in serving the public in the business of the transportation of persons or property for compensation as a common carrier over any public highway between fixed points or over established routes, or otherwise, whether such business or transportation is engaged in or transacted by contract, or otherwise.

The fact that any such person carries on his operations:

(a) In whole or in part between substantially fixed points or over established routes;

(b) Under contracts with more than one person or corporation; or

(c) By making repeated or periodical trips, shall be prima facie evidence that such person is a motor vehicle carrier hereunder.

No motor vehicle carrier engaged in interstate commerce shall hereafter operate any motor vehicle within this state for the transportation of either persons or property, or both, without first having obtained from the commission a permit therefor; but it shall not be necessary for such motor vehicle carrier to prove public convenience and necessity as a condition of obtaining such permit.

(5) The term "motor vehicle" when used in this article means any automobile, truck, motor bus or any other self-propelled vehicle, or any trailer drawn thereby, excluding vehicles operated under fixed rails.

(6) The term "public highway" when used in this article means every road or highway over which the public generally has a right to travel.

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

115-9-2. Subject to control by commission. -- All motor vehicle carriers as defined in this article are hereby declared to be public utilities within the meaning of articles 1 to 7 of this chapter, and are hereby declared to be affected with a public interest and subject to this article and to the laws of this state, including the regulation of all rates and charges, now in force or that hereafter may be enacted, pertaining to public utilities, so far as applicable, and not in conflict therewith.



115-9-3. Compliance. -- No motor vehicle carrier as defined in this article shall operate any motor vehicle for the transportation of either persons or property for compensation on any public highway in this state except in accordance with the provisions of this article.

115-9-4. Certificate required. -- No motor vehicle carrier, as defined in subsection (4) of section 115-9-1, shall hereafter operate any motor vehicle for the transportation of either persons or property, or both, upon the public highways of this state, without first having obtained from the commission a certificate declaring that the present or future public convenience and necessity requires or will require such operation. This provision shall not apply to hearses or ambulances, nor to motor vehicles especially constructed for purposes of repairing and towing wrecked vehicles and not otherwise used for transporting property.

The commission may, at its discretion, issue a temporary certificate declaring that the present or future public convenience and necessity requires, or will require, the temporary or seasonal operation of a motor vehicle for the purpose of transporting unprocessed agricultural produce to market or place of storage during a period to be determined by the commission, but such period shall not be longer than ninety consecutive days in any one calendar year.

115-9-5. Rules for issuance. -- The commission shall have power under such rules of procedure governing the application therefor as it may prescribe, to issue a certificate of public convenience and necessity to a motor vehicle carrier or to issue it for the partial exercise only of the privilege sought; and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

115-9-6. Transfer of certificate. -- Any certificate of public convenience and necessity, or rights obtained under any such certificate held, owned or obtained by any motor vehicle carrier, may be sold, assigned, leased, encumbered or transferred as other property, only upon authorization by the commission.

115-9-7, 115-9-8, 115-9-9, and 115-9-10 -- Repealed.

115-9-11. Powers of commission. -- The commission is hereby empowered to administer and enforce any and all provisions of this article including the right to inspect the books and documents of the motor vehicle carriers and operators involved.

115-9-12, 115-9-13, 115-9-14, 115-9-15, and 115-9-16 -- Repealed.

115-9-17. Penalty for violations. -- Any person, firm, association, or corporation who shall use any public highway in this state for the transportation of passengers or property as a motor vehicle carrier as defined in this article, without first obtaining a certificate of public convenience and necessity as provided for, or in violation of any of the terms thereof, or who fails and neglects or refuses to make any return or any report required by the commission, or who denies to the commission access to his or its books and records, or who makes any false return, shall be guilty of a misdemeanor and shall be punishable by a fine as provided in section 115-9-22.

115-9-18. Filing and issuance of certificates. -- The commission shall charge all motor vehicle carriers as defined in this article, in addition to the license fees provided, the following fees: filing fee for application for certificate of public convenience and necessity to operate in intrastate commerce, thirty-five dollars; filing fee for application for certificate to operate in interstate commerce only, fifteen dollars; filing fee for transfer of a certificate of public convenience and necessity, in intrastate commerce, fifteen dollars; filing fee for transfer of a certificate in interstate commerce, five dollars; and the commission shall charge a fee of five dollars for issuing a certificate of public convenience and necessity, either covering interstate commerce or intrastate commerce. All fees charged under this section shall be paid into the treasury of the state to the credit of the general fund of the state.

115-9-19. To file liability insurance policy. -- Every motor vehicle carrier as defined in this article shall file with the commission a liability insurance policy issued by some insurance carrier or insurer, authorized to do business in the state of Colorado, or a surety bond issued by some company authorized to do a surety business



in the state of Colorado, in such sum, for such protection and in such form as the commission, by its rules and regulations, may deem necessary to adequately safeguard the public interest.

115-9-20. To make safety rules. -- The Commission shall supervise and regulate all motor vehicle carriers and shall promulgate such safety rules or regulations as it may deem wise or necessary to govern and control the operation of motor vehicles by them, and shall enforce the same as provided in this article.

115-9-21. Commission may revoke certificate. -- The commission, at any time, by order duly entered, after hearing had upon notice to the holder of any certificate of public convenience and necessity hereunder, and when it shall be established to the satisfaction of the commission that such holder has violated any of the provisions of this article, or violated or refused to observe any of the proper orders, rules or regulations of the commission, may suspend, revoke, alter or amend any such certificate issued under the provisions of this article, provided that the holder of such certificate shall have all the rights of hearing, review and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this chapter. No appeal from or review of any order or ruling of the commission shall be construed to supersede or suspend such order or rulings unless upon order of the proper court obtained therefor.

115-9-22. Penalty for violations. -- Every motor vehicle carrier, and every officer, agent or employee of any motor vehicle carrier, and every other person or corporation who violates or fails to comply with or who procures, aids or abets in the violating of any provisions of this article, or who fails to obey, observe or comply with any order, decision, rule or regulation of the commission, or who procures, aids or abets any corporation or person in its or his failure to obey or observe such order, decision, rule or regulation, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than six months, or both, in the discretion of the court. The inspectors of the commission shall have all the powers conferred by law upon peace officers to carry weapons, make arrests, serve warrants and other process and conduct sales in any county or city and county of this state.

115-9-23. Jurisdiction. -- The district court, or within its jurisdiction the county court or a justice of the peace court of any county in or through which any motor vehicle carrier operates, shall have jurisdiction in all matters arising under this article on account of the operation of such motor vehicle carrier, regardless of the place of residence of such motor vehicle carrier or the place of service of process upon such motor vehicle carrier.

115-9-24. Commission to notify local authorities; -- procedure. -- Whenever the commission shall be of the opinion that any motor vehicle carrier is failing or omitting to do anything required of it by law, or by any order, decision, rule, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done, contrary to or in violation of the law or of any order, decision, rule, direction or requirement of the commission, it shall request the attorney of the commission or the attorney general of the state or the district attorney of any district to commence an action or proceeding in the district or county court in and for the county or city and county in which the cause or some part thereof arose, or in which the corporation or person complained of has its principal place of business, or in which the person complained of resides, in the name of the people of the state of Colorado for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction.

The attorney of the commission or the attorney general of the state or the district attorney of any district so requested shall thereupon begin such action by petition to the district or county alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of a copy of the petition, within which the motor vehicle carrier complained of must answer the petition, and in the meantime the said motor vehicle carrier may be restrained. In case of default

in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such corporations or persons as the court may deem necessary or proper to be enjoined as parties in order to make its judgment, order or writ effective may be joined as parties. The final judgment in any such action shall either dismiss the action or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief.

A writ of error may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this article, as writs of error are taken from judgments of the district court in other actions for mandamus or injunction.

Any person or corporation injured by such noncompliance of any motor vehicle carrier with the provisions of this article or of any other provisions of the law or orders, decisions, rules, directions or requirements of the commission, may apply to any court of competent jurisdiction for the enforcement thereof, and the court shall have jurisdiction to enforce obedience thereto by writ of injunction or other proper process, mandatory or otherwise, and to restrain any such motor vehicle carrier, its officers, agents, employees or representatives from further disobedience thereof, or to enjoin upon it or them obedience to the same, and any person or corporation so injured shall likewise have cause of action in damages, and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

115-9-25. Transportation of farm produce and school children. -- Nothing in this article shall be construed as prohibiting the intermittent transportation of farm products to market or supplies to the farm by any person chiefly engaged in farming, or to the transportation of children to and from school.

115-9-26. Must file rates with commission. -- It shall be unlawful for any motor vehicle carrier to carry or advertise that it will carry any goods or persons at rates other or different than those it shall have on file with the commission for such carriage.

115-9-27. Advertising statements -- insurance -- penalty. -- No motor vehicle carrier shall insert any advertisement in any newspaper or other publication of general circulation, or circulate any written or printed matter, or display any signs, advertising his motor carrier business, unless the advertisement, written or printed matter, or signs, shall distinctly state in a conspicuous manner whether or not passengers or property carried by the said motor vehicle carrier are insured by him under public liability policies of insurance; and no motor vehicle carrier shall use the words "bonded and insured" or words of similar import, in the conduct of his advertising unless he shall carry public liability insurance. In all such advertisements, written or printed matter, or signs, the carrier shall distinctly state the kind of equipment used by the carrier in the transportation of passengers or property; and in the case of motor vehicle passenger carriers, whether the carrier operates parlor car buses or touring cars or sedans. No motor vehicle carrier shall advertise parlor car buses or sedan type buses or touring cars or sedans unless the motor carrier has sufficient of the named type of equipment to provide transportation for his passengers in the type of equipment so advertised; and no motor vehicle carrier shall advertise in any newspaper, publication, sign or otherwise, any statement that would mislead the public as to schedules, insurance, or type of equipment to be used.

Every motor vehicle carrier and every officer, agent or employee of any motor vehicle carrier who violates or fails to comply with the provisions of this section, or who falsely states in said advertisements, written or printed matter or signs that passengers or property are insured under policies of public liability insurance, or falsely states the kind of equipment in which passengers are to be transported, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five hundred dollars or more than one thousand dollars or be imprisoned in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the court.

115-9-28. Appropriations. -- If and when the general assembly, in the general appropriation bill or otherwise, shall make an appropriation for the payment of the expenses of the administration and enforcement of this article then, and in this event, all such expenses shall be paid out of the moneys so appropriated, and not otherwise; and no part of any moneys collected shall be set aside or used for any of such expenses for or during any period for which any such appropriation shall have been made.

115-9-29. Public utilities law applies. -- All provisions of articles 1 to 7 of this chapter, and all acts amendatory thereof or supplemental thereto, shall, in so far as applicable, apply to all motor vehicle carriers subject to the provisions of this article.

\* \* \*

*original*

(Decision No. 54133)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND  
REGULATIONS GOVERNING PRIVATE  
CARRIERS BY MOTOR VEHICLE.

CASE NO. 5177

May 16, 1960.

S T A T E M E N T

By the Commission:

By statute (Chapter 115, C. R. S., 1953), the administration and enforcement of Rules and Regulations Governing Private Carriers by Motor Vehicle is vested in The Public Utilities Commission of the State of Colorado. The Commission is expressly given the power to prescribe rules and regulations as may be necessary for the effective administration of the provisions of said statute. Pursuant to that power, various Rules and Regulations Governing Private Carriers by Motor Vehicle have been adopted by the Commission.

Since the last revision of the Private Carrier Rules and Regulations, effective in 1955, changed conditions and circumstances affecting Private Carriers by Motor Vehicle have necessitated further amendment and revision of said Rules and Regulations. In consequence thereof, the Commission instituted this Case, on its own motion. Pursuant to the provisions of Section 2 of Chapter 37, Session Laws of 1959 (Administrative Code), notice of proposed rule-making proceedings must be given to every person who has requested to be placed upon the Commission's mailing list, and who has paid the fee therefor. No person having requested to be placed on said list, notice of the proposed adoption of Rules and Regulations Governing Private Carriers was given by the Commission to all persons, corporations, and partnerships as shown by the records of the Commission to be a holder of a Private Carrier Permit.

Pursuant to notice given, the Commission, on February 15, 1960, held a public hearing on proposed new Rules and Regulations Governing Private Carriers by Motor Vehicle.



After consideration of the record made at the hearing, and the suggestions made by counsel and the carriers, the Commission hereby promulgates, adopts, approves, and issues its revised "Rules and Regulations Governing Private Carriers by Motor Vehicle," which said Rules and Regulations are attached hereto, and by reference made a part of this Order.

O R D E R

THE COMMISSION ORDERS:

That the Rules and Regulations hereto attached and made a part hereof, be, and the same are hereby, promulgated, adopted, and approved, hereafter to be designated as "Rules and Regulations Governing Private Carriers by Motor Vehicle."

IT IS FURTHER ORDERED, That all previous "Rules and Regulations Governing Private Carriers by Motor Vehicle" issued by this Commission are hereby cancelled, annulled, and revoked.

IT IS FURTHER ORDERED, That this Order, and the Rules and Regulations hereby promulgated, adopted, and approved, shall become effective June 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nizio*  
*Rueben C. Hobart*  
*Clay E. Adams*  
Commissioners

Dated at Denver, Colorado,  
this 16th day of May, 1960.

HW



## TABLE OF CONTENTS

\* \* \*

<u>Rule No.</u>		<u>Page No.</u>
1.	Operators Shall Read Rules, Regulations, and Law; Application of Rules . . . . .	1
2.	Filing Fees. . . . .	1
3.	Contents of Application for Permit . . . . .	1
4.	Hearings -- Issuance of Permits -- Temporary Permits .	2
5.	Extension of Permit Prohibited without Hearing . . . .	2
6.	Transfer, Consolidation, Merger and Acquisition of Control . . . . .	2
7.	Suspension or Revocation of Permit . . . . .	4
8.	Dual Operations Prohibited . . . . .	4
9.	Marking of Vehicles. . . . .	4
10.	Identification Cards (Cab Cards) and Letters of Authority . . . . .	5
11.	Equipment. . . . .	5
12.	Leasing of Equipment as Lessee . . . . .	5
13.	Emergency Equipment -- Emergency Letters . . . . .	6
14.	Use of Permits by Others than Permit-Holder. . . . .	7
15.	Insurance -- Surety Bond . . . . .	7
16.	Compliance with Colorado Motor Vehicle Laws. . . . .	8
17.	No Advertising . . . . .	8
18.	Contracts and Customer Lists . . . . .	8
19.	Rates and Charges. . . . .	9
20.	Tariffs to be Filed. . . . .	9
21.	Compilation of Tariffs and Classifications . . . . .	10
22.	Bills of Lading. . . . .	10
23.	Load Sheets or Manifests . . . . .	10
24.	Transportation of Explosives and Dangerous Articles. .	11
25.	C. O. D. Shipments . . . . .	11
26.	Sanitary Regulations . . . . .	12
27.	Drivers; Maximum Hours . . . . .	12
28.	Stops at Railroad Crossings. . . . .	12
29.	Rule Exemption . . . . .	13

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RULES AND REGULATIONS  
GOVERNING PRIVATE CARRIERS  
BY MOTOR VEHICLE

RULE 1

Operators Shall Read Rules, Regulations, and Law;  
Application of Rules.

Every Private Carrier by motor vehicle, and all operators, drivers, and employees of any such private carrier by motor vehicle, shall read the following Rules and Regulations, and the statutes printed in this pamphlet, and shall become familiar with the same. These Rules apply to all Private Carriers by Motor Vehicle, as defined by law, operating in Colorado, and all such carriers shall at all times comply with these Rules and Regulations and all applicable statutes and laws of the State of Colorado.

RULE 2

Filing Fees.

All applications for a permit to operate as a Private Carrier, and all applications to sell, assign, lease, or transfer such permit, shall be filed in the office of the Commission, at Denver, Colorado, upon payment of the following fees:

Filing Application -- Intrastate Authority . . .	\$25.00
Filing Application -- Interstate Authority . . .	5.00
Filing Application for Transfer, including Transfer by Lease:	
Intrastate Authority . . .	15.00
Interstate Authority . . .	5.00

An application to extend authority, either intrastate or interstate, shall require the same fee as an original application.

No fee shall be required in filing an application to curtail authority.

RULE 3

Contents of Application for Permit.

Every Private Carrier by motor vehicle, before commencing operations, shall make application for a permit to The Public Utilities Commission. Said application shall contain the following information:

(a) The name and address of the applicant and the name under which the operation shall be conducted. If the applicant is a corporation, a statement of that fact, the name of the state in which it is incorporated, location of its principal office, if any, in this State, and the names of its Directors and Officers and Colorado Agent for Service. A corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter. If the applicant is a partnership, the names and addresses of all partners shall be set forth.

(b) A statement of the kind of transportation in which applicant intends to engage, whether passenger, freight, or express, and whether C.O.D. shipments will be handled.

(c) A statement of the area, route, or routes, or the points to be served, which may be set out in the application or set forth in an exhibit attached thereto, accompanied by a map, blueprint, or sketch of the proposed route.

(d) A description of the equipment to be operated in the proposed service, and the reasonable value of the same as of the date of filing the application.

(e) A statement that the applicant is familiar with the Commission's Rules and Regulations, and the rates prescribed for motor vehicle Common Carriers,

and that he will maintain such rates, or minimum rates, as may be prescribed by the Commission.

(f) Every application shall be signed by the applicant or his or its attorney or agent, with the address of the attorney or agent.

(g) Applications for permits to operate in interstate commerce to transport any commodities not excepted from the operation of the Federal Motor Carrier Act of 1935, as amended, shall be accompanied by a copy of applicant's authority to operate in interstate commerce as a "contract carrier" over the same route and for the transportation of the same commodities for which a permit is sought from this Commission, and no such permit to operate in interstate commerce will be issued until the Federal permit becomes effective.

#### RULE 4

##### Hearings -- Issuance of Permits -- Temporary Permits.

(a) All applications for intrastate permits will be set down for hearing, and written notice thereof given to all competing motor vehicle common carriers whose operations may be affected by the issuance of such permit, at least ten (10) days prior to the time fixed for such hearing.

(b) While, ordinarily, interstate permits will issue without notice or hearing, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, the Commission, if it so elects, may require a hearing on the application.

(c) Where, in the opinion of the Commission, public necessity requires, the Commission may, in its discretion and without hearings or other proceedings, grant a temporary permit, such temporary permit, unless suspended or revoked for good cause, shall be valid for such time as the Commission may specify, but not to exceed ninety (90) days, and shall create no presumption that permanent authority will be granted thereafter. Such temporary permit shall expire on the expiration date therein set and shall thereafter be null and void without any hearing, unless otherwise ordered by the Commission.

#### RULE 5

##### Extension of Permit Prohibited without Hearing.

(a) No private carrier by motor vehicle shall extend, or in any manner enlarge, change, alter, or vary the territory, route or routes, or the service authorized by his permit, or serve any points or transport any commodities not included therein, unless or until such private carrier has made application to the Commission upon forms to be provided by the Commission and the Commission has authorized the same.

(b) No private carrier by motor vehicle shall extend the route, territory, or privileges authorized in his or its permit by transporting or accepting for transportation any shipment which is to be delivered to another carrier, or carriers, for transportation to a point not authorized to be served by his or its permit.

(c) No private carrier by motor vehicle shall extend or enlarge the route, territory, or privileges authorized in his or its permit by transporting or accepting for transportation any shipment destined to or originating at any point intermediate to the termini of his or its route, unless service to intermediate points is authorized by any such permit.

#### RULE 6

##### Transfer, Consolidation, Merger and Acquisition of Control

No private carrier by motor vehicle shall sell, lease, assign, mortgage, transfer, by act or deed or by operation of law, or otherwise dispose of or encumber its permit, or any right thereunder, by any means whatsoever, directly

or indirectly, or merge or consolidate its permit, or any part thereof, with any other motor vehicle carrier, or to any one not a motor vehicle carrier, without first having received from the Commission an Order authorizing it so to do. Every such sale, lease, assignment, mortgage, encumbrance, transfer, merger, consolidation, or other disposition, made without the prior authorization of the Commission shall be void.

Whenever any such permit, or rights obtained thereunder, are owned or held by a corporation, there shall not be any sale, lease, assignment, mortgage, or transfer of the capital stock of such corporation as will effectuate control of the corporation, and indirectly the permit held by it, without first having been authorized to transfer said control by The Public Utilities Commission of the State of Colorado. Every assignment or transfer of control, or agreement for assignment or transfer by any means whatsoever, in violation of the above provisions, without prior approval of the Commission, shall be void and of no effect.

For the purpose of this regulation, control of the permit owned by said corporation shall be judged on the merits of each individual case, to the end that there shall be no control of the management of the corporation passing to any other person, or group of persons, other than those in control at the time ownership of the permit by the corporation was previously approved by this Commission.

The execution of a chattel mortgage, deed of trust, mortgage, or other similar document which has or has not been approved by the Commission, does not constitute a transfer within the meaning of this rule.

A transfer of a permit by means of foreclosure of a mortgage, deed of trust, or other lien or encumbrance upon such permit, or by an execution in satisfaction of any judgment or claim against the holder thereof, shall not be effective without the prior approval of the Commission.

The Commission will not approve a transfer of operating rights to a carrier who is the holder of operating rights duplicate, in whole or in part, except to an immaterial extent, to those proposed to be transferred, unless the transferee shall agree to cancel such duplicating rights.

A proposed transfer of operating rights will not be approved if the Commission finds that the transferee does not intend to, or would not engage in, bona fide motor carrier operations under such operating rights.

The transfer of any operating rights under which operations are not being conducted at the time of the proposed transfer, and has not been performed for a substantial period of time, will be allowed only upon the showing that the cessation of operations was caused by circumstances over which the operator of such operating rights had no control, or had been suspended by an Order of the Commission.

Application for transfer shall be made in duplicate:

(a) Such application shall contain all information concerning the transferee or transferees now or hereafter required in original application.

(b) Said application will not be entertained unless all the rights granted under said permit are sought to be sold, assigned, leased, encumbered, or transferred, or the rights not so included are voluntarily surrendered.

(c) Unless said operating rights have been suspended by the Commission, it must appear upon the records of the Commission that such permit is in full force and effect, and that the permit-holder has the required insurance or surety bond on file and has made all reports, before said application will be considered by the Commission.

(d) The financial standing and qualifications of the transferee to conduct the operation must be established to the satisfaction of the Commission before application will be granted.



(e) The transferor must not cancel his insurance, surety bond, or tariffs on file with the Commission until the Commission has approved the transfer and until the transferee has filed all such documents in his own name.

(f) The transferee shall not begin operations until after the Commission has approved the transfer and until said transferee has filed all necessary documents with the Commission, including the Acceptance required by this Rule, and secured the necessary evidences of his authority.

(g) No transfer shall become effective in any event for any purpose unless and until the transferee shall file a written Acceptance with the Commission, accepting the terms and conditions of the Order allowing the transfer, and stating the exact date on which said transferee will begin and be responsible for operations under the permit. The Acceptance shall also contain a statement, which must be signed by the transferor, to the effect that transferee has complied with all provisions of the agreement of sale, lease, or other transfer.

#### RULE 7

##### Suspension or Revocation of Permit.

Any permit may at any time be revoked, suspended, altered, or amended by the Commission upon at least ten (10) days notice to the private carrier by motor vehicle and an opportunity to be heard, for any of the following reasons:

(a) Violation of or failure to comply with any statutory enactment concerning private carriers by motor vehicle.

(b) Violation of or failure to comply with the terms and conditions of his or its permit.

(c) Exceeding the authority granted in his or its permit.

(d) Violation of or failure to observe and comply with any lawful Order, rule, or regulation of the Commission.

#### RULE 8

##### Dual Operations Prohibited

Private carriers who also hold a certificate of public convenience and necessity from this Commission shall not transport freight under more than one of such authorities on the same vehicle or combination of vehicles at the same time.

#### RULE 9

##### Marking of Vehicles

(a) No private carrier by motor vehicle shall operate any vehicle upon the public highways of this State unless and until such private carrier by motor vehicle shall carry, and cause to be painted upon each side of all motor vehicles, trucks, and trailers used by any such private carrier in the business of transporting persons or property for compensation or hire upon the public highways of this State, the following information in the style and size hereinafter provided:

(1) The name and address of the person, firm, corporation, or association to whom the private permit has been issued, in letters not less than two and one-half inches in height.

(2) The permit number assigned to such private carrier in letters and figures not less than two and one-half inches in height, arranged as follows:

"COLO. P. U. C. A (B)-0000"

Provided, however, that in lieu of the above required markings, Private Carriers by motor vehicle may use a detachable placard, constructed of

metal, wood or other durable material, which shall be securely attached to each side of all the above-described vehicles and in the manner as above set out.

(b) All such lettering shall be of such color as will sharply contrast with the background upon which it is painted, and shall be placed on the vehicle in such location as will be readily seen and legible at all times.

(c) All markings shall be completely removed from all vehicles when permanently withdrawn from service or disposed of by the permit-holder, or when the permit has been cancelled by the Commission.

#### RULE 10

##### Identification Cards (Cab Cards) and Letters of Authority

(a) No motor vehicle shall be operated upon the public highways of this State by any private carrier in intrastate commerce, unless and until said carrier has obtained and placed upon said vehicle a letter of authority, stating the operating authority issued to said carrier by the Commission. Said letter of authority shall be obtained from the Commission upon the request by the carrier in such quantity as the carrier may need or require.

(b) No motor vehicle shall be operated upon the public highways of this State by any private carrier, in interstate commerce, unless and until said carrier has obtained and placed upon said vehicle an identification card. Said identification cards shall be obtained from the Commission upon request by the carrier in such quantity as the carrier may need or require.

(c) The letters of authority and identification cards herein required shall be marked "continuous unless revoked, cancelled, suspended, altered or amended" by the Commission. No carrier may alter either the said letters of authority or identification cards in any manner whatsoever.

(d) Whenever any vehicle is leased, as provided for by these rules, by a private carrier engaged in intrastate commerce, and lease has been approved by the Commission, a letter of authority to be issued by the Commission shall be placed upon said leased vehicle.

(e) Whenever any vehicle is leased by a private carrier engaged in interstate commerce, and the lease has been approved by the Commission, an identification card to be issued by the Commission shall be placed upon said leased vehicle.

(f) No list of equipment need be filed with the Commission other than a list of the number of vehicles to be operated in order to obtain for each vehicle a letter of authority or identification card, as the case may be.

#### RULE 11

##### Equipment

All permit-holders shall either own their own motor vehicles operated under their permits (proprietary control being deemed ownership), or lease such equipment, in accordance with these Rules. Provided that where there is any restriction as to the size or number of vehicles that may be used under a permit, then the permit-holder shall file a description of all vehicles used.

#### RULE 12

##### Leasing of Equipment as Lessee.

Unless the Commission finds after a hearing that the public interest otherwise requires, no Private Carrier shall, as lessee, lease or rent equipment to be used under his permit except in accordance with these Rules. Leases shall be filed in the form attached hereto as "Appendix A."

(a) No lease of equipment shall be executed for any period less than three (3) months, but shall be subject to cancellation by either party to said lease upon fifteen (15) days' written notice of cancellation served upon the other party and the Commission.

(b) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on a percentage basis dependent on gross receipts per trip, or for any period of time, is prohibited.

(c) All leases shall be in writing, signed by the parties thereto, and approved by the Commission. Said leases shall specify the period of time for which they are to be in effect, and shall specify the consideration to be paid by the lessee, and during the entire period of such lease, a signed and approved copy thereof shall be carried in each motor vehicle covered thereby. During the existence of the lease, the lessee shall have full discretion and complete control of said motor vehicle(s), and will be fully responsible for the operation thereof in accordance with applicable law and regulations as if lessee were the owner of such vehicle(s), including the requirements of these Rules as to safety of equipment and inspection thereof, and insurance coverage.

(d) The Commission shall, at all times, have the right to examine all leases of equipment, and approve or disapprove the same.

(e) No Private Carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof, to any person, firm, or corporation not a carrier by motor vehicle for hire.

### RULE 13

#### Emergency Equipment -- Emergency Letters.

(a) Whenever any Private Carrier by motor vehicle, in cases of emergency or unusual demands for transportation from any customer with whom such carrier has a contract for such service, must use motor vehicle equipment not owned by him or under lease to him or for which letters of authority have not been issued, the carrier may engage such other equipment as is necessary to meet the emergency and demands. The permit-owner shall, before the emergency equipment is placed in operation, issue an Emergency Letter, in the form attached hereto as "Appendix A-1," and place one copy of the letter upon the emergency vehicle; one copy shall be mailed immediately to The Public Utilities Commission of the State of Colorado, and be on file with said Commission within three (3) days after the issuance thereof, and one copy shall be retained by the carrier. The Emergency Letter required herein shall not be for a period of more than ten (10) days, and shall contain the following information:

1. Name and address of the carrier issuing the letter.
2. Permit number of the issuing carrier.
3. License number of the vehicle used.
4. Complete description of the vehicle.
5. Nature of emergency.
6. Origin and destination of vehicle movement.
7. Period the emergency vehicle is to operate.

(b) The driver or operator of any such emergency vehicle need not bear the relationship of an employee to the carrier, but in all such cases, all requirements of these Rules shall be complied with by said driver and operator, and the carrier hiring said equipment and driver shall be held fully responsible for said



driver and operator in regard to insurance and all other requirements of law and of these Rules.

(c) Where interstate freight is carried in a trailer or semi-trailer which is turned over to a connecting carrier and a "Receipt and Inspection Report" is executed and carried on the trailer or semi-trailer as required by the Rules and Regulations of the Interstate Commerce Commission, it shall not be necessary to execute an "Emergency Letter" as provided in subsection (a) above.

#### RULE 14

##### Use of Permits by Others than Permit-Holder.

No Private Carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these Rules, under his or its permit, without first having obtained the consent of the Commission, in writing. Any Private Carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, either with or without the authorization of the Commission, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user.

#### RULE 15

##### Insurance -- Surety Bond

(a) Every Private Carrier by motor vehicle shall obtain and keep in force at all times Public Liability and Property Damage Insurance, or a surety bond providing similar coverage, issued by some insurance or surety company authorized to do business in the State of Colorado, which shall be in such form, with such schedules and endorsements as may be prescribed by the Commission, covering all vehicles which may, at any time, be operated by or for, or which may be under the control of, the carrier (such coverage to be accomplished by so-called "Waiver of Description" endorsement on each policy), in no less amounts than the following:

##### 1. Passenger Carriers:

<u>Passenger Capacity</u>	<u>Total for Death or Injury to any One Person</u>	<u>Total Liability in any One Accident</u>	<u>Property Damage</u>
12 or less	\$25,000	\$ 50,000	\$ 5,000
13 to 18, inclusive	25,000	70,000	5,000
19 to 24, inclusive	25,000	90,000	5,000
More than 24	25,000	100,000	5,000

##### 2. Vehicles used in transportation of property:

For death or injury to any one person	\$25,000
Total liability in any one accident	50,000
Property damage	5,000

##### 3. Cargo coverage:

Light weight vehicles, one ton or less rated capacity	\$ 500
Medium weight vehicles, over one ton and not to exceed three and one-half tons rated capacity	\$ 750
Heavy weight vehicles, over three and one-half tons rated capacity	\$ 1,000

Provided that no cargo carrier shall, in any event, accept or transport any single shipment unless the declared value of the shipment is covered by trip insurance or other cargo insurance.

The Commission may increase, decrease, or amend these requirements as to the extent of coverage for any carrier.

(b) A Certificate of Insurance (or Surety Bond), executed by a duly authorized agent of the insurer, shall be filed with the Commission in lieu of the original policy, such certificate to be in a form prescribed by the Commission. Original policy is to be retained by the assured and kept available for inspection by any authorized representative of the Commission.

(c) All insurance coverage must be filed with the same initials, name, trade or corporate name, and address as listed in the application for the permit, subject to changes of address upon written notice to the Insurance Department of the Commission.

(d) Every insurance certificate required by and filed with the Commission shall be kept in full force and effect unless and until cancelled by ten (10) days' written notice, which time shall run from the date the notice is actually received by the Commission, and the certificate shall contain a statement to this effect.

#### RULE 16

##### Compliance with Colorado Motor Vehicle Laws.

All Private Carriers by motor vehicle shall comply with the provisions of the Colorado Motor Vehicle Laws and other State, Federal, or local legislation applicable to the use of motor vehicles upon the public highways of this State, and all rules concerning lights, brakes, size, weight, and loads of any such motor vehicles, and all laws governing the registration and licensing of vehicles, equipment and drivers.

#### RULE 17

##### No Advertising.

No Private Carrier shall advertise in any newspaper, magazine, or other publication, or otherwise hold himself out to serve the public indiscriminately. Nothing in this Rule shall be so construed as prohibiting any Private Carrier from soliciting contracts for the transportation of passengers or freight as he may be entitled under the laws.

#### RULE 18

##### Contracts and Customer Lists.

(a) No Private Carrier by motor vehicle operating in Colorado shall engage in any act of transportation for hire unless and until such carrier has a bona fide contract, either written or oral, with the shipper for whom the transportation is performed, and every Private Carrier hauling in violation of this Rule shall be deemed prima facie to be operating unlawfully and his permit shall be subject to revocation.

(b) Every Private Carrier shall file with the Commission a list of all shippers with whom the carrier has contracts, and new, revised customer lists shall be filed with the Commission on or before March 1 of each calendar year. Amended customer lists may be filed from time to time as may be necessary or convenient, and the Commission may at any time require a revised list to be filed. The Commission, on request, will supply forms for use in preparing customer lists.

(c) Whenever any Private Carrier enters into a contract with a shipper who is not then on the carrier's customer list, the carrier shall immediately notify the Commission, by letter, of the addition of said shipper to the carrier's customer list, and if, by contract expiration or otherwise, a shipper ceases to be a customer of the carrier, the Commission shall likewise be notified of the deletion of the shipper from the customer list. No shipment shall be accepted by the carrier, and no haul shall be made for any shipper not on the carrier's customer list, unless and until the letter notifying the Commission of the addition of such shipper to the carrier's customer list has been deposited in the mail.

(d) Copies of all written contracts of carriage in force between shippers and private carriers shall be retained by the carrier in a file for the purpose, and such contracts shall, at all times, be kept available for inspection or examination by the Commission.

(e) When an oral contract of carriage is entered into between a shipper and a Private Carrier, the carrier shall immediately make a written memorandum of such oral contract in a book to be kept for the purpose, such memorandum to include the name of the shipper, the name of the person with whom the contract was negotiated, the date and term of the contract, the commodities to be transported, the principal origin and destination points of the carriage, and all other material provisions of the contract. The book containing the memoranda of oral contracts shall, at all times, be kept available for inspection or examination by the Commission.

(f) The act of any Private Carrier in filing or keeping on file with the Commission the name of any shipper as a customer of such carrier, when the carrier cannot support such filing by exhibiting a copy of the written contract or the written memorandum of the oral contract with such shipper, shall be prima facie evidence that such carrier is operating unlawfully and in violation of his permit, and the Commission may institute proceedings to cancel or suspend the permit of any such Private Carrier.

(g) The Commission, at all times, shall have the right to investigate all customer lists and customer contracts, and to approve or disapprove such lists and the whole or any part of such contracts.

#### RULE 19

##### Rates and Charges.

(a) Every Private Carrier by motor vehicle operating in intrastate commerce and competing with any one or more duly authorized motor vehicle common carriers shall charge and receive for the transportation of persons and property not less than the minimum rates and charges applicable to such private carriers which shall be fixed from time to time by the Commission, and said minimum rates and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service.

(b) When competing with any two or more connecting motor vehicle common carriers who have on file with the Commission a tariff of joint through rates based upon the through mileage prescribed in any Order of the Commission fixing the rates of motor vehicle common carriers, every Private Carrier by motor vehicle shall charge not less than the minimum rates prescribed by the Commission, which shall not be less than those provided in any such joint tariff applicable to the points served. If no joint through rates are published and maintained by any such connecting motor vehicle common carriers, then any such private carrier by motor vehicle shall charge not less than the minimum rates prescribed by the Commission, which shall not be less than the combination of local rates for common carriers prescribed by the Commission for application between the points served.

(c) The rates and charges collected or to be collected by Private Carriers shall be subject to the requirements of these Rules as to filing tariffs with the Commission.

(d) The Commission may, at any time, after hearing, change, amend, or alter any tariff or rate of any Private Carrier competing with a motor vehicle common carrier, and may fix the exact rates to be charged by any such Private Carrier.

#### RULE 20

##### Tariffs to Be Filed.

(a) Every Private Carrier competing with a motor vehicle common carrier shall file with the Commission, within the time and in the form herein prescribed, and shall keep on file with the Commission at all times, schedules showing minimum rates, charges, and collections, collected or enforced, or to be collected or enforced, which in any manner affect or relate to the operations of any such Private Carrier.



(b) No Private Carrier shall refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates and charges specified in the applicable tariff.

(c) If the Commission, upon examination of any tariff or supplement filed by a Private Carrier, shall find that such tariff shows a rate or charge less than the minimum rates for Private Carriers prescribed by the Commission, then, even though such tariff may have become effective, the carrier, upon notice from the Commission, shall proceed to collect all undercharges from the shippers affected.

#### RULE 21

##### Compilation of Tariffs and Classifications.

All Private Carriers shall file with the Commission one copy of a tariff showing the rates, fares, charges, rules and regulations for transportation, such tariff to be in the form prescribed by the Commission, which form is set forth in Appendix E to these Rules.

#### RULE 22

##### Bills of Lading.

(a) Every Private Carrier by motor vehicle, unless otherwise provided herein, shall issue, at time of accepting shipment, a bill of lading covering each shipment, which shall be itemized in a manner so as to fully and clearly show the description and classification of the shipment and the rate charged for transportation thereof.

(b) Private Carriers by motor vehicle, when engaged in transporting milk and cream, ore, concentrates, coal, sand, gravel, gasoline, oil, grain, or other bulk commodities in truck loads from one consignor to one consignee, at one time, will not be required to issue and carry bills of lading if some other written record of each shipment is issued, received, and carried by the carrier, showing the description, classification, and rate as above required.

(c) All bills of lading and livestock shipping contracts shall be numbered in numerical order, and may be in the forms prescribed by the Commission (which forms are set forth in Appendix B and Appendix C hereto) or the Uniform Bill of Lading, and shall, prior to the commencement of transportation, be duly filled out and signed by the shipper or his duly authorized agent.

(d) Copies of all bills of lading shall be filed in chronological order separate and apart from all other records, and retained by the carrier at his or its place of business within the State of Colorado for a period of at least two years, and shall be made available to the Commission or its representatives upon request.

(e) Where there is any conflict, the provisions of this Rule shall supersede Item No. 2, Appendix A (Uniform Bill of Lading) to the Orders of this Commission in Case No. 1585.

#### RULE 23

##### Load Sheets or Manifests.

(a) Every Private Carrier of freight by motor vehicle, except as herein provided, shall carry with each truck a load sheet or manifest, or in lieu thereof, duplicate bills of lading or freight bills, showing all shipments, except milk and cream, carried on each truck, which shall be subject to inspection at all times. Such load sheets or manifests shall be in substantially the form shown in Appendix D, entitled "Daily Trip Report."

(b) This load sheet or manifest shall be made out in duplicate for each motor vehicle carrying freight (property for hire) by the forwarding agent or office of the carrier prior to the beginning of each trip. The second copy shall be delivered to the driver, who will, after completing the trip, add to the report the

shipments taken aboard en route, if any, and return the report to the general office or dock of the carrier. The original copy shall be retained at the forwarding office, which, after receiving the driver's or second copy, shall have transcribed thereon the record of additional shipments, if any, taken aboard by the driver. These load sheets or manifests shall be numbered in numerical order by print at the time of printing. The load sheet or manifest, when properly filled out, shall contain the number of all bills of lading or express receipts, the destination, consignor, consignee, weight, amount, miles, and ton-miles of the shipment covered by the freight bill, together with the make and license number of the truck and the signature of the driver, or drivers. All interstate private carriers by motor vehicle shall keep a copy of each such manifest or load sheet at some place in the State of Colorado, which shall show the foregoing details concerning every shipment transported into or out of the State.

(c) Every private carrier by motor vehicle shall preserve one complete original copy of every such load sheet or manifest issued, in numerical order, at his or its principal office within this State, for a period of at least two (2) years.

(d) Private Carriers by motor vehicle engaged in transporting ore, concentrates, newspapers, coal, sand, gravel, gasoline, oil, or other bulk commodities in truck loads from one consignor to one consignee, will not be required to carry the load sheets or manifests required by this Rule, if, in lieu thereof, a bill of lading, shipping order or some other written record of each load or trip is kept and carried on each truck, and shall be preserved in numerical or chronological order for a period of at least two years as required by this Rule for the preservation of manifests or other daily trip reports. All such load sheets, trip reports, manifests, bills of lading, shipping orders, or other written records kept under the provisions of this Rule shall be filed separately from all other records of the Private Carrier, and shall be made immediately available to the Commission or its representatives upon request.

#### RULE 24

##### Transportation of Explosives and Dangerous Articles.

All Private Carriers by motor vehicle who are authorized by Order of this Commission to transport explosives and/or other dangerous articles shall maintain standards of care and safety devices which at minimum meet the requirements of the Rules and Regulations of the Interstate Commerce Commission concerning the transportation of explosives and/or other dangerous articles.

#### RULE 25

##### C. O. D. Shipments.

(a) No Private Carrier shall accept any C. O. D. shipments or otherwise collect money from any consignee to be paid to the consignor, unless such carrier shall have on file with the Commission cash or a Surety Bond in an amount not less than \$2,000, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C. O. D. or other collections by the carrier to the consignor. Said Surety Bond shall authorize the Commission summarily to apply any part or all of the amount thereof to the payment of any C. O. D. or other collection account owed by the carrier to any consignor, which the carrier has not paid within ten (10) days after the receipt thereof.

(b) No C. O. D. shipment shall be delivered by any carrier unless the consignee shall pay the full amount of the charges due thereon, and delivery of C. O. D. merchandise shall constitute prima facie evidence that payment has been received by the carrier, and shall authorize the Commission to pay the charge from the C. O. D. deposit on file.

(c) The Commission may waive this Rule and allow self-insurance by Private Carriers upon application showing financial responsibility to the satisfaction of the Commission.

## RULE 26

### Sanitary Regulations.

(a) All motor vehicles used for the transportation of foodstuffs shall be kept in a clean and sanitary condition, and all Private Carriers shall comply with the Rules and Regulations of the State Department of Agriculture and the State Dairy Commissioner when transporting milk, cream, and other commodities, the transportation and distribution of which are under the jurisdiction of the above-mentioned departments of the State.

(b) No Private Carrier by motor vehicle shall transport milk and cream or other foodstuffs upon the same vehicle with livestock or live poultry, unless such carrier secures the prior approval of the Commission and complies with Section (a) of this Rule.

(c) No Private Carrier by motor vehicle shall transport milk, cream, or other foodstuffs upon the same vehicle with gasoline, kerosene, oil, mixed feeds, coal, or other commodities that might contaminate the milk, cream, or other foodstuffs, unless the same are carried in a separate, tightly closed compartment.

## RULE 27

### Drivers; Maximum Hours.

(a) No Private Carrier shall cause or allow any driver or operator to work as such for more than a maximum of ten (10) driving hours in the aggregate in any twenty-four-hour period unless such driver, or operator, shall be off duty for at least eight consecutive hours' rest during or immediately following the ten hours' aggregate driving and within said twenty-four-hour period, provided that two periods of resting or sleeping in the truck berth may be cumulated to give the total of eight hours off duty. No carrier subject to these regulations, if himself a driver, shall remain on duty or drive for longer periods than those prescribed for employed drivers.

(b) In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run, except for said emergency, could reasonably have been completed without such violation.

## RULE 28

### Stops at Railroad Crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any vehicle carrying explosive substances or inflammable liquids, as a cargo, or part of a cargo, before crossing at grade any track or tracks of any railroad, shall bring such vehicle to a full stop out of the line of traffic as far as possible, within fifty (50) feet, but not less than ten (10) feet from the nearest rail of such track or tracks, and while so stopped shall listen and look in both directions along such track or tracks for any approaching locomotive, train, or car, and for signals indicating the approach of a locomotive, train or car, and shall not proceed across said track or tracks until such crossing may be safely made. No stop need be made at any such crossing where a police officer or a traffic control signal directs and controls the flow at such crossing.

(b) The foregoing rule shall not apply to the operations of motor vehicle carriers within municipalities over the tracks of electric railroads.

(c) Where there are two or more adjoining main line tracks at any public highway grade crossing, located one hundred and twenty feet or more apart, measured center to center of tracks, and where such tracks are closer together, and conditions make it necessary, in the opinion of the Commission, to stop such vehicles, then the driver of such motor vehicle shall cause such vehicle to come to a full stop at each track.



RULE 29

Rule Exemption.

In case of hardship, a carrier may file written application for relief, stating therein the grounds for relief, and the Commission, after hearing, if satisfied, may suspend such Rule(s) or Regulation(s) affecting such carrier as it deems just.

\* \* \*

APPENDIX A (Rule 12)  
LEASE OF MOTOR VEHICLE EQUIPMENT  
(To be made in duplicate)

THIS AGREEMENT, Made and entered into this \_\_\_\_\_ of \_\_\_\_\_,  
19\_\_\_\_ by and between \_\_\_\_\_, day \_\_\_\_\_ month \_\_\_\_\_,  
Name \_\_\_\_\_ Street Address \_\_\_\_\_  
\_\_\_\_\_, hereinafter called Lessor, or Truck Owner, and  
Town and State \_\_\_\_\_  
\_\_\_\_\_, of \_\_\_\_\_,  
Name \_\_\_\_\_ Street Address \_\_\_\_\_ Town and State \_\_\_\_\_  
hereinafter called Lessee, or the Business Owner or Manager.

WITNESSETH, THAT WHEREAS, Lessor is the owner of certain motor vehicle equipment suitable for the transportation of property, which equipment is more particularly described as follows:

	Make	Year	License No.	State	Motor No.
Tractor or Truck					
Trailer					

Insured by \_\_\_\_\_  
(In amounts of not less than \$25,000 and \$50,000 Public Liability and  
\$5,000 Property Damage, as required by Law).

AND WHEREAS, Lessee is transporting (freight) (own merchandise) over the public highways of the State of Colorado under the following authority from The Public Utilities Commission of the State of Colorado: Certificate No. \_\_\_\_\_  
Permit No. \_\_\_\_\_.

AND WHEREAS, Lessor desires to lease the above described motor vehicle equipment to Lessee, and Lessee desires to consummate such lease:

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED between the parties hereto that for the consideration, as stated in paragraph 2 below, Lessor does hereby lease unto Lessee for the period of \_\_\_\_\_ (not less than three months), from the date first above written, only the motor vehicle equipment above described (driver not included). (Driver of each vehicle shall be exclusively the employee of the Lessee and carried on Lessee's payroll). Subject to the following conditions:

1. That during the existence of this lease the motor vehicle equipment above described shall be under the complete control of the Lessee.

2. As consideration, Lessee agrees to pay Lessor for the use of said equipment as follows: \_\_\_\_\_

(Compensation on percentage basis not acceptable. A consideration of \$1.00 and other valuable considerations not sufficient to cover lease. So much per day, week, month, period of lease, or so much per rolling mile is acceptable).

3. This lease may only be cancelled by the joint agreement of the parties hereto and only after fifteen (15) days' written notice by the parties hereto to The Public Utilities Commission of the State of Colorado.

One copy of signed and approved lease must be placed on the leased vehicle, and one copy must be on file with The Public Utilities Commission, Denver 2, Colorado.

\_\_\_\_\_  
Lessor

\_\_\_\_\_  
Lessee

APPENDIX A-1 (Rule 13)

P. U. C. EMERGENCY LETTER

Permit No. \_\_\_\_\_

TO WHOM IT MAY CONCERN:

Under the rules and regulations of The Public Utilities Commission of the State of Colorado governing emergency motor vehicle equipment.

\_\_\_\_\_  
(Name of Permit Holder)

\_\_\_\_\_  
(Address)

is operating the following-described equipment under the above-stated Colorado Public Utilities Commission authority:

\_\_\_\_\_  
(Make of Vehicle)

\_\_\_\_\_  
(Motor Number)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(License Number)

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Owner's Address)

\_\_\_\_\_  
(Operator's Name)

\_\_\_\_\_  
(Chauffeur's Number)

This emergency equipment is being operated for the purpose of transporting by motor vehicle property or merchandise described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and said property or merchandise is being transported from:

\_\_\_\_\_  
(Consignee)

\_\_\_\_\_  
(Address)

to:

\_\_\_\_\_  
(Consignor)

\_\_\_\_\_  
(Address)

This emergency equipment will be used under the above-stated conditions for the period of: (not to exceed 10 days)

\_\_\_\_\_  
(Give Date or Dates)

and for the reason that \_\_\_\_\_

\_\_\_\_\_  
(Give full particulars why this equipment is being used)

Date \_\_\_\_\_, 19\_\_\_\_ (Signed) \_\_\_\_\_

\_\_\_\_\_  
(Permit Holder)

ORIGINAL COPY OF THIS LETTER SHALL BE MAILED IMMEDIATELY TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, AT DENVER, COLORADO, AND BE ON FILE WITH SAID COMMISSION WITHIN THREE (3) DAYS AFTER THE ISSUANCE THEREOF, AND ONE COPY MUST BE PLACED ON THE VEHICLE.

APPENDIX B (Rule 22)

FORM OF  
BILL OF LADING  
(To be executed in triplicate)

Shipper's No. \_\_\_\_\_

Carrier's No. \_\_\_\_\_

(To be printed on "white paper")

\_\_\_\_\_  
(Name of Truck Line)

(Private Carrier Permit No. \_\_\_\_\_)

RECEIVED, subject to the contract, classifications, and tariffs in effect on the date of the issue of this Bill of Lading, at:

\_\_\_\_\_, 19\_\_\_\_, from \_\_\_\_\_  
(Point of Origin) (Name of Shipper)

the property described below, marked, consigned, and destined as indicated below, which said Truck Line agrees to carry to its usual place of delivery at said destination.

Consigned to \_\_\_\_\_  
(Name of Consignee)

Destination: \_\_\_\_\_, State of \_\_\_\_\_,  
County of \_\_\_\_\_.

No. of Pack- ages	Description of Articles, Special Marks and Exceptions.	Weight (Subject to Correction)	Class or Rate	Freight Charges

NOTE: Where the rate is dependent on value, shippers are required to state specifically, in writing, the agreed or declared value of the property.

The agreed or declared value of the property is hereby stated by the shipper to be not exceeding \_\_\_\_\_ per \_\_\_\_\_.

\_\_\_\_\_  
(Shipper)

\_\_\_\_\_  
(Carrier)

By: \_\_\_\_\_

By: \_\_\_\_\_

Permanent Post Office Address

of Shipper: \_\_\_\_\_

APPENDIX C (Rule 22)

FORM OF  
UNIFORM LIVESTOCK TRUCK BILL OF LADING  
(To be executed in quadruplicate)

UNIFORM LIVESTOCK TRUCK BILL OF LADING

Date \_\_\_\_\_, 19\_\_\_\_.

Received of \_\_\_\_\_

P. O. Address \_\_\_\_\_

Loaded at \_\_\_\_\_

Remit Proceeds to \_\_\_\_\_

Consigned to \_\_\_\_\_

Destination \_\_\_\_\_

This shipment accepted by carrier subject to the regulations of the Colorado PUC.

Pen	Cattle	Calves	Hogs	Sheep	Horses and Mules	Dead-Crip. on Arrival	Tag No.

Description and Weight: \_\_\_\_\_

Consignment Insured by \_\_\_\_\_ Insurance Co.

If Mortgaged, to Whom? \_\_\_\_\_

Transportation Rate \_\_\_\_\_ Per Cwt.

Other Trans. Charges \_\_\_\_\_

Signature of Owner or Agent \_\_\_\_\_

Truck Owner \_\_\_\_\_

By: \_\_\_\_\_ Authorized Agent

Truck Owner's Address \_\_\_\_\_

Truck  
License No. \_\_\_\_\_

State \_\_\_\_\_

Permit No. \_\_\_\_\_

Arrived on \_\_\_\_\_, 19\_\_\_\_. \_\_\_\_\_ A. M. \_\_\_\_\_ P. M.

Stockyards Receiving Clerk \_\_\_\_\_

Chute Pen \_\_\_\_\_ Lot Mark \_\_\_\_\_

Yarded in Pen No. \_\_\_\_\_ Driver \_\_\_\_\_

Received by (Consignee) \_\_\_\_\_





APPENDIX E (Rule 21)

(Sample form of freight tariff)

TITLE PAGE

(Size of paper 8½ x 11 inches)

Colo. P. U. C. No. \_\_\_\_\_

\_\_\_\_\_  
Truck Line

TRUCK TARIFF NO. \_\_\_\_\_

NAMING RATES FOR THE  
TRANSPORTATION OF FREIGHT

(Specify commodities where certificate or permit  
is limited to certain commodities)

Between

\_\_\_\_\_  
and

(Here set out specifically description  
of territory authorized to operate in)

and

INTERMEDIATE POINTS

(Omit this application if intermediate points are  
not authorized)

Governed, except as otherwise provided herein by the National Motor Freight

Classification No. \_\_\_\_\_, supplements thereto and re-issues thereof.

Issued \_\_\_\_\_ Effective \_\_\_\_\_

Except upon special authority from the Commission, the effective date of tariffs  
must be not less than 30 days after the date of issue.

Issued by \_\_\_\_\_ Truck Line

Address: \_\_\_\_\_

By: \_\_\_\_\_  
Owner or Manager

RULES AND REGULATIONS

Insert under this heading a full set of rules and regulations applicable to the  
individual's own operation. (See rules prescribed by the Commission). (Use as many  
pages as are necessary).

EXCEPTIONS TO THE NATIONAL MOTOR FREIGHT CLASSIFICATION

(Under this heading enter the exceptions set forth).

RATES IN CENTS PER 100 POUNDS

Under this heading set forth your class rates and any commodity rates which you  
are using, bearing in mind any rate prescribed by the Commission must be published  
in accordance with the governing law.

## PRIVATE CARRIER ACT

### Foreword.

Under Colorado law, "Private Carriers" are the for-hire carriers commonly known elsewhere as "Contract Carriers." Persons hauling their own products are known as "Commercial Carriers" in Colorado, and are not "Private Carriers."

The original statute dealing with Private Carriers (Contract Carriers) in Colorado was passed as House Bill No. 173, Chapter 120, Colorado Session Laws of 1931. The Act, with amendments, appears as Sections 348-370, Subdivision 3, Article 4, of Chapter 16, 1935 Colorado Statutes Annotated. The following compilation is from the Colorado Revised Statutes, 1953, and includes all amendments to date.

### ARTICLE II

#### Private Motor Carriers.

115-11-1. Definitions. In this article, unless the context otherwise requires, the following terms shall be construed as follows:

- (1) The term "corporation" means a corporation, company, association, or joint stock association.
- (2) The term "person" means an individual, a firm, or a partnership.
- (3) The term "commission" means the public utilities commission of the state of Colorado, or such other official board or body as may succeed to the powers and duties of the public utilities commission.
- (4) The term "permit" means the permit authorized to be issued under the provisions of this article.
- (5) The term "public highway" means every street, road or highway in this state over which the public generally has a right to travel.
- (6) The term "motor vehicle" means a vehicle propelled by power other than muscular, except one operated on or over rails.
- (7) The term "compensation" shall mean money or property of value charged or received, or to be charged or received, whether directly or indirectly, as compensation for the service rendered of transporting over any of the public highways of Colorado in motor vehicles by a private carrier by motor vehicle, as the term is defined in this article, any person, property, article or thing.
- (8) The term "private carrier by motor vehicle" means every corporation or person, lessee, trustee, receiver or trustee appointed by any court whatsoever, other than motor vehicle carriers as defined by subsection (4) of section 115-9-1, owning, controlling, operating or managing any motor vehicle in the business of transporting persons or property of others for compensation or hire over any public highway of this state between fixed points or over established routes, or otherwise, by special contract or otherwise.

Private carriers by motor vehicle are hereby divided into two classes for the purposes 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.

115-11-2. Compliance required -- exceptions. No person or corporation shall operate any motor vehicle for the transportation of persons or property for compensation on or over any public highway in this state, except in accordance with the provisions of this article or of article 9 of this chapter. Nothing in this article shall apply where a private individual carries a neighbor or a friend on a trip; nor to motor vehicles especially constructed for towing, wrecking and repairing, and not otherwise used in transporting property; nor to hearses or ambulances.

115-11-3. Obtain permit from commission. It shall be unlawful for any private carrier by motor vehicle, as defined in section 115-11-1 to engage in or transact the business of transporting passengers, freight, merchandise or other property over the public highways of the state of Colorado, without first having obtained a permit therefor from the public utilities commission of the state of Colorado. It is hereby declared that the business of private carriers by motor vehicle as defined in this article, is affected with a public interest and that the safety and welfare of the public traveling upon such highways, the preservation and maintenance of such highways, and the proper regulation of motor vehicle common carriers using such highways require the regulation of private carriers by motor vehicle to the extent hereinafter provided, for which purposes, the commission is hereby vested with the authority to issue a permit to a private carrier by motor vehicle, and may attach to such permit and to the exercise of the rights and privileges granted, such terms and conditions as are reasonable.

No application for permit nor for any extension, or enlargement of an existing permit, shall be granted by the commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof be granted if the commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes. The commission shall give written notice of such hearing to all persons, firms or corporations interested in or affected by the issuance of such permit at least ten days prior to the time fixed for such hearing. No existing permit shall be transferred until the financial standing of the transferee is established to the satisfaction of the commission.

This article shall not apply to any motor vehicle carrier as defined by section 115-9-1, nor shall anything herein contained be construed or applied so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject such private carrier by motor vehicle to the laws or liability applicable to a common carrier.

115-11-4. Permit may be sold or transferred. Any permit issued by the commission or any rights obtained under such permit, held, owned or obtained by any private carrier by motor vehicle, may be sold, assigned, leased or incumbered only upon authorization by the commission.

115-11-5. Repealed.

115-11-6. Repealed.

115-11-7. Repealed.

115-11-8. Repealed.

115-11-9. Repealed.

115-11-10. Repealed.

115-11-11. Repealed.

115-11-12. Commission to make rules -- prescribe rates. The Commission is hereby vested with the power and authority and it is hereby made its express duty to prescribe such reasonable rules and regulations covering the operations of private carriers by motor vehicle as may be necessary for the effective administration of the provisions of this article.



Every private carrier is hereby forbidden, by discrimination or unfair competition, to destroy or impair the service or business of any motor vehicle common carrier or the integrity of the state's regulation of any such service or business; and to that end, the commission is hereby vested with power and authority and it is hereby made its duty to prescribe minimum rates, fares and charges to be collected by private carriers when competing with duly authorized motor vehicle common carriers, which rates, fares and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service. Under such rules and regulations as the commission may prescribe, every private carrier, subject to the provisions of this article, shall file with the commission within such time and in such form as the commission may designate, and shall keep on file with the commission at all times, schedules showing rates, charges and collections, collected or enforced, or to be collected or enforced, which in any manner affect or relate to the operations of any such private carrier; and the commission shall have full power to change, amend or alter any such tariff or, after hearing, fix the rates of any private carrier, or carriers, subject to the provisions of this article and competing with a motor vehicle common carrier.

115-11-13. Enforcement power -- inspection. The commission is hereby empowered to administer and enforce any and all provisions of this article, including the right to inspect the books and documents of all private carriers by motor vehicle.

115-11-14. Repealed.

115-11-15. Violation -- penalty. Any person, firm, association, or corporation who shall use any public highway of this state for the transportation of passengers or property as a private carrier by motor vehicle without first obtaining a permit therefor, as provided, or in violation of any of the terms of such permit, or who fails to make any report required by the commission, or who denies the commission access to his or its books and records, or makes a false report, shall be guilty of a misdemeanor, and shall, upon conviction thereof be punished as provided in 115-11-19.

115-11-16. Filing fees. The commission shall charge all private carriers by motor vehicle, in addition to the highway compensation taxes and fees provided, the following fees: Filing fee for application for a permit in intrastate commerce, twenty-five dollars; filing fee for an application for a permit in interstate commerce, five dollars; filing fee for application to transfer a permit authorizing intrastate commerce, fifteen dollars; filing fee for application to transfer a permit authorizing interstate commerce only, five dollars. All fees charged and collected under this section shall be paid into the treasury of the state, to the credit of the general fund of the state.

115-11-17. Liability insurance or surety bond required. Every private carrier by motor vehicle, as defined in this article, shall file with the commission a liability insurance policy issued by some insurance carrier or insurer, authorized to do business in the state of Colorado, or a surety bond issued by some company authorized to do a surety business in the State of Colorado, in such sum, for such protection and in such form as the commission, by its rules and regulations, may deem necessary to adequately safeguard the public interest.

115-11-18. Commission may revoke permit. The commission at any time, upon complaint by any interested party, or upon its own motion, by order duly entered, after hearing had upon notice to the holder of any permit issued under this article, and when it shall have been established to the satisfaction of the commission that such holder has violated any of the provisions of this article, or any of the terms and conditions of his permit, or has exceeded the authority granted by such permit, or has violated or refused to observe any of the proper orders, rules or regulations of the commission, may revoke, suspend, alter or amend any permit issued under this article; and the holder of such permit shall have all of the rights of hearing, review and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this chapter. No appeal from or review of any order or ruling of the commission shall be construed so as to supersede or suspend such order or ruling, except upon order of a proper court obtained for such purpose.

115-11-19. Violation -- penalty. Every private carrier by motor vehicle and every officer, agent or employee of any private carrier by motor vehicle, and every other person or corporation who violates or fails to comply with or who procures, aids or abets in the violating of any provision of this article, or who fails to obey, observe or comply with any order, decision, rule or regulation of the commission, or who procures, aids or abets any person or corporation in his or its failure to obey or observe such order, decision, rule or regulation, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or both, in the discretion of the court. The inspectors of the commission shall have all the powers conferred by law upon peace officers to carry weapons, make arrests, serve warrants and other process and conduct sales in any county or city and county of this state.

115-11-20. Jurisdiction of courts. The district court, or within its jurisdiction the county court or a justice of the peace court of any county in or through which any private carrier by motor vehicle operates, shall have jurisdiction in all matters arising under this article on account of the operation of such private carrier by motor vehicle, except as otherwise provided in this article, and save and except those matters expressly delegated to the commission; and it is hereby expressly provided that it shall be the duty of the district attorneys having jurisdiction in each such county in which such private carrier by motor vehicle shall operate to prosecute all violations of the provisions of this article.

115-11-21. Actions against violators -- procedure. Whenever the commission shall be of the opinion that any private carrier by motor vehicle is failing or omitting to do anything required of it by law, or by any order, decision, rule, regulation, direction, or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done, contrary to or in violation of law or of any order, decision, rule, direction or requirement of the commission, it shall request the attorney of the commission or the attorney general of the state or the district attorney of any district to commence an action or proceeding in the district or county in and for the county or city and county in which the cause or some part thereof arise, or in which the corporation or person complained of has its principal place of business, or in which the person complained of resides, in the name of the people of the state of Colorado for the purpose of having such violations or threatened violation stopped and prevented, either by mandamus or injunction.

The attorney of the commission or the attorney general of the state or the district attorney of any district so requested shall thereupon begin such action or proceeding by petition to such district or county court alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of a copy of the petition, within which the motor vehicle carrier complained of must answer the petition, and in the meantime the said private carrier by motor vehicle may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such corporations or persons as the court may deem necessary or proper to be enjoined as parties in order to make its judgment, order or writ effective may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief. A writ of error may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this article, as writs of error are taken from judgments of the district court in other actions for mandamus or injunction.

Any person or corporation injured by such noncompliance of any private carrier by motor vehicle with the provisions of this article or of any other provisions of the law or orders, decisions, rules, directions or requirements of the commission, may apply to any court of competent jurisdiction for the enforcement thereof, and the court shall have jurisdiction to enforce obedience thereto by writ of injunction or other proper process, mandatory or otherwise, and to restrain any such private

carrier by motor vehicle, its officers, agents, employees or representatives from further disobedience thereof, or to enjoin upon it or them obedience to the same, and any person or corporation so injured shall likewise have cause of action in damages, and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

115-11-22. Carriers exempted. Nothing in this article shall be construed as prohibiting the transportation of farm produce to market or supplies to the farm or to the vicinity of the farm by any person chiefly engaged in farming, or to the transportation of children to and from school.

115-11-23. Applies to interstate commerce, when: The provisions of this article shall apply to private carriers by motor vehicle engaged wholly or in part in interstate or foreign commerce, except insofar as the same may be or become ineffective under the provisions of the constitution of the United States or of the acts of congress.

115-11-24. Public utilities law applies. The provisions of articles 1 to 7 of this chapter and all acts amendatory thereof or supplemental thereto shall apply insofar as applicable to all private carriers by motor vehicle subject to the provisions of this article.

\* \* \*



original

(Decision No. 54134)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

PLATEAU NATURAL GAS COMPANY	)	
RE: REFUNDS IN APPLICATIONS	)	APPLICATIONS NOS. 13247
NOS. 13247, 13248 AND 15451.	)	13248
-----	)	15451

SUPPLEMENTAL ORDER

-----  
April 20, 1960  
-----

Appearances: Lee, Bryans, Kelly and  
Stansfield, Esqs., by  
Bryant O'Donnell, Esq.;  
R. F. Thompson, Esq.; and  
E. A. Stansfield, Esq., all  
of Denver, Colorado, for  
Applicant;  
Joe Cox, Florence, Colorado,  
for the City of Florence,  
as its interest may appear;  
Edwin R. Lundborg, Esq.,  
Denver, Colorado, for the  
Staff of the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 52447, dated June 10, 1959, as supplemented by Decision No. 52921, the Commission approved Plateau's gas refund plan providing for the refund of moneys received by Plateau from its wholesale gas suppliers, Colorado Interstate Gas Company and Kansas-Colorado Utilities, Inc., as a result of overcharges made by Colorado Interstate Gas Company under rates found to be excessive by the Federal Power Commission in FPC Docket Nos. G-2260, G-2576 and G-11717.

Pursuant to Decisions Nos. 52447, 53058 and 53921, upon completion of the refunding operation authorized by the Commission, Plateau was required to file a final report with the Commission setting forth the amount of money refunded to its customers in accordance with the refund plan approved by the Commission, itemized as to principal, interest on principal, sales tax refunded, interest credited to the fund as the result of short-term investments, together with an itemized statement of the expenses incurred in making the refund, and a

statement of moneys, if any, remaining in the refund account.

On April 14, 1960, Plateau filed its verified petition for final order approving the final report and expenditures, for distribution of undistributed funds, and supporting exhibits.

On August 10, 1959, as supplemented and amended by its filing on August 31, 1959, Plateau filed with the Commission its Petition No. 1 for approval of expenditures incurred to July 22, 1959, in making the gas refund as ordered by the Commission. Pursuant to the aforesaid petition, as amended, the Commission by Decision No. 53058, dated September 17, 1959, approved expenses incurred by Plateau to July 22, 1959, in making said gas refund in the sum of \$7,017.59. Since July 22, 1959, Plateau has incurred additional expenses as costs of completing the refund operation in the sum of \$68.54. Said additional expenses incurred in the completion of the refunding operation appear to be reasonable and proper.

The exhibits supporting Plateau's verified petition have been examined; and it appears that after making a proper accounting as required by the Commission orders, there remained in the possession of Plateau undistributed refund moneys in the sum of \$2,387.66 which, after deducting the sum of \$68.54 to reimburse Plateau for the additional costs of completion of the refunding operation, left in the possession of Plateau the sum of \$2,319.12 as undistributed and unclaimed refund moneys. The Commission is satisfied that Plateau has made reasonable effort to locate the former customers of Plateau who are entitled to this unclaimed balance, and that further effort would be futile.

Pursuant to the provisions of Article 8, Chapter 115, Colorado Revised Statutes, 1953, as amended, unclaimed funds for overcharges representing refunds to inhabitants of municipalities or of counties, which refunds could not be made to said inhabitants because of inability to find the persons entitled thereto within the time limit prescribed by the Commission for the making of such refunds,

are to be turned over, upon the direction of the Commission, to the municipalities or counties in which said inhabitants resided when the rights to refund accrued. The names of the municipalities, together with the amount to which each municipality is entitled, pursuant to provisions of the Statutes of Colorado as aforesaid, are set forth on Exhibit B to Plateau's final report. Plateau alleges that no unclaimed and undistributed refund moneys remaining in Plateau's possession represent refunds which, according to Plateau's records, were payable to the inhabitants of counties (as distinguished from municipalities) pursuant to the aforesaid statutes.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the above Statement be made a part hereof by reference.

That additional expense in the sum of \$68.54, incurred by Plateau in the completion of the refunding operation, should be authorized and approved as a proper additional expense of the refund operation and should be deducted by Plateau from the undistributed, unclaimed refund moneys now in Plateau's possession.

That the final report of Plateau of the completion of the refunding operation in accordance with Decisions Nos. 52447, 53058 and 53921, filed with this Commission on April 14, 1960, should be accepted and approved.

That this Commission should approve and acknowledge the completion of the refunding operation in accordance with the refund plan of Plateau as heretofore ordered by the Commission.

That Plateau should distribute the unclaimed and undistributed gas refund moneys pursuant to Article 8, Chapter 115, Colorado Revised Statutes, 1953, as amended, to the municipalities in the amount set opposite the names of the various municipalities in Exhibit B of Plateau's final report and petition filed with the Commission on April 14, 1960.

That said payment to the municipalities should be made forthwith; and within fifteen (15) days of the making of said payment, Plateau should report to the Commission, under oath, the amount of undistributed balance remitted to each such municipality.

#### ORDER

##### THE COMMISSION ORDERS:

1. That the expense of \$68.54 incurred by Plateau as expense of final completion of the refunding operation be, and it hereby is, approved as a proper expense of completing the refunding operation, and Plateau is authorized and directed to deduct said sum from the unclaimed and undistributed balance of the refund moneys now in its possession.

2. That the final report of Plateau of the completion of the refunding operation in accordance with Decisions Nos. 52447, 53058 and 53921, filed with this Commission on April 14, 1960, be, and the same hereby is, accepted and approved.

3. That the Commission hereby approves and acknowledges the completion of the refunding operation in accordance with the refund plan of Plateau as heretofore ordered by the Commission.

4. That pursuant to the provisions of Article 8, Chapter 115, Colorado Revised Statutes, 1953, as amended, Plateau be, and hereby is, authorized and directed to pay \$2,319.12 of the undistributed and unclaimed refund moneys remaining in its possession to the named municipalities in the amounts specified as follows: Castle Rock, the amount of \$192.49; Eads, the amount of \$215.68; Florence, the amount of \$470.78; Fountain, the amount of \$577.46; Hugo, the amount of \$435.99; and Limon, the amount of \$426.72.

5. That within fifteen (15) days after the making of said payment to said municipalities, Plateau shall report to this Commission, in writing and under oath, the amount of the undistributed balance turned over to each such municipality. Upon filing with this Commission of said report, Plateau shall be discharged and released from any and all

further obligations or liabilities in any way related to the gas refund moneys received by Plateau from its wholesale gas suppliers, Colorado Interstate Gas Company and Kansas-Colorado Utilities, Inc., as a result of over charges made by Colorado Interstate Gas Company under rates found to be excessive by the Federal Power Commission in FPC Docket Nos. G-2260, G-2576 and G-11717; and all proceedings related thereto involving Plateau shall thereupon be terminated and concluded.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hobart  
Alvin E. Zuckers  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1960.

ea

original

(Decision No. 54135)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY FOR PERMISSION TO )  
DISCONTINUE PREPAY STATIONS AND )  
REMOVE SIDING, STORAGE AND SPUR )  
TRACKS AT HOUGHTON, TYRONE, EARL, )  
KADREW AND EL MORO, LAS ANIMAS )  
COUNTY, STATE OF COLORADO. )  
----- )

APPLICATION NO. 17407

-----  
April 20, 1960  
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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, The Atchison, Topeka and Santa Fe Railway Company, by its Attorneys, did, on September 28, 1959, file its application requesting authority to remove certain trackage and discontinue various stations, all as entitled above; said discontinuances to be effective on October 25, 1959.

In further accordance with said rules of the Commission, a public notice of the proposed station discontinuance and/or track removal was conspicuously posted at each station. In said notices, it was indicated that any protests to the proposed action should be filed with this Commission at least ten days prior to the effective date of October 25, 1959. No protests were received by the Commission.

With reference to the various map exhibits and explanatory data submitted in the instant application, the permission and authority as sought is summarized as follows:



<u>Mile Post</u>	<u>Station Name</u>	<u>Discontinue Station</u>	<u>Track Removal</u>	<u>Length</u>	<u>Capacity (Cars)</u>
595.5	Houghton	Yes	Siding No. 1 Spur No. 2	4493.8' 568.0'	82 7
609.2	Tyrone	Yes	Siding No. 1 Spur No. 3	4472.0' 649.3'	81 8
618.4	Earl	Yes	Siding No. 1 Spur No. 3	3466.5' 409.0'	60 5
622.3	Kadrew	Yes	Siding No. 1 Spur No. 2	3520.0' 424.0'	62 5
632.8	El Moro	Yes	Siding No. 1	4501.0'	82

In each of the above instances, Applicant has reported declines in business or complete non-use during the past five years. More recently, Applicant has been engaged in an extensive program of track modernization and the improving of its facilities at more heavily populated and strategic points in this area by an expenditure of \$157,000 on siding extension and signal improvements for longer freight trains and centralized traffic control. Also, \$2,082,000 will be expended to provide heavier and continuously welded rail. An additional \$135,000 future expenditure is contemplated in connection with these improvements. In view of the above non-use, there is no further economic justification for maintenance of the enroute storage sidings and request is made for the proposed removals as a logical economy measure.

Upon investigation of this matter by the Commission, we note the following distribution of trackage facilities in the nearby area:

<u>Mile post</u>	<u>Station</u>	<u>Trackage</u>	<u>Capacity</u>
554.9	La Junta	Yard	
591.5	Delhi	Sidings	143
595.5	Houghton	Sidings	89
599.8	Thatcher	Sidings	132
609.2	Tyrone	Sidings	89
615.0	Model	Sidings	109
618.4	Earl	Sidings	65
622.3	Kadrew	Sidings	67
626.8	Hoehnes	Sidings	141
632.8	El Moro	Sidings	82
636.7	Trinidad	Yard	

The above stations are located on Applicant's main line in the area between La Junta, Colorado and Raton, New Mexico. La Junta

is a division point where connection is made with Applicant's line through Pueblo; Trinidad is an en-route station offering connections to the Colorado & Southern and Rio Grande lines. It is to be noted that the above sidings are separated by very short distances and reflect the past conditions wherein stations were closely spaced in order to overcome the delays encountered in horse and wagon movement for residents in the area.

In the instant cases, alternate service will be available as shown:

Service for Houghton:

From: Delhi - 4 miles east  
Thatcher - 4.3 miles west. Agent.

Service for Tyrone:

From: Thatcher - 9.4 miles east, Agent.

Service for Earl:

From: Model - 3.4 miles east. Beet  
tracks and stockyards.

Service for Kadrew:

From Hoehnes - 3.9 miles west. Team  
track and stockyards.

Service for El Moro:

From: Trinidad - 4.3 miles west. Agent,  
team, tracks, stockyards  
and passenger service.

It appears then that the matter of public convenience and necessity has been recognized and alternate service provided on the basis of current needs. In recent years, we have seen the development of more and highly improved highways, the use of new distribution methods, larger and more plentiful farm trucks and longer trains. Railroad advancements in the change from steam power to diesel has further reduced the need for en-route fuel and water stops, and the use of centralized traffic control and signalling requires fewer sidings for train operations.

Further, we have the consideration that there is no community development at any siding station involved herein, and it appears there are ample rail facilities to meet the public needs of the region. Hence, the apparent changes in shipping practices and non-use of the various sidings can therefore leave no justification for the continued maintenance

of trackage where no business was handled in the past five years. In fact, the current program of signal modernization, installation of welded steel rail together with related siding and switch removals, are all in the public interest because of resulting increased safety protection and fewer items for failure or maintenance on the main line.

Therefore, since no protests have been submitted and none appear in the Commission's files, the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity, in and around the non-agency stations of Houghton, Tyrone, Earl, Kadrew and El Moro, can, and is being adequately served by other existing stations, facilities and track modernizations.

That safe and economical railroad operation does not require station designation or siding trackage at Houghton, Tyrone, Earl, Kadrew and El Moro, all in Colorado.

That the authority sought in the instant application should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That the above Statement and Findings be made a part hereof, by reference.

That The Atchison, Topeka and Santa Fe Railway Company, Denver, Colorado, is herewith granted a certificate of public convenience and necessity wherein it is authorized as follows:

- (a) To discontinue the non-agency stations in Colorado of Houghton, Tyrone, Earl, Kadrew and El Moro; and to remove said stations from the Open and Prepay Station List.
- (b) To abandon, dismantle and take up siding trackage at Houghton, Tyrone, Earl, Kadrew and El Moro, all located in the State of Colorado.

That reference shall be made to this decision in the affected tariffs as required to show the station changes and as authority for said action.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norbert  
Philip E. Zelenko  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. D. MAPES, HARRY CONNELL, HUGH F. )  
DENIO, ANITA K. DENIO, AND WILLIAM )  
E. ANKENEY, CO-PARTNERS, DOING )  
BUSINESS AS "WELCO MILK LINES," )  
2130 16TH STREET, GREELEY, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC 556 TO )  
E. D. MAPES, HARRY CONNELL, HUGH F. )  
DENIO, ANITA K. DENIO, WILLIAM E. )  
ANKENEY, WALTER H. SHORT, AND WALLACE )  
H. SHORT, CO-PARTNERS, DOING BUSINESS )  
AS "WELCO MILK LINES," 2130 16TH )  
STREET, GREELEY, COLORADO. )  
-----

APPLICATION NO. 17672-Transfer

IN THE MATTER OF THE APPLICATION OF )  
WALTER H. SHORT, DOING BUSINESS AS )  
"W. H. SHORT," EVANS, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC 555 (IN )  
THE EVENT AUTHORITY SOUGHT BY APPLI- )  
CATION NO. 17672-TRANSFER IS GRANTED) )  
TO E. D. MAPES, HARRY CONNELL, HUGH )  
F. DENIO, ANITA K. DENIO, WILLIAM E. )  
ANKENEY, WALTER H. SHORT AND WALLACE )  
H. SHORT, CO-PARTNERS, DOING BUSI- )  
NESS AS "WELCO MILK LINES," 2130 )  
16TH STREET, GREELEY, COLORADO, SAID )  
OPERATING RIGHTS TO BE CONSOLIDATED )  
WITH, AND BECOME A PART OF, PUC 556. )  
-----

APPLICATION NO. 17673-Transfer

-----  
April 21, 1960  
-----

Appearances: S. Robert Houtchens, Esq.,  
Greeley, Colorado, for  
Applicants;  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
and  
Edward T. Lyons, Jr., Esq.,  
Denver, Colorado, for  
Colorado Milk Transport,  
Inc.

S T A T E M E N T

By the Commission:

By Application No. 17672, E. D. Mapes, Harry Connell, Hugh  
F. Denio, Anita K. Denio, and William E. Ankeney, co-partners, doing

business as "Welco Milk Lines," Greeley, Colorado, seek authority to transfer PUC No. 556 to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, William E. Ankeney, Walter H. Short, and Wallace H. Short, co-partners, doing business as "Welco Milk Lines," Greeley, Colorado, said PUC No. 556 authorizing the transportation of milk and cream as more particularly set out in the Decisions granting said authority.

By Application No. 17673, Walter H. Short, doing business as "W. H. Short," Evans, Colorado, seeks authority to transfer PUC No. 555 (in the event authority sought by Application No. 17673-Transfer is granted) to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, William E. Ankeney, Walter H. Short, and Wallace H. Short, co-partners, doing business as "Welco Milk Lines," Greeley, Colorado, said operating rights to be consolidated with, and become a part of PUC No. 556, said PUC No. 555 authorizing the transportation of milk and cream, as more particularly set out in the Decisions granting said authority.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 14, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

A motion was made for consolidation of the applications for hearing and there being no objection the motion was granted.

William E. Ankeney testified in support of the applications in effect and as follows, that it was desired to transfer and merge the applications as the resulting operation could be more economically carried on and thereby the public as well as the carrier would be benefitted. A number of Exhibits were introduced in support of the applications.

William H. Short also testified in support of the applications to the effect that he had no liabilities and that the consider-



ation received was an interest on his part and on the part of his son in the resulting business.

No one appeared in opposition to the proposed transfers.

### 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.

That the authority under PUC No. 555 should be consolidated with, and become a part of, PUC No. 556.

### O R D E R

#### THE COMMISSION ORDERS:

That E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, and William E. Ankeney, co-partners, doing business as "Welco Milk Lines," Greeley, Colorado, should be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 556 to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, William E. Ankeney, Walter H. Short, and Wallace H. Short, co-partners, doing business as "Welco Milk Lines," Greeley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That Walter H. Short, doing business as "W. H. Short," Evans, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 555 to E. D. Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, William E. Ankeney, Walter H. Short, and Wallace H. Short, co-partners, doing business as "Welco Milk Lines," Greeley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfers shall become effective only if and when, but not before, said transferors and transferees, in writing, have ad-

vised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.


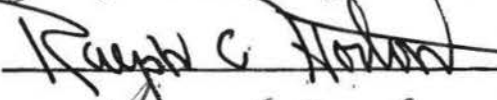
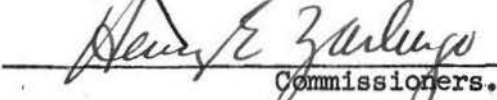
The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

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

That operating rights transferred under PUC No. 555 should be, and the same hereby are, consolidated with, and made a part of, PUC No. 556.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of April, 1960.

mls

original

(Decision No. 54137)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. D. MAPES, HARRY CONNELL, HUGH F. )  
DENIO, ANITA K. DENIO, WILLIAM E. )  
ANKENEY, WALTER H. SHORT AND WALLACE )  
H. SHORT, CO-PARTNERS, DOING BUSINESS )  
AS "WELCO MILK LINES," 2130 16TH )  
STREET, GREELEY, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 556. )  
-----

APPLICATION NO. 17674-Extension

-----  
April 22, 1960  
-----

Appearances: S. Robert Houtchens, Esq.,  
Greeley, Colorado, for  
Applicants;  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
and  
Edward T. Lyons, Jr., Esq.,  
Denver, Colorado, for  
Colorado Milk Transport,  
Inc.

S T A T E M E N T

By the Commission:

By the above-styled application, said certificate-holders seek authority to extend operations under PUC No. 556, to include the right to transport milk and cream, in bulk or in cans, with return of empty containers and rejected shipments, over irregular routes, but on schedule, to Denver and points within a five mile radius thereof, from all points not already authorized to be served under the combined certificates, within the following-described territory: beginning at the NW Corner of Sec. 27, T. 9-N., R. 67-W.; thence 21 miles south to the SW Corner of Sec. 3, T. 5-N., R. 67-W.; thence 2 miles east to the SW Corner of Sec. 1, T. 5-N., R. 67-W.; thence 15 miles south to the SW Corner of Sec. 24, T. 3-N., R. 67-W.; thence 25 miles east to the SE

Corner of Sec. 24, T. 3-N., R. 63-W.; thence north 5 miles to the SE Corner of Sec. 25, T. 4-N., R. 63-W.; thence in a southeasterly direction to the SW Corner of Sec. 31, T. 3-N., R. 60-W.; thence East 14 miles to the SE Corner of Sec. 32, T. 3-N., R. 58-W.; thence 15 miles North to the NE Corner of Sec. 20, T. 5-N., R. 58-W.; thence 26 miles West to the NE Corner of Sec. 24, T. 5-N., R. 63-W.; thence 6 miles North to the SE Corner of Sec. 13, T. 6-N., R. 63-W.; thence 3 miles East; thence 3 miles North; thence 3 miles West to the NE Corner of Sec. 1, T. 6-N., R. 63-W.; thence 14 miles North to the NE Corner of Sec. 25, T. 9-N., R. 63-W.; thence 27 miles West to the point of beginning, said authority under PUC No. 556 authorizing the transportation of milk and cream, as more particularly set out in the Decisions granting said authority.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 14, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The applicants seek extension of operations under PUC No. 556 into territory part of which is served by Colorado Milk Transport, Inc., which appeared to protest. Part of the territory into which extension is sought is also served by Consolidated Milk Lines, and part of which territory of extension, from the evidence presented, appears to be open territory.

William E. Ankeney testified in support of the application and submitted exhibits, including a map. He testified that he has had requests to haul to Denver and named some of the persons making the request.

It appears that the "territory of extension" is a very substantial territory and the evidence in support of the application to establish public convenience and necessity requiring service in such area was very vague, indefinite and uncertain.

Harold Pepler also testified in support of the application stating that he would use Welco Milk Lines if the extension is granted as he likes the small additional services which it gives, such as leaving the tank and milk cans in clean condition. This witness lives in territory served by Colorado Milk Transport, Inc., which service he is now using.

Robert Clarkson also testified in support of the application. This witness is using Harry Lonhart; has never used Colorado Milk, and will use Welco because of the little services which Welco voluntarily provides.

Lowell Carlson testified that he would use Welco as Welco does a better job of tank cleaning and also cleans the floor. This witness is not sure that he would ship to Denver.

The protestants presented seven witnesses, including Kenneth Martin, who is employed by Colorado Milk Transport, Inc. The testimony of these witnesses was positive and clear that they had been using Colorado Milk for many years, were satisfied with the service which Colorado Milk has been giving; that the service was adequate, and in general had no complaints to make relative to its service.

Adolph Bolander, a Director in Milk Producers Association, an organization consisting of 1,225 members, representing 75% of the milk producers in the Denver Milk Producers shed, stated that he was authorized by the Directors to oppose the extension. He uses Consolidated Milk Transport, Inc., and stated that the services are adequate. Competition may result in deterioration of the service.

Witness Martin testified as to the equipment of Colorado Milk. His testimony indicates that the Company has sufficient equipment to meet the needs of the territory in which it operates and that if necessary the schedules will be integrated to meet whatever requirements milk producers would need. He also testified that the competi-

tion could result in loss of revenue without a corresponding reduction in expenses which is due to the nature of the transportation services involved.

It also appeared that a private carrier is operating in a substantial way in the territory of extension and that he applied for a certificate of public convenience and necessity which was refused.

Mr. Bethke of Bethke Milk Lines also protested the granting of the application as to that area overlapping his territory.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the services presently available to the public from other carriers are adequate to reasonably satisfy the present and future requirements of public convenience and necessity.

That the services which the applicants herein seek to provide to the extent the same may be considered to be a duplication of services will not be in the public interest in that such services will provide unreasonable competition in the field.

That the inadequacy of available common carrier service to meet satisfactorily the requirements of the public convenience and necessity has not been established.

The evidence presented in support of the application is too general, indefinite and uncertain to establish public convenience and necessity.

That the instant application should be denied.

### O R D E R

#### THE COMMISSION ORDERS:

That Application No. 17674-Extension be, and the same hereby



is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Holman*  
*Wm. E. Zander*  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CENTENNIAL TRUCK LINES, INC., 2120 )  
DELGANY STREET, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- ) APPLICATION NO. 17668-Extension  
IENCE AND NECESSITY AUTHORIZING EX- )  
TENSION OF OPERATIONS UNDER PUC NO. )  
8 AND PUC NO. 8-I. )  
- - - - - )

- - - - -  
April 21, 1960  
- - - - -

Appearances: R. B. Danks, Esq., Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Centennial Truck Lines, Inc., Denver, Colorado, is the  
owner and operator of PUC No. 8 and PUC No. 8-I, authorizing:

Motor truck freight transportation line  
BETWEEN cities of Denver and Greeley, Colo-  
rado, and intermediate points;

transportation of freight and express  
BETWEEN Denver and Kersey, Colorado, via  
Greeley, Colorado; freight and express  
BETWEEN Denver and Ault, Colorado, and  
all points intermediate to the towns of  
Ault and Greeley, Colorado;

transportation of petroleum and petroleum  
products, automobile accessories and tires  
only, as a common carrier BETWEEN the City  
and County of Denver and Colorado Springs,  
Colorado, and all intermediate points;

motor freight operations from Colorado Springs  
to Broadmoor, Colorado, for transportation of  
such freight and express only as originates at  
or is destined to points on the route now  
served by applicant;

transportation of freight, baggage, express  
and packages BETWEEN Manitou and Colorado  
Springs, Colorado, and intermediate points;

transportation of freight and express BETWEEN  
Denver, Colorado Springs, Pueblo, and inter-  
mediate points;

transportation of freight BETWEEN Pueblo and Walsenburg, Colorado, and intermediate points;

transportation of freight and express (Route C) BETWEEN Trinidad and Walsenburg, Colorado, via Aguilar, Colorado;

transportation of freight and express (a) from Trinidad, Colorado, to Jansen, Sopris-Plaza, Sopris, Madrid, Valdez, Segundo (new), Segundo (old), and Primero; (b) from Trinidad, Colorado, to Lullow, Cedar Hill, Tobasco, Berwin, Tollerburg and Vallerse, all of which points are in Las Animas County; (c) from Trinidad, Colorado, to Aguilar, Rugby, Rugby Camp, Rapson, Rouse, Lester, Pryor, Ravenwood, Farr, Ideal, Walsen and Walsenburg, all of which points are in Las Animas and Huerfano Counties, Colorado;

transportation of freight between Pueblo, Colorado, and Brantzell's Store, Hatchett Cattle Ranch, Crow's Store, Rye, Greenhorn, Toltext, Pictou, Maitland, Gordon, Del Carbon, Strong, Kibler, Alamo, Farr, Ravenwood, Ideal, Pryor, Lester and Rouse and return;

transportation of freight by motor vehicle on through route and on through rates BETWEEN Denver and Durango, Colorado, and intermediate points, via The Weicker Transfer and Storage Company and Rio Grande Motor Way, Inc.;

transportation of freight and express BETWEEN Denver and Pueblo, Colorado, and the Colorado-New Mexico State Line at a point where U. S. Highway 85 crosses the same, all in interstate commerce;

transportation of freight and express BETWEEN Pueblo, Colorado, and Rocky Ford, Colorado, and all intermediate points;

transportation of freight and express BETWEEN Rocky Ford, Colorado, and Lamar, Colorado, and all intermediate points along the public highway known as the Santa Fe Trail, and all points located within a distance of approximately one mile north and south thereof, including the towns of Wiley and McClave, but not from Pueblo to Las Animas or from Las Animas to Pueblo;

transportation of freight from Pueblo to points east of Lamar to Holly, BETWEEN Holly and Walsh and intermediate points and BETWEEN Holly and the Colorado-Kansas State Line on Mondays and Thursdays of each week, only;

transportation of freight BETWEEN Lamar and Holly, Colorado, and intermediate points, BETWEEN Holly and Walsh and intermediate points, and BETWEEN Holly and the Colorado-Kansas State Line;

transportation of freight and express in interstate commerce only BETWEEN Denver, Colorado, and the Colorado-Kansas State Line over U. S. Highway No. 40, U. S. Highway No. 40-South and U. S. Highway No. 50, and the transportation of freight and express BETWEEN

Denver and Pueblo and the Colorado-New Mexico State Line at a point where U. S. Highway No. 85 crosses the same, all of said transportation service to be rendered in interstate commerce, only;

transportation of livestock, farm produce and full loads of implements or machinery into Denver from points east of Lamar, including Holly and Walsh and intermediate points and from farms within a radius of twenty (20) miles thereof, situated east of an imaginary line running north and south through Lamar for the transportation of full loads of tankage, mill feed, and potatoes from Denver into said above territory and for full loads of canned goods originating in Brighton and consigned to said above-described territory;

transportation of freight, interstate commerce only, from Brighton and intermediate points to the Colorado-Kansas State Line via Highway 85 to Pueblo and from Pueblo via Highway 50 to said line and on the return trip from the Colorado-Kansas State Line via Highway 50 to Holly; thence over Highway 89, 118 and 100 to Springfield;

transportation of general freight via Colorado Highway No. 9 and private or county roads, on schedule BETWEEN Kremmling and Green Mountain Dam Site (including the residential and construction area around said Dam Site);

extended to include scheduled service: A. Pickup and delivery service within an area extending five miles beyond and contiguous to the City Limits of Denver, Colorado, on shipments having a prior or subsequent movement over applicant's line, but not including point to point service from the five-mile radius to Denver nor to other points within the five-mile radius. B. To and from Peterson Field near Colorado Springs, in scheduled service only, from and to other points served by the applicant, including Colorado Springs, Colorado. C. To and from the Ramo-Wooldridge Plant site located near the intersection of South Colorado Boulevard with the County line between Arapahoe and Douglas Counties, in scheduled service only, from and to points served by the applicant, including Denver, Colorado.

extended to include the right to serve an area including a three and one-half mile radius of the City Limits of Pueblo, Colorado, on shipments having a prior or subsequent movement on said carrier's line, and to include the right to serve the Triplex Manufacturing Company and the Pueblo Air Base, on scheduled service.

By the instant application, said certificate-holder seeks authority to extend operations under PUC No. 8 and PUC No. 8-I to include the right to transport, on schedule, general commodities, in intrastate commerce, to and from United States' Missile-Launching Sites, located as follows:

- (a) Site No. 6, about 2.5 miles West of Briggsdale, Colorado;
- (b) Site No. 7, about 6.2 miles North and 4 miles East of Nunn, Colorado, and
- (c) Site No. 8, about 8 miles West of Greeley, Colorado,

from and to points presently authorized to be served under said PUC No. 8 and PUC No. 8-I.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 14, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Howard Hicks testified in support of the application in effect and as follows: that he has been General Traffic Manager of the applicant since 1957, and has had 18 years further experience. This witness gave a resume of the rights of the applicant under its authority and stated that a daily service would be provided to the territory of extension; that the service would be in conjunction with applicant's Greeley operations, which would be, if necessary, integrated with the service to the missile sites to provide satisfactory service. The applicant has been operating under a Temporary Authority and has had many requests for the proposed service. It appears from the testimony of the witness and from the exhibits that the applicant has sufficient equipment and experience to satisfactorily perform the services.

S. Howard Shawleer testified that he was Supervisor at the four Atlas Missile Sites, three of which are included in the application; that the project involves expenditure of some \$22,000,000.00, and the work is in progress; that his company has frequent need for the services proposed, and it would be a definite benefit to have such service; that problems for service have been present involving delays which would be avoided; that after his company is finished, the succeeding contractors will need the proposed service likewise.

Walter Wallin testified that he is the Project Manager for the electrical contractor doing the electrical work at the three missile sites; that the need for missiles has been accelerated and that the Government is demanding the work to proceed as fast as possible; that he has heretofore used bus service and then had to pick up merchandise, which involved delay; that there is very definitely a need for the proposed service.

No one appeared in opposition to the proposed extension.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the inadequacy of available common carrier service to meet satisfactorily the requirements of the public convenience and necessity has been established.

That public convenience and necessity require the extension of authority sought and a certificate should be issued therefor.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Centennial Truck Lines, Denver, Colorado, under PUC No. 8 and PUC No. 8-I, to include the right to transport, on schedule, general commodities, in intra-state commerce, to and from United States' Missile-Launching Site, located as follows:

- (a) Site No. 6, about 2.5 miles West of Briggsdale, Colorado;
- (b) Site No. 7, about 6.2 miles North and 4 miles East of Nunn, Colorado, and
- (c) Site No. 8, about 8 miles West of Greeley, Colorado,

from and to points presently authorized to be served under said PUC No. 8 and PUC No. 8-I, and this Order shall be taken, deemed and held



to be a certificate of public convenience and necessity therefor.

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

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

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

That interstate operating rights shall be subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Maguire  
Ralph C. Hobson  
August E. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MYRON H. BURNETT, RECEIVER FOR )  
FRED W. SCHULTZ, DOING BUSINESS AS )  
"DENVER-PUEBLO TRUCK LINES," MIDLAND )  
SAVINGS BUILDING, DENVER, COLORADO, ) APPLICATION NO. 17662-PP-Transfer  
FOR AUTHORITY TO TRANSFER PERMIT NO. )  
A-607 TO NAVAJO FREIGHT LINES, INC., )  
1205 SOUTH PLATTE RIVER DRIVE, DEN- )  
VER, COLORADO. )  
-----)

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April 21, 1960  
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Appearances: John R. Barry, Esq., Denver,  
Colorado, for Applicants;  
John F. Mueller, Esq.,  
Denver, Colorado, for  
Myron H. Burnett, Receiver  
for Transferor;  
R. B. Danks, Esq., Denver,  
Colorado, for Centennial  
Truck Lines.

S T A T E M E N T

By the Commission:

Fred W. Schultz, doing business as "Denver-Pueblo Truck  
Lines," Denver, Colorado, is the owner and operator of Permit No.  
A-607, which authorizes:

Transportation of freight between Denver  
and Colorado Springs, Pueblo, Fowler,  
Rocky Ford, Swink, La Junta, Las Animas,  
Lamar, Springfield, Walsenbrug and Trini-  
dad and from Pueblo to Colorado Springs,  
Denver, Fowler, Rocky Ford, Swink, La Junta,  
Las Animas, Lamar, Springfield, Walsenburg  
and Trinidad, and from Lamar to Holly and  
intermediate points.

By the instant application, Myron H. Burnett, Receiver  
for Fred W. Schultz, doing business as "Denver-Pueblo Truck Lines,"  
Denver, Colorado, seeks authority to transfer said Permit No. A-607  
to Navajo Freight Lines, Inc., 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, 532 State Services Building, Denver, Colorado, April 8, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The Commission heretofore issued Permit No. A-607 to the transferor, who entered into a contract with Colorado Express, Inc., for the sale and purchase of said authority, which contract has been assigned to Navajo Freight Lines, Inc., all of which is indicated by exhibits and uncontradicted testimony.

A motion was made that the testimony of the Receiver, given in Application No. 17109, wherein Decision No. 53833 was issued on February 4, 1960, be made a part of the record. There were no objections to this motion and the motion was granted. The applicants agreed that if necessary a transcript of such evidence would be supplied on request.

George T. McLaughlin testified in support of the application, among other things, that the authority will be transferred free and clear, and all creditors will be paid.

The evidence clearly established that the transferee is well qualified both as to experience and as to availability of proper equipment.

No one appeared in opposition to the proposed transfer and no reason appears why the same should not be granted.

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Myron H. Burnett, Receiver for Fred W. Schultz, doing business as "Denver-Pueblo Truck Lines," Denver, Colorado, should be, and he hereby is, authorized to transfer all right, title and interest in and to Permit No. A-607 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to

Navajo Freight Lines, 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 permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Holton  
Alvin J. Williams  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of April, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE VANCIL, DOING BUSINESS AS )  
"VANCIL TRUCK LINE," DEERTRAIL, )  
COLORADO, FOR A CLASS "B" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 17646-PP  
SUPPLEMENTAL ORDER

-----  
April 21, 1960  
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Appearances: Robert G. McIlhenny, Esq.,  
Denver, Colorado, for  
Applicant;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer and  
Warehousemen's Association;  
F. William Goick, Denver,  
Colorado, for Weicker  
Transfer & Storage Co.;  
J. M. Harrington, Denver,  
Colorado, for Goldstein  
Transportation and Storage,  
Inc.;  
Ed Tuxhorn, Byers, Colorado,  
for Byers-Denver Truck Line;  
Robert D. Means, Esq., Denver,  
Colorado, for Kellogg Grain  
Company, Truck Division, d/b/a  
Kiowa Valley Truck Line; and  
Elbert Transfer.

S T A T E M E N T

By the Commission:

By Decision No. 54071, dated April 1, 1960, the Commission granted to George Vancil, doing business as "Vancil Truck Line," Deertrail, Colorado, authority to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in said Order.

On April 8, 1960, "Petition for Rehearing" was filed in said matter by Kellogg Grain Company, Truck Division, doing business as "Kiowa Valley Truck Line," and Elbert Transfer Co., by Robert D. Means, Attorney, Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing filed herein by Kellogg Grain Company, Truck Division, doing business as "Kiowa Valley Truck Line," and Elbert Transfer Co., by Robert D. Means, Attorney, Denver, Colorado, should be granted, and said Application No. 17646-PP set for further hearing as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter, filed by Kellogg Grain Company, Truck Division, doing business as "Kiowa Valley Truck Line," and Elbert Transfer Co., by Robert D. Means, Attorney, Denver, Colorado, be, and the same hereby is, granted, and said Application No. 17646-PP set for further hearing at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, at 10:00 o'clock A. M., on May 5, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Hoban*  
*Harry J. Adair*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of April, 1960.

ea



(Decision No. 54141)

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 TRANSFER PUC  
NO. 3902 TO VERL HARVEY, INC., DOING  
BUSINESS AS "DON WARD & COMPANY,"  
241 WEST 56TH AVENUE, DENVER, COLO-  
RADO.

APPLICATION NO. 17657-Transfer

IN THE MATTER OF THE APPLICATION OF  
SOUTHWESTERN TRANSPORTATION COMPANY,  
816 WATER STREET, CANON CITY, COLO-  
RADO, FOR AUTHORITY TO TRANSFER PER-  
MIT NO. B-5529 TO VERL HARVEY, INC.,  
DOING BUSINESS AS "DON WARD & COM-  
PANY," 241 WEST 56TH AVENUE, DENVER,  
COLORADO.

APPLICATION NO. 17658-PP-Transfer

IN THE MATTER OF THE APPLICATION OF  
KERK TRUCKING COMPANY, A CORPORATION,  
P.O. BOX 526, FORT COLLINS, COLORADO,  
FOR AUTHORITY TO TRANSFER PERMIT NO.  
A-509 TO VERL HARVEY, INC., DOING  
BUSINESS AS "DON WARD & COMPANY,"  
241 WEST 56TH AVENUE, DENVER, COLO-  
RADO.

APPLICATION NO. 17659-PP-Transfer

IN THE MATTER OF THE APPLICATION OF  
KERK TRUCKING COMPANY, A CORPORATION,  
P.O. BOX 526 FORT COLLINS, COLORADO,  
FOR AUTHORITY TO TRANSFER PERMIT  
NOS. B-1770 AND B-1770-I TO VERL  
HARVEY, INC., DOING BUSINESS AS "DON  
WARD & COMPANY," 241 WEST 56TH AVE-  
NUE, DENVER, COLORADO.

APPLICATION NO. 17660-PP-Transfer

April 21, 1960

Appearances: John P. Thompson, Esq.,  
Denver, Colorado, for  
Transferors;  
Charles H. Haines, Jr.,  
Esq., Denver, Colorado,  
for Transferee;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer and  
Warehousemen's Association.

S T A T E M E N T

By the Commission:

Southwestern Transportation Company, Canon City, Colorado, is the owner and operator of PUC No. 3902, authorizing:

transportation of cement, in bulk, in tank vehicles, only, from Portland, Colorado, to all points in the State of Colorado; cement in sacks, from Portland, Colorado, to all points within the State of Colorado;

and 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, including hydrated lime and quick lime, in sacks and in bulk, in tank-type vehicles, from plant of Colorado Lime Company at Pikeview, Colorado, to all points within the State of Colorado;

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; 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.

By the instant applications, said Southwestern Transportation Company, Canon City, Colorado, seeks authority to transfer said PUC No. 3902 and Permit No. B-5529 to Verl Harvey, Inc., doing business as "Don Ward & Company," Denver, Colorado.

Kerk Trucking Company, a corporation, Fort Collins, Colorado, is the owner and operator of Permit No. A-509, authorizing:

transportation of freight between the Wyoming State Line through Fort Collins and Denver and intermediate points in intrastate commerce;

and of Permits Nos. B-1770 and B-1770-I, authorizing:

transportation of (a) plaster from Loveland, cement from Boettcher and coal from mines in the northern Colorado coal fields to all points in the State of Colorado; (b) farm products (except livestock), used farm machinery and oil well machinery and equipment and elevator products between, from and to points within a radius of 30 miles of Berthoud, excluding, however, the right to serve under this permit between Denver and Eaton and intermediate points over U. S. Highway No. 85, and between the Colorado-Wyoming State Line and Denver over U. S. Highway No. 287 and intermediate points, he already having been authorized to serve said points on U. S. Highway No. 287 under Permit No. A-509;

transportation of plaster and cement from a point on the Colorado-Wyoming State Line where it is intersected by U. S. Highway No. 287 to all points in the State of Colorado, and the transportation of coal from mines in the northern Colorado coal fields to said points on the Colorado-Wyoming State Line in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;

transportation of building brick and supplies manufactured by The Mountain Brick and Supply Company, from brick plant or storage yard of brick plant of said The Mountain Brick and Supply Company, located six and one-half miles south of Fort Collins, Colorado, on the Shield Street Road, to all points within the State of Colorado, for The Mountain Brick and Supply Company, only.

By the instant applications, said Kerk Trucking Company, a corporation, Fort Collins, Colorado, seeks authority to transfer said Permit No. A-509 and Permits Nos. B-1770 and B-1770-I to Verl Harvey, Inc., doing business as "Don Ward & Company," Denver, Colorado.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 8, 1960, and at the conclusion of the evidence, the matters were taken under advisement.

Motion was made that Applications for transfer, Nos. 17657, 17658-PP, 17659-PP, and 17660-PP, be consolidated for hearing, and there being no objection thereto the motion was granted.

Stanley Blunt testified that he is President of the Southwestern Transportation Company, the transferor in Applications Nos. 17657 and 17658, and is the Vice-President of Kerk Trucking Company, the transferor in Applications Nos. 17659 and 17660. This witness testified that the complete authorities will be transferred; that other authorities are held by the transferors which will be retained; and that there are other carriers in the field which will provide some competition to the transferee.

Four exhibits were also introduced and received in evidence without objection.

Don Ward testified that there were other carriers in the field which would be in competition with the transferee; that the consolidation will place the transferee in a better position to render better service to the public and at the same time will effect economies resulting from joint use of facilities.

Paul S. Barnett testified that he is General Traffic Manager of Ideal Cement Company and that the Company desires the transfer as better service will be obtained.

No evidence was submitted to indicate that the public would be placed at a disadvantage by the acquisition of the authorities by the transferee, or that the public interest would suffer by such acquisition.

It appeared that substantially the same equipment and facilities would remain available for service to the public.

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

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

##### THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That Southwestern Transportation Company, Canon City, Colorado, should be, and it hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 3902 and Permit No. B-5529 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Verl Harvey, Inc., doing business as "Don Ward & Company," Denver, Colorado, subject to payment of outstanding indebtedness against said operations, 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 PUC No. 3902 and Permit No. B-5529 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 the, 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 certificate and said permit up to the time of transfer of said certificate and permit.

That Kerk Trucking Company, a corporation, Fort Collins, Colorado, should be, and it hereby is, authorized to transfer all its right, title, and interest in and to Permit No. A-509 and Permits Nos. B-1770 and B-1770-I -- with authority as set forth in the preceding Statement,

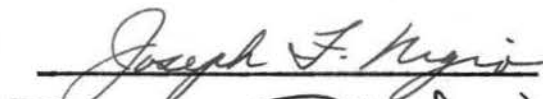
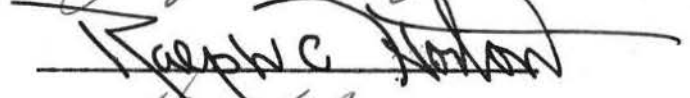

which is made a part hereof by reference -- to Verl Harvey, Inc., doing business as "Don Ward & Company," Denver, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

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 permits have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon its 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 Permits Nos. A-509, B-1770 and B-1770-I up to the time of transfer of said permits, the transfer of interstate operating rights authorized herein being 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 21st day of April, 1960.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GREELEY GAS COMPANY, 1930 SHERMAN )  
STREET, DENVER, COLORADO, FOR A )  
SUPPLEMENTAL ORDER AUTHORIZING IT )  
TO PUT INTO EFFECT A REDUCED GAS )  
RATE.. )  
----- )

APPLICATION NO. 16041  
SUPPLEMENTAL ORDER

-----  
April 20, 1960  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colo-  
rado, by  
E. A. Stansfield, Esq., Denver,  
Colorado, for Applicant;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

Under the above-entitled application, by virtue of  
Decision No. 53659, Greeley Gas Company (Applicant) was permitted  
to file a downward adjustment of its gas tariffs pertaining to the  
sale of gas in its Fremont County service area reducing the rates  
for natural gas sold to natural gas customers in such area supplied  
with natural gas purchased from Colorado Interstate Gas Company  
(Colorado Interstate) as a result of the settlement of Colorado  
Interstate's fourth rate increase proceeding designated as Federal  
Power Commission Docket No. G-13541.

At the hearing on the reduction in Applicant's retail rates  
in its Fremont County service area, it was established that there was  
pending before the Federal Power Commission a proposed settlement of  
Docket No. G-13577 involving Colorado-Wyoming Gas Company's (Colorado-  
Wyoming) fourth rate increase proceeding which became effective  
February 5, 1958, and which if approved, would probably result in

a reduction of rates for natural gas service furnished by Applicant to its residential, commercial and industrial customers in Weld County, Colorado, as well as a probable gas refund of moneys to be received by Applicant from Colorado-Wyoming for the period involved in the settlement of said Docket No. 13577 proceedings.

Natural gas purchased by Applicant from Colorado-Wyoming, which is an interstate pipeline company subject to the jurisdiction of the Federal Power Commission under the provisions of the Natural Gas Act, as amended, is supplied by Applicant at retail for residential, commercial and industrial use in various municipalities, communities and areas in Weld County, Colorado, under standard rate schedules, classifications, rules and regulations published in Applicant's Tariff, Colo. PUC No. 5, and in certain instances, under special gas contracts, on file with this Commission.

Since 1954, Colorado-Wyoming has increased its wholesale rates to Applicant by the prosecution under the Natural Gas Act, as amended, of four separate rate increase proceedings. The first three rate increase proceedings of Colorado-Wyoming were designated as FPC Docket Nos. G-2261, 2720 and G-11848, and were settled by orders issued by the Federal Power Commission, subject to a refund being made by Colorado-Wyoming to its jurisdictional customers, including Applicant, of any refunds received from Colorado Interstate as the result of the settlement of Colorado Interstate Gas Company's Dockets Nos. G-2260, G-2576 and G-11717 proceedings. The fourth rate increase proceedings of Colorado-Wyoming, designated as FPC Docket No. G-13577, was finally determined and settled by the Federal Power Commission by its order issued April 1, 1960, approving a proposal of settlement which had been agreed to by Colorado-Wyoming's resale customers, including Applicant, and certain interested Commissions, including this Commission. Copies of said order of April 1, 1960, and Proposal for Settlement are in the files of this Commission. Said order prescribed a lower rate for gas sold for resale, subject to

the jurisdiction of the Federal Power Commission, including a lower rate for gas sold by Colorado-Wyoming to Applicant. The annual decrease in the cost of natural gas purchased by Applicant from Colorado-Wyoming pursuant to the decreased wholesale rate ordered by the Federal Power Commission in its aforesaid order issued April 1, 1960, is estimated to be approximately \$153,606.

Applicant proposes, subject to authorization by this Commission, to put into effect with meter readings beginning April 22, 1960, reduced natural gas retail rates as more particularly set forth on Original Sheets Nos. 31 and 32, which are a part of Applicant's filing herein and made a part hereof by reference, effecting an annual decrease in the operating revenues of Applicant in the estimated amount of \$153,584.

The retail rate reduction proposed by Applicant applicable to residential and commercial natural gas service in its Weld County service area amounts to \$0.00646 per 100 cubic feet of gas used per month. The proposed reduction for interruptible industrial gas service applicable in the same area amounts to \$0.00173 per hundred cubic feet per month. Both of the above adjustments are in the form of riders applying to certain rate increases which were allowed to become effective by order of this Commission.

A study of the pass-on of the Colorado-Wyoming wholesale rate decrease in gas purchased by Applicant from Colorado-Wyoming was also submitted. Pursuant to this study, the gas purchased by Applicant from Colorado-Wyoming for the year ending February 25, 1960, results in a decrease in the cost of gas purchased by the Applicant during such year in the proximate sum of \$153,606.

This Commission held hearings in regard to the increase in Applicant's retail rates in its Weld County service area necessitated by the increases in gas costs to Applicant by its wholesale supplier, Colorado-Wyoming, in the latter's FPC Docket G-13577 rate increase proceedings. We do not believe it is necessary at this time to hold

further hearings in connection with the reduction in Colorado-Wyoming's wholesale gas rate ordered by the Federal Power Commission in its aforesaid order issued April 1, 1960, since the record and files of the Commission are sufficient to fully inform us in regard to this matter.

All monies refunded to Applicant by Colorado-Wyoming resulting from a reduction of its wholesale rates for gas purchased by Applicant for the period from February 5, 1958, to February 25, 1960, inclusive, which is the period covered by the order of the Federal Power Commission issued April 1, 1960, referred to above, together with overcharges billed to resale customers based upon Applicant's proposed reduction in resale rates for gas used during the period of February 26, 1960 to April 22, 1960, will be refunded by Applicant to its Weld County, Colorado, customers entitled to the same in a manner to be subsequently presented to and approved by this Commission.

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

##### THE COMMISSION FINDS:

That the foregoing Statement is made a part hereof by reference.

That the Commission is fully advised in the premises.

That the Commission has jurisdiction of the Applicant herein, of its tariff, and of the subject matter involved herein.

That the proposed temporary riders reducing Applicant's rates for natural gas service in Weld County for residential and commercial natural gas customers, and for its interruptible industrial customers supplied with natural gas purchased from Colorado-Wyoming, are just, reasonable, non-discriminatory, non-preferential, and should be permitted to be filed and become effective as hereinafter ordered.

That said temporary riders should be permitted to remain in force and effect until changed in accordance with law and the rules and regulations, or further order of this Commission.

That by Decision No. 53659 of this Commission, Applicant was ordered, inter alia, to prepare and submit to this Commission for its approval, a "plan of refund" showing the manner and method which it proposes for refunding the moneys which it has received and which it will receive in the future from its wholesale suppliers, Colorado Interstate and Colorado-Wyoming in accordance with the terms of the settlement of FPC Docket Nos. G-13541 and G-13577. Applicant was also ordered to invest such refund moneys as it has received in short-term treasury bills or notes until such time as a refund is made to its customers.

That Applicant's proposed "plan of refund" should make provision for refunding to its customers entitled thereto the overcharges billed to its Fremont County customers based upon Applicant's rate reductions authorized by Decision No. 53659 for the period from December 1, 1959 to the effective date of said rate reduction, and the overcharges billed to its Weld County customers based upon Applicant's rate reductions authorized herein for the period from February 26, 1960, to the effective date of said rate reduction as herein ordered.

#### O R D E R

##### THE COMMISSION ORDERS:

That the proposed temporary rider submitted to this Commission by Applicant reducing its rates in Weld County, Colorado, for natural gas service for residential and commercial natural gas customers, and for its interruptible industrial customers, supplied with natural gas purchased from Colorado-Wyoming are just, reasonable, non-discriminatory, non-preferential, and shall be permitted to be filed and to become effective with all meter readings beginning April 22, 1960.

That Applicant shall file additional sheets to its Tariff, Colo. P. U. C. No. 5, Original Sheets 31 and 32, "Temporary Rider Reduction of Emergency Gas Rate Adjustments" reducing the rates for

residential and commercial gas service to customers in Weld County, Colorado, in the amount of \$0.00646 per one hundred cubic feet of gas used per month, and reducing the rate for interruptible industrial natural gas service rendered to customers in Weld County, Colorado, in the amount of \$0.00173 per hundred cubic feet per month, on not less than one (1) day's notice to the public and this Commission prior to the effective date thereof.

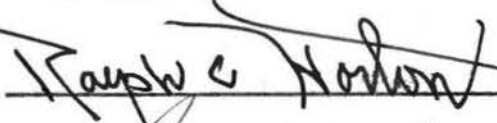

That said temporary rider shall be permitted to remain in force and effect until changed according to law and the rules and regulations of this Commission, or further order of this Commission.

That upon receipt by Applicant of the full amount of refund moneys to be received from its wholesale gas suppliers, Colorado Interstate and Colorado-Wyoming, pursuant to the settlement of their respective FPC Dockets Nos. G-13541 and G-13577, Applicant shall submit to this Commission with its request for approval therefor, a detailed refund plan as required by Decision No. 53659 of this Commission, and include therein provisions for refunding to its customers the overcharges billed to its Fremont County customers based upon Applicant's rate reductions authorized by Decision No. 53659 for the period of December 1, 1959, to the effective date of said rate reductions, and the overcharges billed to its Weld County customers based upon Applicant's rate reductions authorized herein for the period from February 26, 1960, to the effective date of said rate reduction as ordered herein.

That the Commission shall retain jurisdiction of this matter to make such further order or orders as may be necessary.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 20th day of April, 1960.  
ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
LEE CLEMENT, 1801 NORTH SPRING )	PERMIT NO. M-1121
STREET, AMARILLO, TEXAS. )	CASE NO. 498-INS.
----- )	

-----  
April 21, 1960  
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S T A T E M E N T

By the Commission:

On April 7, 1960, in Case No. 498-Ins., the Commission entered its Order, revoking Permit No. M-1121 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that 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-1121 be, and the same hereby is, reinstated, as of April 7, 1960, revocation order entered by the Commission on said date in Case No. 498-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Lewis*  
*Ralph C. Hoban*  
*Alvin J. Zurling*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of April, 1960.

original

(Decision No. 54144)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WESTERN SLOPE GAS COMPANY, A CORPOR-  
ATION ORGANIZED AND EXISTING UNDER  
THE LAWS OF THE STATE OF COLORADO,  
FOR AN ORDER AUTHORIZING THE ISSU-  
ANCE OF \$1,150,000 PRINCIPAL AMOUNT  
OF ITS FIRST MORTGAGE PIPELINE BONDS  
AND THE EXECUTION OF A CONTRACT RE-  
LATING TO PAYMENT FOR NATURAL GAS  
SUPPLIED TO PUBLIC SERVICE COMPANY  
OF COLORADO.

APPLICATION NO. 17696-Securities

April 25, 1960

Appearances: Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
E. A. Stansfield, Esq., Denver,  
Colorado, for Applicant;  
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:

Pursuant to Section 115-1-4, Colorado Revised Statutes,  
1953, Western Slope Gas Company, a Colorado corporation, hereinafter  
called "Applicant," filed with this Commission, on April 8, 1960, its  
Application for an Order of this Commission authorizing and approving  
the issuance by Applicant of \$1,150,000 principal amount of its First  
Mortgage Pipeline Bonds, and the execution of a contract relating to  
payments for natural gas supplied to Public Service Company of Colo-  
rado.

By Decision No. 54100, dated April 8, 1960, this Commission  
ordered that a public hearing be held on the aforesaid application on  
April 20, 1960, at 10:00 o'clock A. M., 532 State Services Building,  
Denver, Colorado. Interested parties, municipalities, representatives

of interested consumers or security holders of Applicant and any other person whose participation therein is in the public interest, were invited to intervene in the proceedings. Petition of Intervention were to be filed with this Commission on or before April 15, 1960.

The hearing on the aforesaid application was held on April 20, 1960, at the above designated time and place, after due notice to all interested parties, and the matter was heard and 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, E. F. Nussbaum, Assistant Secretary and Assistant 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 engaged in operating two separate intrastate natural gas transmission systems in western Colorado. The western system originating in the area south of Rangely, Colorado, and extends south to terminal points near the town borders of the City of Grand Junction and the towns of Fruita and Palisade, Colorado, with a lateral line extending westerly and attaching supplies of gas in the Baxter Pass area northwest of Grand Junction. Applicant's western system is connected with Pacific Northwest Pipeline Corporation's (now El Paso Natural Gas Company's) transmission system. The eastern system originates in the Piceance Creek Field, Colorado, and extends southwest to Rifle, Colorado. All of the capital stock of the Applicant is owned by Public Service Company of Colorado, a Colorado corporation, hereinafter referred to as "Public Service."

A certified copy of Applicant's Articles of Incorporation has heretofore been filed with this Commission as Exhibit "A" in Applicant's

Application No. 11801-Securities, and a certified copy of its By-Laws have heretofore been filed with this Commission as Exhibit "A" in Applicant's Application No. 17559-Securities. Pursuant to its Articles of Incorporation, the authorized capital stock of Applicant consists of One Million Dollars (\$1,000,000) divided into 100,000 shares of Common Stock of the par value of Ten Dollars (\$10) each, of which 90,000 shares were issued and outstanding on December 31, 1959.

Pursuant to that certain Indenture of Mortgage and Deed of Trust dated as of May 1, 1955, between the Applicant and The United States National Bank of Denver, (Denver United States National Bank, successor by consolidation) as Trustee, Applicant has heretofore issued and there were outstanding as of December 31, 1959, \$800,000 principal amount of First Mortgage Pipeline Bonds, 4-1/4% Series due 1975. A conformed copy of such Indenture of Mortgage and Deed of Trust is annexed to Applicant's Report No. 1 on its Application No. 13375-Securities. 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 as Exhibits "A" and "B," respectively.

Applicant's Exhibit "D," introduced at the hearing in this matter, shows that for the year ending December 31, 1959, Applicant had net operating revenues of \$176,991.77, and net income, that is the amount available for dividends and surplus, of \$87,547.30. Earnings in prior years have been satisfactory. A schedule setting forth the amount of interest charges incurred during the year ending December 31, 1959, and a schedule setting forth the rate and amount of dividends declared by Applicant during the years 1957, 1958 and 1959 was introduced at the hearing as Applicant's Exhibit "C".

Applicant's Balance Sheet as of December 31, 1959, and a Statement of Income and Earned Surplus for the year ending December 31, 1959, were introduced at the hearing as Applicant's Exhibit "D". Other

than current liabilities and the First Mortgage Pipeline Bonds heretofore referred to, Applicant had no outstanding indebtedness as of December 31, 1959, except indebtedness represented by notes payable to Public Service aggregating \$1,100,000, representing funds borrowed on unsecured short-term promissory notes for construction purposes.

Applicant proposed to issue \$1,150,000 principal amount of First Mortgage Pipeline Bonds, to bear interest at the rate of 5-7/8% per annum, to be dated May 1, 1960, to mature May 1, 1980, to be issued as a new series under the Applicant's Indenture dated as of May 1, 1955, and a proposed First Supplemental Indenture to be dated as of May 1, 1960, for the purpose of raising new capital funds to be used for retiring its unsecured short-term notes, and for additional plant facilities and improvements. A proof of the proposed First Supplemental Indenture in respect of the proposed issue of \$1,150,000 principal amount of new bonds was introduced at the hearing as Exhibit "E". In view of the relatively small amount of the proposed issue, Applicant intends to sell the proposed bonds to institutional investors at not less than the principal amount thereof plus accrued interest to the date of sale, without a public offering. A proof of the proposed Bond Purchase Agreement was introduced at the hearing as Exhibit "F". Attached as an exhibit to said Bond Purchase Agreement is a proposed agreement to be entered into between Public Service and Applicant providing for advances under certain conditions to be made by Public Service to Applicant. The execution and delivery of said agreement is a condition of sale of the bonds pursuant to said Bond Purchase Agreement. There was introduced at the hearing as Exhibit "I" the Amendatory Gas Sales Agreement dated April 12, 1960, between Applicant and Public Service extending, subject to the provisions thereof, the term of the existing sales agreement between such parties to October 15, 1982.

There was also introduced at the hearing as Exhibit "G" an

estimate of construction expenditures to be made by Applicant during the years 1960, 1961 and 1962, aggregating \$684,000. Included as a part of said Exhibit "G" is a schedule setting forth the capital structure of Applicant as of December 31, 1959, and a pro forma capital structure as of December 31, 1959, giving effect to the sale of \$1,150,000 principal amount of its First Mortgage Pipeline Bonds, 5-7/8% Series due 1980. After such proposed sale, the percentage of Applicant's long-term debt to total capital will be 64.9% and the percentage of equity to total capital will be 35.1%.

This Commission has carefully reviewed all of the evidence introduced 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 the Applicant, Western Slope Gas Company, 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 and sale by Applicant of \$1,150,000 principal amount of First Mortgage Pipeline Bonds as hereinabove set forth is reasonably required and necessary for its corporate financing.

That the proposed securities transaction and the proposed Agreement between Applicant and Public Service Company of Colorado providing for advances under certain conditions to be made by Public Service Company of Colorado to Applicant, the execution and delivery of which agreement is a condition of the sale of said First Mortgage Bonds to the purchasers thereof, are 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 sought should be issued, and should be made effective forthwith.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Applicant, Western Slope Gas Company, be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage Pipeline Bonds in the principal amount of \$1,150,000 to institutional investors, without public offering, at a price to Applicant of not less than the principal amount thereof, plus accrued interest to the date of sale, such bonds to be dated as of May 1, 1960, to mature May 1, 1980, to bear interest at a rate of 5-7/8% per annum, and to be secured by the Indenture of Mortgage and Deed of Trust dated as of May 1, 1955, and a proposed First Supplemental Indenture dated as of May 1, 1960, substantially in the form introduced at the hearing, to be executed between Applicant and the Denver United States National Bank, as Trustee.

That Applicant be, and it hereby is, authorized and empowered to execute and deliver that certain Bond Purchase Agreement relating to the sale of Applicant's First Mortgage Pipeline Bonds, 5-7/8% Series due 1980, and that certain agreement between Applicant and Public Service Company of Colorado providing for advances under certain conditions to be made by Public Service to Applicant incorporated as Exhibit "C" in said Bond Purchase Agreement, Exhibit F, both substantially in the form introduced at the hearing.

That Applicant be, and it hereby is, authorized to use the proceeds derived from the issuance and sale of said \$1,150,000 principal amount of First Mortgage Pipeline Bonds for retiring its unsecured short-

term notes, and for additional plant facilities and improvements.

That the securities authorized to be issued and sold hereunder shall bear on the face thereof serial numbers for proper and easy identification; that within sixty (60) days from the issuance and delivery 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 Applicant be, and it hereby is, directed in reflecting in its accounts the consummation of the issuance and sale herein authorized, and the disposition of expenses incurred in connection therewith, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners and adopted by this Commission on October 19, 1938.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the First Mortgage Pipeline Bonds authorized hereunder, or the interest thereon, on the part of the State of Colorado.

That within sixty (60) days from the date of the sale of the Bonds authorized to be issued and sold hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue and disposition of said Bonds, the fees, commissions, and expenses incident to such sale, accompanying such report with a new balance sheet reflecting the issuance and sale of said Bonds and supporting journal entries which shall reflect the exercise of authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such financing, and a conformed copy of First Supplemental Indenture to be dated May 1, 1960.

That the Commission retain jurisdiction of these proceedings to the end that it may make such further Order, or Orders, in the premises as to it may seem to be proper and desirable.

That the authority granted herein shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Holton  
Henry E. Zalusky  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of April, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PUEBLO GAS AND FUEL COMPANY, )  
A CORPORATION ORGANIZED AND EXIST- )  
ING UNDER THE LAWS OF THE STATE OF )  
COLORADO FOR AN ORDER AUTHORIZING )  
THE ISSUANCE OF \$1,650,000 PRIN- )  
CIPAL AMOUNT OF ITS FIRST MORTGAGE )  
BONDS. )  
----- )

APPLICATION NO. 17695-SECURITIES

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April 25, 1960  
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Appearances: Lee, Bryans, Kelly and  
Stansfield, Esqs.,  
Denver, Colorado, by  
E. A. Stansfield, Esq.,  
Denver, Colorado,  
for Applicant;  
E. R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

Pursuant to Section 115-1-4, Colorado Revised Statutes, 1953, Pueblo Gas and Fuel Company, a Colorado corporation, herein-after called "Applicant," filed with this Commission, on April 8, 1960, its application for an Order of this Commission authorizing and approving the issuance by Applicant of \$1,650,000 principal amount of its First Mortgage Bonds.

By Decision No. 54099, dated April 8, 1960, this Commission ordered that a public hearing be held on the aforesaid application on April 20, 1960, at ten o'clock A. M., 532 State Services Building, Denver, Colorado. Interested municipalities, representatives of interested consumers or security holders of Applicant corporation, and any other person whose participation therein is in the public interest, were invited to intervene in

the proceedings. Petitions of Intervention were to be filed with this Commission on or before April 15, 1960.

The hearing on the aforesaid application was held on April 20, 1960, at the above designated time and place, after due notice to all interested parties, and the matter was heard and 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, E. F. Nussbaum, Assistant Secretary and Assistant 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 subject to the jurisdiction of this Commission, engaged in the purchase, distribution and sale at retail of natural gas. Applicant's operations are wholly within the State of Colorado, the principal center of distribution and sale of natural gas being in the City of Pueblo and immediate vicinity. Applicant is a wholly-owned subsidiary of Public Service Company of Colorado, a Colorado corporation, hereinafter referred to as "Public Service."

A certified copy of Applicant's Articles of Incorporation, together with certified copies of amendments, have heretofore been filed with this Commission, and a certified copy of its By-Laws has heretofore been filed with this Commission. Pursuant to its Articles of Incorporation, as amended, the authorized capital stock of Applicant consists of 250,000 shares of capital stock, without nominal or par value, of which 160,000 shares were issued and outstanding on December 31, 1959.

Pursuant to that certain Indenture of Mortgage and Deed of Trust dated as of March 1, 1948, between Applicant and The United States National Bank of Denver (Denver United States National Bank,

successor by consolidation), as Trustee, as supplemented, Applicant has heretofore issued and there were outstanding as of December 31, 1959, \$602,000 principal amount of First Mortgage Bonds, 3 $\frac{1}{4}$ % Series due 1973, and \$940,000 principal amount of First Mortgage Bonds, 3-3/4% Series due 1977. Copies of Applicant's Indenture dated as of March 1, 1948, and the First Supplemental Indenture dated as of August 1, 1952, were annexed as Exhibits "H" to Applicant's Application No. 9051-Securities, and Applicant's Application No. 11902-Securities, respectively. 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.

Applicant's Exhibit "E," introduced at the hearing in this matter, shows that for the year ending December 31, 1959, Applicant had net operating revenues of \$247,991.73, and net income, that is the amount available for dividends and surplus, of \$136,018.98. Earnings in prior years have been satisfactory. A schedule setting forth the amount of interest charges incurred during the year ending December 31, 1959, and a schedule setting forth the rate and amount of dividends declared by Applicant during the years 1957, 1958 and 1959, were introduced at the hearing in this matter as Applicant's Exhibits "C" and "D," respectively. Applicant's Balance Sheet as of December 31, 1959, and a Statement of Income and Earned Surplus for the year ending December 31, 1959, were introduced at the hearing in this matter as Applicant's Exhibit "E". Other than current liabilities and the First Mortgage heretofore referred to, Applicant had no outstanding indebtedness as of December 31, 1959, except indebtedness represented by notes payable to Public Service aggregating \$800,000, representing funds borrowed on unsecured short-term promissory notes for construction purposes.

Applicant proposes to issue \$1,650,000 principal amount of First Mortgage Bonds, to bear interest at the rate of 5-3/4% per annum,



to be dated May 1, 1960, to mature May 1, 1985, to be issued as a new series under Applicant's Indenture dated as of March 1, 1948, as supplemented and as to be further supplemented by a proposed Second Supplemental Indenture to be dated as of May 1, 1960, for the purpose of raising new capital funds to be used for retiring the aforesaid \$800,000 unsecured short-term notes, and for additional plant facilities and improvements. A proof of the proposed Second Supplemental Indenture in respect of the proposed issue of \$1,650,000 principal amount of new bonds was introduced at the hearing as Exhibit "F." A proof of the proposed Bond Purchase Agreement, dated April 14, 1960, was introduced at the hearing as Exhibit "G." In view of the relatively small amount of the proposed issue, Applicant intends to sell the proposed bonds to institutional investors, at not less than the principal amount thereof, plus accrued interest to the date of sale, without a public offering.

There was also introduced at the hearing as Exhibit "H" an estimate of construction expenditures to be made by Applicant during the years 1960, 1961 and 1962, aggregating \$2,273,000. Applicant's Exhibit "I" introduced at the hearing, sets forth the capital structure of Applicant as of December 31, 1959. Included as a part of said Exhibit "I" is a pro forma capital structure as of December 31, 1959, giving effect to the sale of \$1,650,000 principal amount of its First Mortgage Bonds, 5-3/4% Series due 1985. After such proposed sale, the percentage of Applicant's long-term debt to total capital will be 57.3% and the percentage of equity to total capital will be 42.7%.

This Commission has carefully reviewed all of the evidence introduced 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 the Applicant, Pueblo Gas and Fuel Company, 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 and sale by Applicant of \$1,650,000 principal amount of First Mortgage Bonds as hereinabove set forth is reasonably required and necessary for its corporate financing.

That the proposed securities transaction 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 sought should be issued, and should be made effective forthwith.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Applicant, Pueblo Gas and Fuel Company, be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage Bonds in the principal amount of \$1,650,000 to institutional investors, without public offering, at a price to Applicant of not less than the principal amount thereof, plus accrued interest to the date of sale, such bonds to be dated as of May 1, 1960, to mature May 1, 1985, to bear interest at the rate of 5-3/4% per annum, and to be secured by the Indenture of Mortgage and Deed of Trust dated as of March 1, 1948, as supplemented, and to be further supplemented by a Second Supplemental Indenture dated as of May 1, 1960, substantially in the form introduced at the hearing, to be executed between Applicant and the Denver United States National Bank, as Trustee.

That the Applicant be, and it hereby is, authorized and empowered to execute and deliver that certain Bond Purchase Agreement

relating to Applicant's First Mortgage Bonds, 5-3/4% Series due 1985, substantially in the form as introduced at the hearing.

That the Applicant be, and it hereby is, authorized to use the proceeds derived from the issuance and sale of said \$1,650,000 principal amount of First Mortgage Bonds for retiring its unsecured short-term notes, on and for additional plant facilities and improvements.

That the securities authorized to be issued and sold hereunder shall bear on the face thereof serial numbers for proper and easy identification; that within sixty (60) days from the issuance and delivery 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 Applicant be, and it hereby is, directed in reflecting in its accounts consummation of the issuance and sale herein authorized, and the disposition of expenses incurred in connection therewith, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners and adopted by this Commission on October 19, 1938.

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

That within sixty (60) days from the date of the sale of the Bonds authorized to be issued and sold hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue and disposition of said Bonds, the fees, commissions, and expenses incident to such sale, accompanying such report with a new balance sheet reflecting the issuance and sale of said Bonds and supporting journal entries which shall reflect the exercise of authority herein granted, together with

copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such financing, and a conformed copy of Second Supplemental Indenture to be dated May 1, 1960.

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

That the authority granted herein shall be exercised from and after this date, this Order being ~~made~~ effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Holton  
Henry E. Gault  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARLAN H. MITTON, DOING BUSINESS AS )  
"MITTAIR," 490 NOME, AURORA, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER TO )  
AIR CHARTERS OF DENVER, INC., 490 )  
NOME STREET, AURORA, COLORADO, )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY ORIGINALLY GRANTED BY )  
DECISION NO. 30379, IN APPLICATION )  
NO. 8734, AND ACQUIRED BY HIM PUR- )  
SUANT TO AUTHORITY CONTAINED IN DE- )  
CISION NO. 53807, IN APPLICATION NO. )  
17549-Transfer. )

APPLICATION NO. 17677-Transfer

-----  
April 26, 1960  
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Appearances: W. F. Bridgeman, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

Harlan H. Mitton, doing business as "Mittair," Aurora, Colo-  
rado, is the owner and operator of a certificate of public convenience  
and necessity issued by this Commission, authorizing:

service as a common carrier by airplane,  
in interstate and intrastate 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, which  
certificate was originally granted by Deci-  
sion No. 30379, in Application No. 8734,  
and acquired by him pursuant to authority  
contained in Decision No. 45885, as amended  
by Decision No. 46087.

By the instant application, said certificate-holder seeks  
authority to transfer said Certificate to Air Charters of Denver,  
Inc., Aurora, 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, 532 State Services Building, Denver, Colorado, April 20, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant did not appear. However, Mr. W. F. Bridgeman, of the Commission's staff, was sworn and testified that he has investigated the matter thoroughly and is familiar with the transfer desired; that the Articles of Incorporation of the transferee have been filed with the Commission and that the purpose of transfer is to have the operation by a corporation rather than by an individual, the transferor. The operation will be carried on in the same manner as before the transfer, if granted.

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

No one appeared in opposition to the proposed transfer.

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Harlan H. Mitton, doing business as "Mittair," Aurora, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to certificate of public convenience and necessity to operate as a common carrier by airplane, originally granted by Decision No. 30379, in Application No. 8734, and acquired by him pursuant to authority contained in Decision No. 53807, in Application No. 17549-Transfer, to Air Charters of Denver, Inc., Aurora, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.



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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Harbort*  
*Paul E. Zuleygo*

Dated at Denver, Colorado,  
this 26th day of April, 1960.

mls

original

(Decision No. 54147)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CITIZENS UTILITIES COMPANY, RIDGE- )  
WAY CENTER, STAMFORD, CONNECTICUT, )  
FOR AN ORDER AUTHORIZING THE ISSU- )  
ANCE AND SALE OF \$6,600,000 FIRST )  
MORTGAGE AND COLLATERAL TRUST BONDS, )  
5½% SERIES, DUE DECEMBER 31, 1990. )  
----- )

APPLICATION NO. 17676-SECURITIES

-----  
April 26, 1960  
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Appearances: Lawrence Thulemeyer, Esq.,  
La Junta, Colorado, and  
Gallop Climenko & Gould, Esqs.,  
New York, New York, for  
Applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

By the above-styled application, Citizens Utilities Company, a Delaware corporation authorized to do business in the State of Colorado, (hereinafter called "Company") seeks authority from this Commission for an Order under Section 115-1-4, Colorado Revised Statutes 1953, as amended, for an Order authorizing the issuance and sale of \$6,600,000 First Mortgage and Collateral Trust Bonds, 5½% Series, due December 31, 1990, and the making, execution and delivery of a proposed Supplemental Indenture, supplementing the certain Indenture of Mortgage, dated as of March 1, 1947, and other necessary documents.

A public hearing was held at the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, on April 20, 1960, at 10 o'clock A. M.; and at the conclusion thereof the matter was taken under advisement by the Commission.

Company is a Delaware corporation with its principal business office located at Ridgeway Center, City of Stamford, State of Connecticut. It is authorized to do business in the States of Arizona, Colorado, Idaho, Maine and Vermont; it is engaged directly in the purchase, generation, transmission, distribution and sale, at retail and wholesale, of electrical energy in the States of Arizona, Idaho and Vermont, in the purchase, distribution and sale of natural gas in the States of Arizona and Colorado, in the manufacture, distribution and sale of manufactured gas in the State of Maine, in the operation of water systems in the States of Arizona and Idaho, in the operation of a telephone system in the State of Arizona, and in the manufacture and sale of ice in the State of Arizona. Through subsidiaries, Company is engaged in the operation of cold storage and wharf facilities in the State of Alaska, in the operation of telephone systems in the States of California and Pennsylvania, in the operation of water systems in the States of California and Illinois, and in the operation of sewerage systems in the State of Illinois. The principal communities served by Company in Colorado are Las Animas, La Junta, Rocky Ford, Fowler and Ordway.

The \$6,600,000 First Mortgage and Collateral Trust Bonds, 5 $\frac{1}{2}$ % Series, due December 31, 1990, are to be sold by private placement, and the proceeds are to be used as follows: To retire current bank loans incurred to further the Company's construction and acquisition programs.

For the twelve (12) months ended February 29, 1960, according to Exhibit F-1, Company had operating revenues of \$5,259,833 and a net income of \$676,035. Earnings in prior years have been satisfactory.

The issuance of the proposed Bonds does not increase the ratio of Company's debt to Equity on a consolidated basis in an inordinate amount. The issuance of the Bonds in question and the retirement of current bank loans result in a more advantageous financial structure for the Company in that the proposed Bonds give a long term consolidation to the Company's obligations.

The Commission has considered the Application of Company and concludes that the authority prayed for should be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That Company, Citizens Utilities Company, is a public utility defined in Section 115-1-3, Colorado Revised Statutes, 1953, as amended.

That this Commission has jurisdiction over said Company and the subject matter of the Application herein.

That the Commission is fully advised in the premises.

That the issuance by Company of the Bonds proposed to be issued as hereinabove set forth is reasonably required and necessary for its proper financing, and that the amount thereof added to outstanding bonds will not be in excess of the amount authorized to be issued under the 1947 Indenture and supplementals thereto.

That Company is able to service this debt.

That the proposed Bond Issue is not inconsistent with the public interest and the purpose thereof is permitted by and is consistent with the statutes of the State of Colorado.

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

## O R D E R

### THE COMMISSION ORDERS:

That Citizens Utilities Company, a Delaware corporation, be, and it hereby is authorized to make, execute and deliver that certain Mortgage entitled "Tenth Supplemental Indenture" described in the Statement preceding, in favor of Marine Midland Trust Company of New York and John R. McGinley, as Trustees, which is supplemental to the Indenture of Mortgage and Deed of Trust, dated March 1, 1947, and that the said Citizens Utilities Company be, and it hereby is, authorized and empowered to issue and sell \$6,600,000, principal amount of its First Mortgage and Collateral Trust Bonds, 5 $\frac{1}{2}$ % Series, due December 31, 1990, at a price of 100% of the principal amount thereof, plus accrued interest thereon from May 1, 1960, to the closing date, said issue to be issued under and secured by that certain Mortgage and Deed of Trust, dated as of March 1, 1947, from Company to the

Marine Midland Trust Company of New York and Baldwin Maull, as Trustees, as supplemented by the Tenth Supplemental Indenture, dated as of May 1, 1960.

That Citizens Utilities Company be, and it hereby is, authorized to use the proceeds received from the sale of the said Bonds for the purpose set forth in the Statement preceding, which, by reference, is made a part hereof.

That Citizens Utilities Company shall make a certified report to the Commission not less than three (3) months after the sale of the Bonds heretofore authorized to be sold, stating the moneys received therefrom, and in detail, expenses incident to such sale, accompanying the same with copies of the entries recorded on the books of the Company as a result of the consummation of the financing as before provided.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to said First Mortgage and Collateral Trust Bonds, 5 $\frac{1}{2}$ % Series, due December 31, 1990, or the interest thereon, on the part of the State of Colorado.

That the Commission retains jurisdiction of this proceeding to the end that it may make such further Orders in the premises as it may deem proper and desirable.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Holm  
Alvin E. Zarling  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HOME LIGHT AND POWER COMPANY, A )  
CORPORATION, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING THE EXERCISE OF FRAN- )  
CHISE RIGHTS GRANTED BY THE TOWN )  
OF NUNN, STATE OF COLORADO. )  
----- )

APPLICATION NO. 17666

-----  
April 26, 1960  
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Appearances: Clayton and Gilbert, Esqs.,  
Greeley, Colorado, by  
John R. Clayton, Esq.,  
Greeley, Colorado, for  
Home Light and Power Company.

S T A T E M E N T

By the Commission:

This is an application by Home Light and Power Company, hereinafter called "Applicant," seeking a certificate of public convenience and necessity to exercise franchise rights in the Town of Nunn, Weld County, State of Colorado, for the purchase, generation, transmission, distribution, and sale of electricity in said Town.

The matter was set for hearing, after due notice to all interested parties, on April 14, 1960, at the District Court Room, Court House, Greeley, Colorado, and was heard on said date. At the conclusion of the hearing, the matter was taken under advisement.

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

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the regulation of the Commission, principally engaged in the business of purchase, transmission, distribution and sale of electricity for light, power and other purposes to



residents in various cities, towns, and rural areas situated in Weld County, including the Town of Nunn. Applicant's witness testified that the Articles of Incorporation of Applicant, as amended to date, have heretofore been filed with this Commission.

Applicant showed that on March 1, 1960, the Board of Trustees of Nunn duly passed and adopted Ordinance No. 103, of the Town of Nunn, entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF NUNN, WELD COUNTY, COLORADO, TO HOME LIGHT AND POWER COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF NUNN, A PLANT OF PLANTS, SUBSTATIONS, AND WORKS, FOR THE GENERATION, PURCHASE, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF NUNN 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 NUNN, AND FIXING THE TERMS AND CONDITIONS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The term of the franchise is twenty-five years. A certified copy of the franchise contained within the Ordinance, and proof of posting were introduced at the hearing and identified as Exhibit C. Witness testified that on March 5, 1960, the Company accepted the terms of the franchise in writing.

The franchise ordinance provides for the payment of a franchise tax of 1% of gross revenue, subject to certain specified exclusions.

The estimated capital improvement in the Town of Nunn during the life of this franchise is \$24,900. This amount will be the basis of the fee for the issuance of the certificate but will not be binding on the Commission if at any time property valuation should be at issue.

There is no other utility of like character within the area capable of serving the Town of Nunn.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Home Light and Power Company, and of the subject matter involved in 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 public convenience and necessity require, and will require, the exercise by Home Light and Power Company of the franchise rights granted in and by Ordinance No. 103, of the Town of Nunn, dated March 1, 1960, for the purchase, generation, distribution and sale of electricity in said Town, and that the permission sought herein should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Home Light and Power Company of the franchise granted by the Board of Trustees of the Town of Nunn, Weld County, Colorado, in and by Ordinance No. 103, identified as Exhibit "C" herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

That Home Light and Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Alvin E. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HOME LIGHT AND POWER COMPANY, A COR- )  
PORATION, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY AUTHORIZING )  
THE EXERCISE OF FRANCHISE RIGHTS )  
GRANTED BY THE TOWN OF PIERCE, STATE )  
OF COLORADO. )  
----- )

APPLICATION NO. 17667

-----  
April 26, 1960  
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Appearances: Clayton and Gilbert, Esqs.,  
Greeley, Colorado, by  
John R. Clayton, Esq.,  
Greeley, Colorado, for  
Home Light and Power Company.

S T A T E M E N T

By the Commission:

This is an application by Home Light and Power Company, hereinafter called "Applicant," seeking a certificate of public convenience and necessity to exercise franchise rights in the Town of Pierce, Weld County, State of Colorado, for the purchase, generation, transmission, distribution, and sale of electricity in said Town.

The matter was set for hearing, after due notice to all interested parties, on April 14, 1960, at the District Court Room, Court House, Greeley, Colorado, and was heard on said date. At the conclusion of the hearing, the matter was taken under advisement.

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

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the regulation of this Commission, principally engaged in the business of purchase, transmission, distribution and sale of electricity for light, power and other purposes to residents

in various cities, towns, and rural areas situated in Weld County, including the Town of Pierce. Applicant's witness testified that the Articles of Incorporation of Applicant, as amended to date, have heretofore been filed with this Commission.

Applicant showed that on March 7, 1960, the Board of Trustees of Pierce duly passed and adopted Ordinance No. 45, of the Town of Pierce, entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF PIERCE, WELD COUNTY, COLORADO, TO HOME LIGHT AND POWER COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF PIERCE, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE GENERATION, PURCHASE, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF PIERCE 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 PIERCE, AND FIXING THE TERMS AND CONDITIONS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The terms of the franchise is twenty-five years. A certified copy of the franchise contained within the Ordinance, and proof of posting were introduced at the hearing and identified as Exhibit C. Witness testified that on March 14, 1960, the Company accepted the terms of the franchise in writing.

The franchise ordinance provides for payment of a franchise tax of 1% gross revenue, subject to certain specified exclusions.

The estimated capital improvement in the Town of Pierce during the life of this franchise is \$30,390. This amount will be the basis of the fee for the issuance of the certificate but will not be binding on the Commission if at any time property valuation should be at issue.

There is no other utility of like character within the area capable of serving the Town of Pierce.

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

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Home Light and Power Company, and of the subject matter involved in 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 public convenience and necessity require, and will require, the exercise by Home Light and Power Company of the franchise rights granted in and by Ordinance No. 45, of the Town of Pierce, dated March 7, 1960, for the purchase, generation, distribution and sale of electricity in said Town, and that the permission sought herein should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Home Light and Power Company of the franchise granted by the Board of Trustees of the Town of Pierce, Weld County, Colorado, in and by Ordinance No. 45, identified as Exhibit "C" herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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



That Home Light and Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Russell C. Holton  
Henry G. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
AUSTIN JUMBO MINES, INC., KEN  
GARFF TRAILER SALES, 531 SOUTH  
STATE STREET, SALT LAKE CITY,  
UTAH.

PERMIT NO. M-10177  
CASE NO. 325-INS.

April 26, 1960

S T A T E M E N T

By the Commission:

Heretofore, on April 7, 1960, the Commission entered its Order in Case No. 325-Ins., revoking Permit No. M-10177 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-10177 be, and the same hereby is, reinstated, as of April 7, 1960, revocation order entered by the Commission on said date in Case No. 325-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regier*  
*Joseph C. Holman*  
*Henry E. Adams*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of April, 1960.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
AMARILLO HARDWARE COMPANY, 600 )  
GRANT STREET, AMARILLO, TEXAS. )  
-----

PERMIT NO. M-10196  
CASE NO. 111-INS.

-----  
April 26, 1960  
-----

S T A T E M E N T

By the Commission:

On April 7, 1960, in Case No. 111-Ins., the Commission entered its Order, revoking Permit No. M-10196 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-10196 be, and the same hereby is, reinstated, as of April 7, 1960, revocation order entered by the Commission on said date in Case No. 111-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Nigro*  
*Raymond C. Holman*  
*Alvin E. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of April, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. J. MC COY, DOING BUSINESS AS, )  
"WILLIAM MC COY LUMBER COMPANY", P. )  
O. BOX 386, COFFEYVILLE, KANSAS. )  
----- )

PERMIT NO. M-13862

-----  
April 28, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. J. Mc Coy, doing  
business as, "William Mc Coy Lumber Company", Coffeyville, Kansas  
requesting that Permit No. M-13862 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13862, heretofore issued to W. J. Mc Coy, doing  
business as, "William Mc Coy Lumber Company", Coffeyville, Kansas be,  
and the same is hereby, declared cancelled effective March 22, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zarlengo  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN A. PETERSON, BOX 54, MONTICELLO,  
UTAH. )

PERMIT NO. M-6748

-----  
April 28, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from John A. Peterson,  
Monticello, Utah  
requesting that Permit No. M-6748 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6748, heretofore issued to John A. Peterson,  
Monticello, Utah be,  
and the same is hereby, declared cancelled effective April 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Joseph C. Norton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JUAN AND ROSE HERNANDEZ, GENERAL )  
DELIVERY, EATON, COLORADO. )

PERMIT NO. M-9235

April 28, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Juan and Rose  
Hernandez, Eaton, Colorado  
requesting that Permit No. M-9235 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-9235, heretofore issued to Juan and Rose Hernandez,  
Eaton, Colorado be,  
and the same is hereby, declared cancelled effective February 23, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Rogers  
Joseph C. Gordon  
Henry E. Zuckers  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 1957 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

FRANK W. EARNEST, 109 WEST "B"  
STREET, PUEBLO, COLORADO.

PERMIT NO. M-5781

-----  
April 28, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank W. Earnest,

Pueblo, Colorado

requesting that Permit No. M-5781 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5781, heretofore issued to Frank W. Earnest,

Pueblo, Colorado

be,

and the same is hereby, declared cancelled effective March 9, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LESTER F. WOODFIN, 1350 WEST OXFORD, )  
ENGLEWOOD, COLORADO. )  
----- )

PERMIT NO. M-9441

-----  
April 28, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lester F. Woodfin,  
Englewood, Colorado  
requesting that Permit No. M-9441 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9441, heretofore issued to Lester F. Woodfin,  
Englewood, Colorado be,  
and the same is hereby, declared cancelled effective March 14, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Woodson  
Henry C. Zandberg  
Commissioners

Dated at Denver, Colorado,  
this 28th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
G. T. WOMACK, GORDONVILLE, )  
TEXAS. )

PUC NO. 4260-I

April 28, 1960

# S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. T. Womack,  
Gordonville, Texas

requesting that Certificate of Public Convenience and Necessity No. 4260-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. 4260-I heretofore issued to G. T.  
Womack, Gordonville, Texas

be, and the same is hereby, declared cancelled effective March 31, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Norton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,  
this 28th day of April, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES AND YVONNE E. VARRA, DOING )  
BUSINESS AS, "ARTISTIC GARDENS )  
NURSERY", c/o 4567 XAVIER STREET, )  
DENVER 12, COLORADO. )  
-----)

PERMIT NO. M-11658

-----  
April 28, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles & Yvonne E. Varra, dba "Artistic Gardens Nursery", Denver 12, Colorado  
requesting that Permit No. M-11658 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11658, heretofore issued to Charles & Yvonne E. Varra, dba "Artistic Gardens Nursery", Denver 12, Colorado be,  
and the same is hereby, declared cancelled effective April 5, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
IDEAL FEED STORE (CORPORATION) 104 )  
NORTH PUBLIC ROAD, LAFAYETTE, COLO- )  
RADO. )  
----- )

PERMIT NO. M-12380

-----  
April 28, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ideal Feed Store  
(Corporation) Lafayette, Colorado  
requesting that Permit No. M-12380 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12380, heretofore issued to Ideal Feed Store  
(Corporation) Lafayette, Colorado be,  
and the same is hereby, declared cancelled effective March 27, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Ralph C. Norton  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EDWARD J. SIEGEL, DOING BUSINESS AS, )  
"LIMON FLORIST", 241 A STREET, LIMON, )  
COLORADO. )  
----- )

PERMIT NO. M-3633

-----  
April 28, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward J. Siegel,  
doing business as, "Limon Florist", Limon, Colorado  
requesting that Permit No. M-3633 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3633, heretofore issued to Edward J. Siegel,  
doing business as, "Limon Florist", Limon, Colorado be,  
and the same is hereby, declared cancelled effective March 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zaulig  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT D. GREEN, ROUTE 2, HOTCHKISS, )  
COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-10652

\_\_\_\_\_  
April 28, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert D. Green,  
Hotchkiss, Colorado  
requesting that Permit No. M-10652 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10652, heretofore issued to Robert D. Green,  
Hotchkiss, Colorado be,  
and the same is hereby, declared cancelled effective April 10, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Joseph C. Brown  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LINDSAY ROBERTS AND F. R. WASSON, )  
DOING BUSINESS AS, "ROBERTS AND )  
WASSON TRUCK LINE", P. O. BOX 66, )  
WORTHAM, TEXAS. )  
-----

PERMIT NO. M-2146

-----  
April 28, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lindsay Roberts and  
F. R. Wasson, dba "Roberts & Wasson Truck Line", Wortham, Texas  
requesting that Permit No. M-2146 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2146, heretofore issued to Lindsay Roberts and F. R.  
Wasson, dba "Roberts & Wasson Truck Line", Wortham, Texas be,  
and the same is hereby, declared cancelled effective March 31, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Wood  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 195/ 60.

original

(Decision No. 54163)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE COLORADO AND SOUTHERN RAILWAY )  
COMPANY, 509 SEVENTEENTH STREET, )  
DENVER, COLORADO, TO DISCONTINUE )  
AGENCY SERVICE AT BRANSON, LAS )  
ANIMAS COUNTY, COLORADO, AND TO )  
CLOSE SAME AS AN AGENCY STATION. )  
----- )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 423

-----  
April 27, 1960  
-----

Appearances: J. C. Street, Esq., Denver,  
Denver, Colorado, for The  
Colorado and Southern Rail-  
way Company;  
Dean C. Mabry, Esq., Trinidad,  
Colorado, for the Citizens  
of Branson, Colorado.

S T A T E M E N T

By the Commission:

On May 1, 1959, The Colorado and Southern Railway Company,  
by its attorneys, filed an application under Rule 6 of the Com-  
mission's Rules and Regulations Pertaining to Railroads Operating  
in the State of Colorado.

Request was made by Applicant for an order authorizing dis-  
continuance of the seasonal Agency service at Branson, Las Animas  
County, Colorado, effective June 1, 1959, and thereafter to handle  
year-around railroad business at the stations of Trinchere, Colo-  
rado, or Folsom, New Mexico. Agency service at Branson has been pro-  
vided by an agent on a seasonal basis during the months of September,  
October, and November, in accordance with Decision No. 44866, as  
issued by this Commission on November 4, 1955, in Application No.  
12948.

Applicant gave due notice of its application in the manner  
and form required by the Rules of the Commission.

The Commission suspended Applicant's proposed discontinuance of the agency, and transferred the application and file in the matter to the above-numbered Investigation and Suspension Docket. Thereafter, the matter was set for hearing in December, 1959, which was vacated at the request of the Applicant. The case was then reset for hearing on April 20, 1960, in the District Court Room, Court House, Trinidad, Colorado. Notice of the hearing was served upon Applicant and all persons who had filed protests or objections to said proposed discontinuance of agency service. At the conclusion of the hearing, the matter was taken under advisement.

Protests were filed by The Order of Railroad Telegraphers and certain citizens of Branson. The former did not appear at the hearing. The citizens of Branson appeared by their attorney who filed on their behalf a statement which stated, in effect, that they had no intention of opposing the Applicant's request to discontinue the agency for the three months in question.

At the hearing, Applicant's Auditor introduced into evidence several exhibits prepared from the original records of the Applicant. From these exhibits it appears that carload freight traffic for the months of September, October, and November in the years 1957, 1958 and 1959, amounted to the following:

	<u>Forwarded</u>	<u>Received</u>
1957	17 cars cattle	1 car feed
1958	20 cars cattle	2 cars feed and cottonseed cake
1959	11 cars cattle	4 cars feed and cottonseed cake

It was also shown that in the months in question in those three years, no less-than-carload shipments were made from Branson and that for the same three months, only seven (7) less-than-carload shipments were received in 1957, two (2) in 1958, and five (5) in 1959.

Revenue exhibits introduced by the Applicant showed that the total revenues creditable to the Applicant from business of all kinds done at Branson in the three months in each of the years 1957, 1958 and 1959, amounted, respectively, to \$652.46, \$716.04, and \$605.14. For the same period of each year the out-of-pocket expenses of maintaining



the agent at the station were, respectively, \$1,235.66, \$1,313.63, and \$1,398.27. The result was out-of-pocket losses in the operation of \$583.20 for 1957, \$597.59 for 1958, and \$793.13 for 1959.

Applicant's witnesses testified that an agent was not needed for operating purposes at Branson for the three months in question; that if the agency is closed for the three months, freight business which otherwise might be transacted at Branson could and would be handled through the open agency station at Trinchere, Colorado, and Folsom, New Mexico, and, if desired by any shipper, through Trinidad, Colorado; that all business at the station in nine months of each year, other than September, October, and November, had been so handled since 1955 without any complaint on the part of the shipping public; that neither freight nor passenger train service at Branson would be affected by closing the agency as requested; and that persons desiring to use the passenger trains could, as they have done since 1955, board the trains at Branson and purchase tickets on the trains without increase in fare and without inconvenience.

In addition, the Applicant introduced testimony that Branson was served by at least one truck line, owned by Don Lewis, and that the people in the Branson area had the services of private commercial trucks and the use of private automobiles and trucks. The Commission took judicial notice of its records of the truck service available in the Branson area. It was shown that Trinchere is about 10.6 miles from Branson and can be reached by a public road which is kept open in the winter for school buses.

All services now furnished by the Applicant at the station for the three months in question will be furnished, if the agency is closed, just as they are now provided during the other nine months when the station is closed.

While the Commission realizes that some inconvenience may be suffered by the shippers of livestock if the agency is closed during the three months in question, it is apparent that it will be small. Considering the small amount of freight business done in the three

months in question and the out-of-pocket losses sustained by the Applicant in providing an agent to handle this small amount of business, it is found that this inconvenience will be offset by the ultimate benefits to the public as a whole served by the Applicant, resulting from the elimination of the losses in question if the agent is removed. Considering the other forms of transportation available to the public, public and private, and the railroad service which will be available at Branson even if the agent is removed, public necessity does not now, and will not in the future, require the continuation of the agent on the seasonal basis now in effect.

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

##### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the application in this proceeding for the reasons heretofore set forth in the preceding statement, which, by reference, is made a part of these findings.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the Applicant, The Colorado and Southern Railway Company to discontinue agency at Branson, Las Animas County, Colorado, and to close the same as an agency station, during the months of September, October and November of each year, which are the only months during which the agency is now maintained; and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Norton*  
*Henry J. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
M. M. YOUNG, DOING BUSINESS AS )  
"YOUNG TRANSPORTATION COMPANY," 108 )  
SOUTH THIRD AVENUE, LARAMIE, WYOMING, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
2365 AND PUC NO. 2365-I TO COLORADO )  
MOTORWAY, INC., 1805 BROADWAY, DEN- )  
VER, COLORADO. )  
-----

APPLICATION NO. 17681-Transfer

-----  
April 28, 1960  
-----

Appearances: David Butler, Esq., Denver,  
Colorado, for Transferor  
and Transferee;  
John R. Barry, Esq., Denver,  
Colorado, for National Bus  
Clearing House Association,  
Inc.; and Denver-Colorado  
Springs-Pueblo Motor Way,  
Inc.; and other members of  
Credit Housing Association,  
Protestants.

S T A T E M E N T

By the Commission:

M. M. Young, doing business as "Young Transportation Com-  
pany," Laramie, Wyoming, is the owner and operator of PUC No. 2365  
and PUC No. 2365-I, authorizing:

transportation of passengers and express  
only between Ft. Collins, Colorado, and  
the Colorado-Wyoming State line, at a  
point north of Virginia Dale, over U. S.  
Highway 287, in both intrastate and in-  
terstate commerce; that the interstate  
operating rights herein authorized shall  
be subject to the provisions of the  
Federal Motor Carrier Act of 1935, as  
amended.

By the above-styled application, said certificate-holder  
seeks authority to transfer said PUC No. 2365 and PUC No. 2365-I to  
Colorado Motorway, Inc., Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The contract of sale of said certificates shows the purchase price to be the sum of \$9,000.00, on which is due the sum of \$7,180.00.

There is no indebtedness outstanding against the certificates as such. However, the protestants claim that the Transferor is indebted to the several bus lines, with whom the Transferor has interlined in the past, in the sum of \$1,861.33, under a division of fares for services rendered through interline. The Transferor disputes the amount of \$1,861.33 and thus concedes that he owes an amount in excess of \$1,100.00.

This Commission does not have the power to adjudicate legal claims of this nature or to determine the correct amount due and owing to any of the protestants. Under the authority granted to the Commission by statute, however, the Commission does have the power to attach any reasonable condition to a transfer.

It has been our policy in the past to make all transfers subject to payment of any outstanding indebtedness. In this application the Transferee will assume the certificates free and clear from all outstanding indebtedness. Thus, unless we were to attempt to change the contract existing between the parties, there is a possibility that this transfer could be affected contrary to what has been the established policy.

It is our opinion that as a condition precedent to the approval of the transfer of this authority, the Transferee shall deposit the sum of \$2,500 in escrow in a Bank in the City and County of Denver, representing part of the purchase price for said certificates, to be dis-

tributed by said escrow agent to satisfy creditors of the Transferor in the proper amounts due and owing to them; the method and manner of determining such proper amounts to be agreed upon between the parties, or by other means available to the parties.

It was also indicated that application had been sought with the Interstate Commerce Commission for the transfer of Interstate operating rights, which interstate authority is inseverable from the present authority and that the Transferee does not propose to assume ownership of the intrastate authority until the Interstate Commerce Commission has granted its approval. We will, therefore, condition the final approval of the transfer upon the Interstate Commerce granting the transfer of the interstate operating rights. This condition is in addition to the escrow condition heretofore mentioned.

#### 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 M. M. Young, doing business as "Young Transportation Company," Laramie, Wyoming, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2365 and PUC No. 2365-I -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Colorado Motorway, Inc., Denver, Colorado, subject to the following conditions:

That Colorado Motorway, Inc., Denver, Colorado, Transferee herein, shall deposit the sum of \$2,500 in escrow in a Bank in the City and County of Denver, representing part of the purchase price for said certificates, to be distributed by said escrow agent to satisfy creditors of the Transferor in the proper amounts due and owing to them; the method and manner of determining such proper amounts is to

be agreed upon between the parties, or by other means available to the parties. That acceptance of this condition by the Transferor is a condition precedent to the approval of the transfer of these certificates.

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

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

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

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That said transfer shall become effective only after the Interstate Commerce Commission has approved the transfer of interstate operating rights.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Kupper*  
*Robert C. Johnson*  
*Alvin L. Zuckerman*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1960.  
mls

original

(Decision No. 54165)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DENVER-AMARILLO RED BALL MOTOR )  
FREIGHT, INC., 1210 SOUTH LAMAR )  
STREET, DALLAS, TEXAS, FOR AUTHORITY ) APPLICATION NO. 17685-Transfer  
TO TRANSFER PUC NO. 319 TO RED BALL )  
MOTOR FREIGHT, INC., 1210 SOUTH )  
LAMAR STREET, DALLAS, TEXAS. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
DENVER-AMARILLO RED BALL MOTOR )  
FREIGHT, INC., 1210 SOUTH LAMAR )  
STREET, DALLAS, TEXAS, FOR AUTHORITY ) APPLICATION NO. 17686-PP-Transfer  
TO TRANSFER PERMIT NO. A-12 TO RED )  
BALL MOTOR FREIGHT, INC., 1210 SOUTH )  
LAMAR STREET, DALLAS, TEXAS. )  
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-----  
April 28, 1960  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Transferor  
and Transferee.

S T A T E M E N T

By the Commission:

Denver-Amarillo Red Ball Motor Freight, Inc., Dallas, Texas,  
is the owner and operator of PUC No. 319 and Permit No. A-12, author-  
izing:

PUC No. 319:

Transportation of freight between Colorado  
Springs and Matheson, and intermediate points;  
and freight, except lumber, coal and grain,  
between Matheson and Burlington, and interme-  
diate points.

PERMIT NO. A-12:

Transportation of freight between Denver, Colo-  
rado Springs, Manitou and Pueblo, Colorado.

By the instant applications, Denver-Amarillo Red Ball Motor  
Freight, Inc., Dallas, Texas, seeks authority to transfer said PUC No.

319 and Permit No. A-12 to Red Ball Motor Freight, Inc., Dallas, Texas.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were consolidated for hearing and heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 25, 1960, and at the conclusion of the evidence, the matters were taken under advisement.

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

No one appeared in opposition to the granting of the proposed transfers, and no reason appears why the same should not be authorized.

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Denver-Amarillo Red Ball Motor Freight, Inc., Dallas, Texas, should be, and hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 319 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Red Ball Motor Freight, Inc., Dallas, Texas, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The right of transferee to operate under this Order shall



depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That Denver-Amarillo Red Ball Motor Freight, Inc., Dallas, Texas, should be, and hereby is, authorized to transfer all its right, title, and interest in and to Permit No. A-12 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Red Ball Motor Freight, Inc., Dallas, Texas, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

This Order is made a part of the permit authorized to be transferred.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nease*  
*Ralph C. Norton*  
*Alvin E. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1960.  
mls

original

(Decision No. 54166)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DAVID A. SPRINGER, 4581 ZUNI STREET, )	
DENVER, COLORADO, FOR AUTHORITY TO )	
TRANSFER PERMIT NO. A-4854 TO BEN )	APPLICATION NO. 17687-PP-Transfer
M. FLORES, 1710 SOUTH MADISON )	
STREET, DENVER, COLORADO. )	
-----	

-----  
April 28, 1960  
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Appearances: Ben M. Flores, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

David A. Springer, Denver, Colorado, is the owner and operator of Permit No. A-4854, authorizing:

transportation of the Rocky Mountain News from Denver, Colorado, to Boulder, Colorado, and from Boulder to Longmont, Colorado, including the intermediate points from Denver to Longmont of Erie, Firestone, Dacona and Frederick, Colorado.

By the instant application, said permit-holder seeks authority to transfer said Permit No. A-4854 to Ben M. Flores, Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Ben M. Flores, Denver, Colorado, the transferee, appeared and testified in support of the application.

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

No one appeared in opposition to the proposed transfer and no reason appears why the same should not be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That David A. Springer, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-4854 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Ben M. Flores, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nye  
Ralph C. Norton  
James E. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLARENCE COOK, 3300 KIPLING STREET, )  
WHEATRIDGE, COLORADO, FOR AUTHORITY )  
TO TRANSFER PUC NO. 2156 TO CLARENCE )  
COOK AND JAKE BOLGER, CO-PARTNERS, ) APPLICATION NO. 17682-Transfer  
DOING BUSINESS AS "COOK AND BOLGER )  
DISPOSAL SERVICE," 3300 KIPLING )  
STREET, WHEATRIDGE, COLORADO. )  
----- )

-----  
April 28, 1960  
-----

Appearances: Mansur Tinsley, Esq., Lakewood,  
Colorado, for Transferor  
and Transferees;  
Sam Basile, Denver, Colorado,  
for Sam's Ash and Trash  
Hauling Service.

S T A T E M E N T

By the Commission:

Clarence Cook, Wheatridge, Colorado, is the owner and  
operator of PUC No. 2156, authorizing:

Transportation of garbage, trash and waste  
materials in the Lakewood area described as  
follows: Beginning at the intersection of  
Sheridan Boulevard and West Colfax Avenue  
at the West City Limits of the City of Denver;  
thence west along the center line of West  
Colfax Avenue to Kipling Street; thence south  
on Kipling Street to 14th Avenue; thence west  
along 14th Avenue to a point 100 feet west of  
Klein Street; thence south to the Denver and  
Intermountain Railroad tracks; thence east  
along said railroad tracks to Kipling Street;  
thence south on Kipling Street to Alameda Ave-  
nue; thence east along Alameda Avenue to Sheridan  
Boulevard; thence north along Sheridan Boulevard  
to center line of West Colfax, the place of be-  
ginning -- all in Jefferson County.

Transportation of garbage, trash and waste  
materials in the following described area:  
Beginning at the intersection of Sheridan  
Boulevard and West Alameda Avenue, thence south  
along Sheridan Boulevard to the intersection  
of Sheridan Boulevard with West Jewell Avenue;

thence west along West Jewell Avenue to the intersection of West Jewell Avenue with Wadsworth Avenue; thence south along Wadsworth Avenue to the intersection of Wadsworth Avenue with Morrison Road; thence southwesterly along Morrison Road to the town of Morrison; thence following the boundaries of the town of Morrison southerly, westerly and northerly to the westernmost point of the town of Morrison (all so as to include the town of Morrison in the within area); thence north along an imaginary line to the intersection of said imaginary line with West Alameda Avenue extended west to said imaginary line; thence east along said extended line of West Alameda Avenue and along West Alameda Avenue to point of beginning, subject, however, to the restriction that applicant is not permitted to serve or render service in overlapping territory covered by Certificate No. PUC-1968.

Authority amended and restricted, as requested by Clarence Cook, by eliminating therefrom the right to operate in the territory described as: "Territory bounded by the center line of West First Avenue on the north, Sheridan Boulevard on the east, West Jewell Avenue on the south, and Kipling Street out along West Alameda Avenue to an imaginary line one mile west of Morrison, Colorado, on the west, in Jefferson County, Colorado."

By the instant application, said certificate-holder seeks authority to transfer said PUC No. 2156 to Clarence Cook and Jake Bolger, co-partners, doing business as "Cook and Bolger Disposal Service," Wheatridge, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The Transferor and Transferees appeared and testified in support of the application. The proposed transfer is from an individual to a partnership.

No one appeared in opposition to the proposed transfer, and no reason appears why the same should not be granted.

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



## F I N D I N G S

### THE COMMISSION FINDS:

That the 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 Clarence Cook, Wheatridge, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 2156 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Clarence Cook and Jake Bolger, co-partners, doing business as "Cook and Bolger Disposal Service," Wheatridge, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

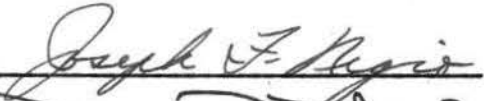
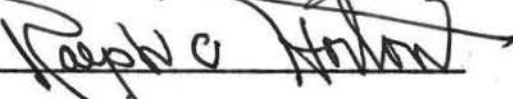

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF  
T. CLARENCE BRIDGE AND HENRY W.  
BRIDGE, DOING BUSINESS AS "BRIDGE  
BROTHERS," NORTH SANTA FE TRAIL,  
LAMAR, COLORADO; JIM CHELF, INC.,  
5226 BRIGHTON BOULEVARD, DENVER,  
COLORADO; B & M OIL COMPANY, 3106½  
BRIGHTON BOULEVARD, DENVER, COLO-  
RADO; R. E. ENSMINGER, HOLYOKE, COLO-  
RADO; GROENDYKE TRANSPORT, INC.,  
3575 EAST 52ND AVENUE, DENVER, COLO-  
RADO; FRANK C. KLEIN AND COMPANY,  
INC., 3600 EAST 46TH AVENUE, DENVER,  
COLORADO; M & M OIL AND TRANSPORTA-  
TION, INC., 6510 BRIGHTON BOULEVARD,  
COMMERCE TOWN, COLORADO; MELTON  
TRANSPORT COMPANY, BOX 477, ADAMS  
CITY, COLORADO; WARD TRANSPORT, INC.,  
BOX 133, PUEBLO, COLORADO; DENVER  
CHICAGO TRANSPORT COMPANY, INC.,  
3888 EAST 45TH AVENUE, DENVER, COLO-  
RADO; MEMBERS OF THE TANK TRUCK  
CARRIER CONFERENCE OF THE COLORADO  
MOTOR CARRIERS' ASSOCIATION, FOR  
AMENDMENT OF THE COMMISSION'S RULE  
NO. 14 OF ITS RULES AND REGULATIONS  
GOVERNING COMMON CARRIERS BY MOTOR  
VEHICLE, AND OF ITS RULE NO. 12 OF  
ITS RULES AND REGULATIONS GOVERNING  
PRIVATE CARRIERS BY MOTOR VEHICLE,  
SO AS TO PERMIT TANK-TRUCK CARRIERS  
OF LIQUID COMMODITIES, IN BULK, TO  
LEASE EQUIPMENT FOR PERIODS LESS THAN  
SIX MONTHS, AND WITH COMPENSATION ON  
A PERCENTAGE BASIS.

APPLICATION NO. 17600

April 28, 1960

Appearances: Michael T. Corcoran, Esq.,  
Denver, Colorado, for  
Applicants;  
C. Russell Gummin, Esq.,  
Denver, Colorado, and  
J. R. Smith, Denver, Colo-  
rado, for Colorado Motor  
Carriers' Association;  
Marion F. Jones, Esq., Denver,  
Colorado,  
Raymond B. Danks, Esq., Denver,  
Colorado,  
John R. Barry, Esq., Denver,  
Colorado,  
E. L. Reilly, Denver, Colo-  
rado,

Charles H. Haines, Esq., Denver,  
 Colorado,  
 E. B. Evans, Esq., Denver,  
 Colorado,  
 Richard E. Conour, Esq., Del  
 Norte, Colorado,  
 Robert D. Means, Esq., Denver,  
 Colorado,  
 Truman A. Stockton, Esq., Denver,  
 Colorado,  
 John H. Lewis, Esq., Denver,  
 Colorado,  
 Marion R. Smyser, Esq., Denver,  
 Colorado, and  
 J. R. Smith, Denver, Colorado,  
 for interested parties;  
 Edwin R. Lundborg, Esq., Denver,  
 Colorado, for the Staff of  
 the Commission.

# S T A T E M E N T

## By the Commission:

The following applicants herein are Common Carriers by  
 Motor Vehicle, and their certificate numbers are respectively:

<u>Name</u>	<u>Address</u>	<u>Certificate No.</u>
R. E. Ensminger	Holyoke	571
Gorendyke Transport, Inc.	Denver	1873
Frank C. Klein and Company, Inc.	Denver	1582
M & M Oil and Transportation, Inc.	Denver	1512
Melton Transport Company	Adams City	1387
Ward Transport, Inc.	Pueblo	1497
Denver Chicago Transport Company, Inc.	Denver	1515

The following applicants are Private Carriers by Motor  
 Vehicle, and their permit numbers are respectively:

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
T. Clarence Bridge and Henry W. Bridge, dba Bridge Brothers	Lamar	B-1746
Jim Chelf, Inc.	Denver	B-860
B & M Oil Company	Denver	B-2376

These carriers are, respectively, engaged in the transporta-  
 tion of various liquid commodities, in bulk, in tank vehicles, under  
 authority of certificates and permits heretofore issued by this Commission.

By the instant application, they seek amendment of the Rules  
 and Regulations Governing Common and Private Carriers by Motor Vehicle,  
 as follows:

Amend Rule 14 of the Rules and Regulations Governing  
Common Carriers by Motor Vehicle by the addition to Paragraph (a)  
thereof the words:

"except that the lease of tank truck equipment  
by a tank truck carrier of liquid commodities,  
in bulk, from an authorized common or private  
carrier shall not be subject to this paragraph  
(a),"

and by the addition to the third sentence of paragraph (b) thereof  
the words:

"except by tank truck carriers of liquid com-  
modities, in bulk."

Amend Rule 12 of the Rules and Regulations Governing  
Private Carriers by Motor Vehicle by the addition to paragraph (b)  
thereof the words:

"except that the lease of tank truck equipment  
by a tank truck carrier of liquid commodities,  
in bulk, from an authorized common carrier shall  
not be subject to this paragraph (b),"

and by the addition to the third sentence of paragraph (c) thereof  
the words:

"except by tank truck carriers of liquid com-  
modities, in bulk."

The application was set for hearing at 10:00 o'clock A. M.,  
February 15, 1960, and continued to February 16, 1960, and was heard  
in conjunction with Case No. 5176 and Case No. 5177, being cases which  
were instituted for the adoption of new rules and regulations. The  
matter was held open subject to further hearing in the event it  
appeared necessary. We now conclude that further hearing is not  
necessary.

At the outset of this hearing, the Commission stated that it  
was of the opinion that exemptions from and exceptions to rules should  
not be written into its general rules and regulations, and that car-  
riers who desired to be relieved from the operation of any rule, or  
any provision thereof, should file an application seeking such relief.  
We are treating the instant application by the parties thereto, as an  
application to be relieved from certain provisions of Rule 14 of the

Rules and Regulations Governing Common Carriers by Motor Vehicle and from Rule 12 of the Rules and Regulations Governing Private Carriers by Motor Vehicle.

In support of the application, H. B. Ward, an official of the Ward Transfer, Inc., a common carrier by motor vehicle, and T. Clarence Bridge, a partner of Bridge Brothers, a private carrier by motor vehicle, both testified in detail in support of the relief sought herein.

Their testimony establishes that the need and demand for tank truck service fluctuates greatly, dependent upon weather conditions, source of supply, seasons of the year, unusual demands and other conditions beyond the control of the carriers; that petitioners maintain adequate equipment to meet usual and normal demands for service, but cannot economically maintain sufficient equipment to meet peak demands; that such demands are unpredictable and of short duration; that efficient and economical service in the public interest requires that tank truck carriers of liquid commodities, in bulk, be permitted to lease equipment only for such periods as may be necessary to meet such peak demands for their services; that the applicable rates for the services of tank truck carriers generally are stated in amounts per gallon, whereas, due to great variance in weight per gallon of different liquid commodities, the revenue per tank truck load, or per mile operated differ greatly on different liquid commodities; that motor vehicle operations are more costly in mountain territory than in plains territory; that the loading and unloading time is the same on short and long hauls, so that compensation to the lessor based on a mileage rate is not equitable; that these differences in weight of the different liquid commodities and the difference between mountain and plains cost of operation and the inequity between the revenue, when based on a mileage rate, between long and short hauls can only be compensated by a division of the revenue obtained by the certificate or permit-holder between himself and the leased carrier.



It was stipulated that there were witnesses present in the hearing representing other applicants, who, if called, would testify substantially the same as witnesses Ward and Bridge.

The testimony of said witnesses was to the effect that tank truck equipment is not readily available for lease; that a very large percentage of the transportation of liquid commodities, in bulk, in the State of Colorado, both in interstate and intrastate commerce, is performed by these applicants; that the Interstate Commerce Commission allows compensation based upon a division of the receipts.

A careful consideration of the evidence before us leads to the conclusion that tank truck carriers of liquid commodities, in bulk, are a special class of carriers, having problems peculiar to themselves; that among those problems is the leasing of tank trucks as limited by Rule 14 of the Rules and Regulations Governing Common Carriers by Motor Vehicle and Rule 12 of the Rules and Regulations Governing Private Carriers; that the applicants herein are engaged in the transportation of a very limited number of commodities that require the use of special equipment; that they are transporting a very large part of all of the liquid commodities, in bulk, requiring tank trucks in the State of Colorado; that they are competitive with each other and that no other carrier, either Common or Private, would be prejudiced by applicants being relieved from the provisions of the designated rules.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings.

That the public interest require that Common and Private Carriers by motor vehicle who are applicants herein be relieved from the provisions of the Commission's Rules and Regulations Governing Common and Private Carriers by Motor Vehicle, being Common Carrier Rule 14,

and Private Carrier Rule 12, when such carriers are engaged in the transportation of liquid commodities, in tank trucks, in bulk, as the same applies to period of the lease of equipment, and the leasing of equipment or employing drivers with compensation on a percentage basis dependent upon gross receipts per trip, or for any period of time. Provided, however, that copies of whatever leases or agreements are executed for the lease of equipment shall remain in the office of the carrier, available to the Commission, or its Staff, for inspection, and that the carrier shall place upon the tank-truck evidence that the equipment is leased.

O R D E R

THE COMMISSION ORDERS:

That the applicants herein, R. E. Ensminger, Groendyke Transport, Inc., Frank C. Klein and Company, Inc., M & M Oil and Transportation, Inc., Melton Transport Company, Ward Transport, Inc., and Denver Chicago Transport Company, Inc., who are Common Carriers of liquid commodities, in bulk, be, and they hereby are, relieved from compliance with the provisions of the Commission's Rule No. 14 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, which specify the minimum period for the leasing of equipment for such carriers and which prohibit the leasing of equipment, or the employing of drivers, by such carriers on a percentage basis, dependent on gross receipts per trip, or for any period of time.

That the applicants herein, T. Clarence Bridge and Henry W. Bridge, doing business as "Bridge Brothers," Jim Chelf, Inc., and B & M Oil Company, who are Private Carriers of liquid commodities, in bulk, be, and they hereby are, relieved from compliance with the provisions of the Commission's Rule No. 12 of the Rules and Regulations Governing Private Carriers by Motor Vehicle, which specify the minimum period for the leasing of equipment for such carriers and which prohibit the leasing of equipment, or the employing of drivers, by such carriers on a percentage basis, dependent on gross receipts per trip, or for any period of time.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Anton  
Henry E. Zauligo  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
KERK TRUCKING COMPANY (CORPORATION), )  
P. O. BOX 526, FORT COLLINS, COLO- )  
RADO. )  
----- )

PERMIT NO. M-5873

-----  
May 3, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Kerk Trucking Company,  
(Corporation), Fort Collins, Colorado  
requesting that Permit No. M-5873 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5873, heretofore issued to Kerk Trucking Company,  
(Corporation), Fort Collins, Colorado be,  
and the same is hereby, declared cancelled effective April 12, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR N. HOEFNER AND ELVA W. HOEFNER)  
DOING BUSINESS AS, "MC DONALD  
FLOWERS", STAR ROUTE #2 BOX 87,  
EVERGREEN, COLORADO.  
-----)

PERMIT NO. M-10082

-----  
May 3, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur N. Hoefner and  
Elva W. Hoefner, dba "McDonald Flowers", Evergreen, Colorado  
requesting that Permit No. M-10082 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10082, heretofore issued to Arthur N. Hoefner and  
Elva W. Hoefner, dba "McDonald Flowers", Evergreen, Colorado be,  
and the same is hereby, declared cancelled effective April 14, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Norton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EMIL R. ZARBOCK, ROUTE 1, FORT MORGAN )  
COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-8081

-----  
May 3, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Emil R. Zarbock,  
Fort Morgan, Colorado  
requesting that Permit No. M-8081 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8081, heretofore issued to Emil R. Zarbock,  
Fort Morgan, Colorado be,  
and the same is hereby, declared cancelled effective April 4, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BARNEY STOECKER, DOING BUSINESS AS, )  
"OAKLEY TRANSPORT COMPANY", OAKLEY, )  
KANSAS. )  
----- )

PERMIT NO. M-12831

-----  
May 3, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Barney Stoecker,  
doing business as, "Oakley Transport Company", Oakley, Kansas  
requesting that Permit No. M-12831 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12831, heretofore issued to Barney Stoecker,  
doing business as, "Oakley Transport Company", Oakley, Kansas be,  
and the same is hereby, declared cancelled effective March 31, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
W. B. DAVIS, DOING BUSINESS AS,  
"RIFLE CAB SERVICE", P. O. BOX  
272, RIFLE, COLORADO.

PUC NO. 1787

May 11, 1960

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. 1787 be further suspended for six months from April 15, 1960.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That W. B. Davis, doing business as "Rifle Cab Service",  
Rifle, Colorado

\_\_\_\_\_ be, and \_\_\_\_\_ is \_\_\_\_\_ hereby, authorized to further  
suspend operations under PUC No. 1787 until October 15, 1960.

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

Joseph F. Negro  
Ramon C. ...  
Wm E. ...  
Commissioners

Dated at Denver, Colorado,  
this 11th day of May 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CARROLL J. LAWSON, 6990 KRAMERIA, )  
DERBY, COLORADO. )

PERMIT NO. M-3684

May 3, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carroll J. Lawson,  
Derby, Colorado  
requesting that Permit No. M-3684 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-3684, heretofore issued to Carroll J. Lawson,  
Derby, Colorado be,  
and the same is hereby, declared cancelled effective April 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

OF THE STATE OF COLORADO

Joseph J. Negro  
Joseph C. Johnson  
Henry C. Zink

Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CARROLL J. LAWSON, 6990 KRAMERIA )  
STREET, DERBY, COLORADO. )

PUC NO. 4271-I

May 3, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carroll J. Lawson,  
Derby, Colorado

requesting that Certificate of Public Convenience and Necessity No. 4271-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. 4271-I heretofore issued to Carroll  
J. Lawson, Derby, Colorado

be, and the same is hereby, declared cancelled effective April 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph O. Hooton  
Henry C. Zuckerman  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
O. W. VAN WEY, 3410 OSCEOLA STREET, )  
DENVER 12, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. B-3646

-----  
May 3, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from O. W. Van Wey,  
Denver 12, Colorado  
requesting that Permit No. B-3646 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3646, heretofore issued to O. W. Van Wey,  
Denver 12, Colorado be,  
and the same is hereby, declared cancelled effective April 15, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Francis C. Norton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MEREDITH L. PAYNE, DOING BUSINESS AS, )  
"PINE CREST PRODUCE", 401 LINDEN )  
STREET, FORT COLLINS, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-12761

\_\_\_\_\_  
May 3, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Meredith L. Payne,  
doing business as, "Pine Crest Produce", Fort Collins, Colorado  
requesting that Permit No. M-12761 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12761, heretofore issued to Meredith L. Payne, doing  
business as, "Pine Crest Produce", Fort Collins, Colorado be,  
and the same is hereby, declared cancelled effective April 11, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE W. BROWN, JR. AND JAMES A. )  
PURSER, DOING BUSINESS AS, "ROCKY )  
MOUNTAIN BIT SERVICE", 2922 NORTH )  
AVENUE, GRAND JUNCTION, COLORADO. )  
-----)

PERMIT NO. M-14136

-----  
May 3, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George W. Brown, Jr. & James A. Purser, dba "Rocky Mountain Bit Service", Grand Junction, Colorado requesting that Permit No. M-14136 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14136, heretofore issued to George W. Brown, Jr. & James A. Purser, dba "Rocky Mountain Bit Service", Grand Junction, Colorado be, and the same is hereby, declared cancelled effective March 28, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 1960.

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, AND )  
MOTOR FREIGHT TARIFF NO. 14, COLO- )  
RADO P.U.C. NO. 13, ISSUED BY )  
J. R. SMITH, CHIEF OF TARIFF BUREAU, )  
4060 ELATI ST., DENVER 16, COLORADO.)  
-----

CASE NO. 1585

-----  
April 29, 1960  
-----

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 May 5, 1960, for amendments to Tariff No. 12-A, and May 2, 1960, for Tariff No. 14, respectively, 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.

The Rate Department's investigations and letters received from the carriers in support of these changes developed the following information:

Amendments to Local and Joint Freight Tariff No. 12-A,  
Colorado P.U.C. No. 11:

Changes effective May 5, 1960.

For account of North Eastern Motor Freight, Inc.:

Item No. 570, wine, an exception to the classification, is being amended to reflect the application of the Column 55 rating to be applicable via this carrier. The present application provided under this tariff for the transportation of alcoholic liquors and wine for this carrier is a higher rate on wine than alcoholic liquors, i.e., between Denver and Sterling, wine, \$2.93, alcoholic liquors, \$1.95; consequently, they are losing mixed shipments on these commodities.

The specific point to point class rates between Denver, Colorado, and Farisita, Gardner and Red Wing, Colorado, routed via Centennial Truck Lines, Inc., Walsenburg, Colorado, and Huerfano Freight Line, are being eliminated. There is no scheduled carrier operating between Walsenburg and these points. Per Decision No. 52125, dated April 22, 1959, a transfer of this authority P.U.C. 391 was granted from Ray Tittel to John V. Geiser, DBA Huerfano Freight Line, and consolidated into P.U.C. 1440. Therein it is stated carrier was authorized to discontinue line-haul scheduled service between Gardner and Walsenburg and intermediate points and to substitute call and demand service in lieu thereof (Decision No. 28275).

The current 10,000 pound base rate between Denver and Rocky Flats is 37 cents per 100 pounds, which is being eliminated. This will leave in effect for general application a Column 62 basis on any weight over 5,000 pounds.

Through conversation with Mr. K. Williamson, Westway Motor Freight, Inc., and the Rate Department of this Commission, it was understood that no regular or substantial movements have been occurring under the 10,000 pound bracket, also that the current 37 cents basis when converted to lower rated commodities, as an example, a Column  $37\frac{1}{2}$  rating would produce a rate of 14 cents per 100 pounds and a charge of \$14.00 for a minimum weight of 10,000 pounds, which the carrier considers non-compensatory.

The elimination of the 10,000 pound class rate is concurred in by other carriers who serve this plant either on an intra or inter-state basis.

Mr. Williamson has instituted also a commodity rate, Item No. 1495, covering chemicals, minimum weight 10,000 pounds, as shown in the attached appendix, for which there are occasional demands. The Dow Chemical Company was contacted and is agreeable to the above changes.

Another Item No. 1370 is being added to the tariff for account of Westway Motor Freight, Inc., covering boxes, bottle or can carrying, corrugated fibreboard, flat or fold flat, in packages. The Boise Cascade Corporation is building a plant in Golden which will be shipping this commodity.

For the account of Boulder-Denver Truck Line, Inc., a new commodity, Item No. 1365, see appendix, is added. This also covers fibreboard boxes. Mr. M. A. Chance in a letter received by the Commission states that it is a heavy commodity weighing 30 pounds per cubic foot and will normally move in 35,000 pound loads. The revenue produced will be \$70.00 per load or in excess of \$15.00 per hour for one man, tractor and trailer. The anticipated time to handle a 35,000 pound load is four hours.

The following commodity Items Nos. 1250, 1280, 1790 and 2620 are being cancelled. Through information received from Mr. J. R. Smith, the Rate Docket Meeting held by the Colorado Motor Carriers' Association on March 8th was attended by Mr. Richard Thomas, representing the Garrett Freight Lines, Inc., and cancellation meets with their approval.

Through an investigation conducted by Mr. Ralph H. Knull, Rio Grande Motor Way, Inc.:

"Each of these rate items were established many years ago and in many cases there have been no increases in the original basis of rates and it has failed to reveal a movement under these items. An example: Item 1280 covers beer, minimum weight 500 lbs., from Durango to North Dale at a rate of 55¢. This would produce revenue of \$2.75 for a movement of 89 miles and it is evident that under present costs a movement of this type would not be compensatory."

A few examples taken at random from the current tariff reflect L.T.L. class rates in comparison with the above example cited:

Denver to Anton	97 Miles	\$ .96 per 100 Pounds
Denver to Brush	88 Miles	1.10 per 100 Pounds
Denver to Copeland Lake	71 Miles	1.21 per 100 Pounds

Amendments to Motor Freight Tariff No. 14, Colorado P.U.C. No. 13:  
Changes effective May 2, 1960.

For account of Atwood Truck Line, Item No. 315 is being amended to add Julesburg, Colorado, as a destination point from Boettcher, Colorado, on cement in bulk in tank trucks. Mr. W. R. Brumfield, Owner, states:

"Due to the low rail rate on bulk cement from Boettcher to Julesburg it is not possible to compete using the present truck rate of 32 cents per hundred weight. However, I have been assured a portion of the business if a 28¢ rate can be established. Using a 40,000 minimum this rate would produce sixty-seven cents a loaded mile which would make the traffic desirable."

### 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 May 5, 1960, for amendments to Tariff No. 12-A, and May 2, 1960, for Tariff No. 14, be the prescribed rates, rules, regulations and provisions of the Commission.
4. On and after May 5th and 2nd, 1960, the carriers affected by 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 tariffs 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 May 5th and 2nd, 1960, 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, for amendment to Tariff No. 12-A, Colorado P.U.C. No. 11.

8. On and after May 5th and 2nd, 1960, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent, for amendments to Tariff No. 12-A, Colorado P.U.C. No. 11.

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

*Joseph F. Nigro*  
*Ralph C. Horton*  
Commissioners

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of April, 1960.

mem



APPENDIX "A"

Changes effective May 5, 1960:

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
LOCAL AND JOINT FREIGHT TARIFF NO. 12-A  
COLORADO P.U.C. NO. 11

EXCEPTIONS TO RATINGS OF THE GOVERNING CLASSIFICATION		
ITEM NO.	ARTICLES	CLASS RATING
570	Wine, valuation not exceeding \$1.15 per gallon and so receipted for, in containers in wicker baskets, barrels or boxes or in bulk, in barrels.	55
	The provisions of this item will not apply via or in connection with Linton C. Austin, Melvin A. Chance and Joe F. Enright, DBA Boulder-Denver Truck Lines; Brighton-Ft. Lupton Transfer, Inc.; Lowell E. Brooks and Wendell B. Brooks, DBA Brooks Transportation Company; Buckingham Freight Lines; G. O. Anderson, DBA Castle Rock Transfer; Edward B. & Rose M. Thomas, DBA Clear Creek Transportation Co.; Denver-Laramie-Walden Truck Line, Inc.; Floyd A. Henrikson, DBA Denver-Loveland Transportation; C. R. Bryant, DBA Evergreen Freight Line; Interstate Motor Freight System; Interstate Motor Lines, Inc.; Thomas D. Lane, DBA Thomas D. Lane Truck Lines; McKie Transfer Co.; Ivan Miller and Dwight Miller, DBA Miller Bros. Truck Line; Navajo Freight Lines, Inc.; (E)(R) North Eastern Motor Freight, Inc.; Overland Motor Express, Inc.; Westway Motor Freight, Inc.; John Windecker, DBA Windecker Truck Line, and Yuma County Transportation Co.	

SECTION NO. 1 CLASS RATE BASES FOR APPLICATION, SEE ITEM NO. 927. FOR CLASS RATES, SEE PAGES 101 TO 124.							
INDEX NO.	BETWEEN AND	MILES	DENVER, COLORADO				ROUTE NUMBER
			LESS-THAN- TRUCKLOAD	MINIMUM WEIGHT -- POUNDS			
				2,000	5,000	10,000	
8770	FARISITA	(E)192	(E)242	(E)235	(E)221	(E)209	(E)67
9100	GARDNER	(E)200	(E)244	(E)237	(E)224	(E)211	(E)67
11460	RED WING	(E)208	(E)254	(E)248	(E)233	(E)221	(E)67
11570	ROCKY FLATS PLANT of The Atomic Energy Commission	21	85	- -	62	37 (E)(A)	22; 43

SECTION NO. 2  
COMMODITY RATES

(FOR APPLICATION, SEE PAGE NO. 190 OF TARIFF)

RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)

ITEM NO.	COMMODITY Commodities in the same item may be shipped in straight or mixed truck loads.	FROM  (Except as Noted in Individual Items)	TO	RATES	ROUTE NO.
1250	Bathroom or Lavatory Fixtures; Batteries, electric storage, crated; Culverts, iron or steel; lamps, incandescent; Meat Scraps; Meters, electric; Nursery Stock; Sausage, cooked, cured or preserved; Sewing Machines, crated. (1) Less-Than-Truckload, (2) Min. Wt. 5,000 Pounds. (Subject to Item No. 770.)	<u>BETWEEN</u> Grand Junction, Colorado	<u>AND</u> Durango, Colorado	(1) 164 (2) 150 (E)(A)	87
1280	Beer and Carbonated Beverages, in cans or bottles, in cases. Minimum weight 500 lbs. Rate includes return of empty cases.	Durango, Colorado	Colorado Dolores, Pleasant View, Lewis, Yellow Jacket, Cahone, Dove Creek, North Dale.	55 (E)(A)	169
+ 1365 (R)	Boxes, Fibreboard, other than corrugated, knocked down, flat, Minimum weight 30,000 pounds.	Denver, Colorado	Boulder, Colorado	20	49
1370	Boxes, bottle or can-carrying, corrugated fibreboard, flat or folded flat, in packages, Minimum Weight 20,000 pounds. Subject to shipper loading and consignee unloading. Two hours' free loading time and two hours' free unloading time will be allowed. All delay in excess of the free time allowed will be charged for at a rate of \$5.50 per hour or fraction thereof.	+(R) <u>BETWEEN</u> Denver, Colorado	+(R) <u>AND</u> Golden, Colorado	13	43
+ 1495 (R)	Chemicals, as listed under that heading in the governing classification. Min. Wt. 10,000 pounds.	Denver, Colorado	Rocky Flats Plant of the Atomic Energy Commission	26	43
1790	Flour and Feed, Animal or Poultry. Minimum Weight 500 pounds.	Durango, Colorado	Colorado Pleasant View, Lewis, Yellow Jacket, Cahone, Dove Creek, North Dale.	41 (E)(A)	169

SECTION NO. 2 COMMODITY RATES (FOR APPLICATION, SEE PAGE NO. 190 OF TARIFF) RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)					
ITEM NO.	COMMODITY	FROM	TO	RATES	ROUTE NO.
2620	Sugar. (9)Min. Wt. 1,000 Lbs. (10)Min. Wt. 500 Lbs. (Subject to Item No. 770.)	Durango, Dolores, Colorado	Colorado Lewis, Pleasant View, Ackmen, Cahone, North Dale, Dove Creek.	(9) 28 (10) 38 (E)(A)	169

Changes effective May 2, 1960:

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
MOTOR FREIGHT TARIFF NO. 14  
COLORADO P.U.C. NO. 13

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM NO.	COMMODITY	FROM	TO	RATES
315	Cement, in bulk in tank vehicles, Minimum Weight 40,000 pounds. (Atwood Truck Line)	Boettcher, Colorado	Holyoke, +(R) Julesburg, Colorado	27 28

(E) - Denotes - Elimination  
(R) - Denotes - Reduction  
(A) - Denotes - Advance  
+ - Denotes - Addition

Route No. 22 - Thomas D. Lane Truck Lines - direct  
43 - Westway Motor Freight, Inc. - direct  
49 - Boulder-Denver Truck Line, Inc. - direct  
67 - Centennial Truck Lines, Inc., Walsenburg, Colorado,  
Huerfano Freight Line  
87 - Rio Grande Motor Way, Inc. - direct  
169 - Garrett Freightlines, Inc. - direct

original

(Decision No. 54180)

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  
ARKANSAS AVENUE, DENVER, COLORADO,  
FOR AUTHORITY TO RELOCATE EXISTING  
GRADE CROSSING AND GRADE CROSSING  
PROTECTION DEVICES, AND TO CON-  
STRUCT, OPERATE AND MAINTAIN  
RAILROAD-HIGHWAY GRADE SEPARATION  
STRUCTURES ON INTERSTATE ROUTE NO.  
25, S. H. 185, AT MILE POST 9.69  
OF THE MAINLINE TRACKS OF THE GREAT  
WESTERN RAILWAY COMPANY, IN WELD  
COUNTY, STATE OF COLORADO.

APPLICATION NO. 17480

-----  
May 2, 1960  
-----

Appearances: Joseph M. Montano, Esq.,  
Assistant Attorney General,  
Denver, Colorado, for the  
State Highway Department;  
Ed A. Walsh, Esq., Denver,  
Colorado, for The Great  
Western Railway Company;  
J. L. McNeill, Denver, Colo-  
rado, for the Commission.

STATEMENT AND FINDINGS

By the Commission:

By this application, which was heard at 532 State Services Building, Denver, Colorado, on April 19, 1960, and taken under advisement, the Department of Highways of the State of Colorado, seeks authority to relocate existing grade crossing and grade crossing protection devices, and to construct, operate and maintain railroad-highway grade separation structures on interstate Route No. 25, S. H. 185, at Mile Post 9.69 of the main line tracks of The Great Western Railway Company, in Weld County, State of Colorado.

At the hearing, the evidence disclosed that funds have been allocated for the purpose of constructing a state highway through Weld

County on State Highway No. 185, also designated as U. S. Highway No. 87. Included in said improvements is Project No. 1-25-3 (15) 244 of the Colorado State Highway Department, which includes twin separation structures at Mile Post 9.69 on the main line tracks of The Great Western Railway Company, said crossing being situate on or near the section line common to Sections 10 and 11, Township 3-North, Range 68-West, Sixth Principal Meridian, Weld County, Colorado.

It appears that the structural design conforms to the approved criteria appertaining to the National System of Interstate and Defense Highways, authorized by the Federal Aid Highway Act of 1956. As a part of the aforesaid improvement, flashing light grade crossing signals which were installed in 1956 at the existing grade crossing of The Great Western Railway Company's Mile Post 9.69, shall be moved to conform to required alignment of frontage road grade crossing, a distance of approximately 33 feet in an easterly direction from Mile Post 9.69. Construction details at Mile Post 9.69 provide for twin structures of three spans each, total length being 103.4 feet face-to-face of abutments. Bridge decks are to be reinforced concrete 38 feet in width, curb to curb. The two bridges will span the tracks and right-of-way of The Great Western Railway Company's Mile Post 9.69. Present highway will be converted to the status of a frontage road for the accommodation of local traffic. Crossing for frontage road must be relocated to clear embankments necessary for approaches to twin structures. This entails a lateral move of approximately 33 feet. Flashing lights will be needed for this frontage road crossing due to restrictive sight distance induced by high roadway embankments on the west side of the crossing.

The Great Western Railway Company has agreed to make all temporary and permanent changes and modifications in its facilities as are necessary to highway construction. The preliminary estimate for this work is \$3,345, and shall be at the Department's sole expense.

The work to be done at the described site, Mile Post 9.69, and expenses therefor, are covered in Agreement dated October 7, 1959, by



and between the Department of Highways of the State of Colorado and The Great Western Railway Company. Said Agreement, marked Exhibit "D" in this application, is incorporated in the foregoing Statement and Findings by reference.

The Department of Highways agrees that it will maintain the overpass structures, roadway and approaches. The railroad maintenance responsibility shall not extend beyond its tracks and appurtenances, roadbed and presently-existing surface drainage.

It appears, and the Commission so finds, that Application No. 17480, for authority to relocate existing grade crossing and grade crossing protection devices, and to construct, operate and maintain railroad-highway grade separation structures on interstate Route No. 25, S. H. 185, Mile Post 9.69 of the main line tracks of The Great Western Railway Company, in Weld County, State of Colorado, is definitely in the public interest, and that said application should be granted and approved by this Commission.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Department of Highways of the State of Colorado, 4201 East Arkansas Avenue, Denver, Colorado, be, and it hereby is, authorized to relocate existing grade crossing and grade crossing protection devices, and to construct, operate and maintain railway-highway grade separation structures on interstate Route No. 25, S. H. 185, at Mile Post 9.69 of the main line tracks of The Great Western Railway Company, in Weld County, State of Colorado, as more particularly described in this application and the contract between the Department of Highways of the State of Colorado and The Great Western Railway Company, a corporation existing under and by virtue of the laws of the State of Colorado, being Exhibit "D" at the hearing, which, by reference, is made a part hereof, said railway crossings and separations being located on the line of The Great Western Railway Company, at Mile Post 9.69 which, in the opinion of the Commission, is required by the public



convenience and necessity.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Harris  
Ralph C. Hinton  
Henry E. Jenkins  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of May, 1960.

ea

original

(Decision No. 54181)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 15TH STREET, DENVER, COLORADO, )  
FOR AN ORDER GRANTING TO IT A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO EXERCISE FRANCHISE )  
RIGHTS IN THE CITY OF AURORA, )  
COUNTIES OF ADAMS AND ARAPAHOE, )  
STATE OF COLORADO, FOR THE PURCHASE, )  
MANUFACTURE, GENERATION, TRANS- )  
MISSION, DISTRIBUTION AND SALE OF )  
ELECTRICITY AND GAS, EITHER NATURAL, )  
ARTIFICIAL OR MIXED, IN SAID CITY. )  
----- )

APPLICATION NO. 17567

-----  
May 3, 1960  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., by  
Bryant O'Donnell, Esq.,  
Denver, Colorado, for  
Applicant;  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On December 17, 1959, Public Service Company of Colorado filed an application with this Commission, seeking a certificate of public convenience and necessity authorizing the exercise of franchise rights granted by the City of Aurora, Arapahoe and Adams Counties, Colorado, for the purchase, manufacture, generation, transmission, distribution and sale of electricity, and gas, either natural, artificial or mixed, in said city.

The matter was set for hearing, after due notice to all interested parties, on Tuesday, April 19, 1960, at ten o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The application was heard on said date on a joint record with Application No. 17670, said application being by Public

Service Company also, and at the conclusion of the hearing, the matter was taken under advisement by the Commission.

No one appeared at the hearing in opposition to the granting of this application.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the purchase, generation, 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. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

Applicant showed that on September 8, 1959, the City Council of the City of Aurora duly passed and adopted Ordinance No. 863 of the City of Aurora entitled:

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF AURORA, ADAMS AND ARAPAHOE COUNTIES, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE CITY OF AURORA, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY AND GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY AND GAS TO THE CITY OF AURORA AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, 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 AURORA, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The term of said franchise is for a period of twenty-five years. Exhibit A of applicant is a certified copy of Ordinance No. 863, and attached thereto is a Certificate of Introduction passage and signature by the Mayor, and a certificate of the recording by the City Clerk and of the acceptance of the franchise by Applicant. Exhibits B and C are maps of the gas and electric distribution system in the City of Aurora. These exhibits, by reference, are made a part hereof.

Witness for Applicant, Mr. D. E. Lichtenwalter, testified that Applicant obtains its natural gas for distribution and sale in Aurora from Colorado Interstate Gas Company via Applicant's Denver distribution system, and its electric energy from the interconnected system of Applicant.

The existing facilities will be utilized in continuing said gas and electric service. There is no other public utility in the business of distributing gas and electricity in said City of Aurora or in the area adjacent thereto. Applicant is serving 10,611 residential gas customers, 11,760 residential electric customers, and estimates the population of Aurora to be approximately 53,000. In 1950, the population was 11,400.

Witness estimated that additional capital investment in the gas and electric distribution systems in the City of Aurora during the term of the franchise will amount to approximately \$1,700,000. However, Applicant in its Application No. 10725, Commission's Decision No. 36157 of February 24, 1951, was granted a certificate of public convenience and necessity to exercise franchise rights then granted by the City of Aurora for a period of twenty-five years. The franchise is being renewed at the end of ten years of the original period. A certificate issuance fee was paid in 1951 on the basis of estimated expenditure of \$1,000,000, during the twenty-five-year term of that franchise. Since only 40% of the estimated expenditure for the twenty-five-year term has been expended in the initial ten years of the franchise life, credit based upon the unexpended portion of Applicant's then estimate of expenditure should be allowed in determining the fee for the issuance of the certificate sought herein. The basis of the fee will not be binding upon the Commission in any subsequent investigation where the valuation may be an issue.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof. The Commission is of the opinion that the authority sought herein should be granted.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein,

Public Service Company of Colorado, and of the subject matter involved in 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 public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise rights granted in and by Ordinance No. 863 of the City of Aurora, dated September 8, 1959, for the purchase, manufacture, generation, transmission, distribution and sale of gas and electricity by Public Service Company of Colorado in said city.

#### O R D E R

##### THE COMMISSION ORDERS:

That the public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise rights granted in and by Ordinance No. 863 of the City of Aurora, dated September 8, 1959, marked Exhibit A herein, which, by reference, is made a part hereof, for the purchase, manufacture, generation, transmission, distribution and sale of electricity and gas, either natural, manufactured or mixed, by Public Service Company of Colorado in said City, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

That Public Service Company of Colorado shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Samuel G. Mulvey  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1960.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 15TH STREET, DENVER, COLORADO, )  
FOR AN ORDER GRANTING TO IT A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY AUTHORIZING THE EXERCISE )  
OF FRANCHISE RIGHTS IN THE TOWN OF )  
COLUMBINE VALLEY, COUNTY OF ARAPA- )  
HOE, STATE OF COLORADO, FOR THE PUR- )  
CHASE, MANUFACTURE, TRANSMISSION AND )  
DISTRIBUTION OF GAS, EITHER NATURAL, )  
ARTIFICIAL OR MIXED, IN SAID TOWN. )  
----- )

APPLICATION NO. 17670

-----  
May 3, 1960  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., by  
Bryant O'Donnell, Esq., Denver,  
Colorado, for Applicant;  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On March 30, 1960, Public Service Company of Colorado, filed an application with this Commission seeking a certificate of public convenience and necessity authorizing the exercise of franchise rights granted by the Town of Columbine Valley, Arapahoe County, Colorado, for the purchase, manufacture, transmission and distribution of gas, either natural, artificial or mixed, in said Town.

The matter was set for hearing, after due notice to all interested parties, on Tuesday, April 19, 1960, at ten o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The application was heard on said date on a joint record with Application No. 17567, said application being by Public Service Company also, and at the conclusion of the hearing, the matter was taken under advisement by the Commission.

No one appeared at the hearing in opposition to the granting of this application.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the purchase, generation, 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. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

The application showed that on February 2, 1960, the Board of Trustees of the Town of Columbine Valley duly passed and adopted Ordinance No. 16 of the Town of Columbine Valley, entitled:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF COLUMBINE VALLEY, ARAPAHOE COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN, AND THROUGH THE TOWN OF COLUMBINE VALLEY, A SYSTEM FOR THE PURCHASE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF COLUMBINE VALLEY, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF COLUMBINE VALLEY, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The term of said franchise is for a period of twenty-five years.

Exhibit D of Applicant is a certified copy of Ordinance No. 16 and attached thereto are the Certificates of Introduction, passage and signature by the Mayor, a certificate of recording by the Town Clerk, and of the acceptance of the franchise by Applicant. Exhibit E is a map of the gas distribution system in the Town of Columbine Valley and vicinity. These exhibits, by reference, are made a part hereof.

Witness for Applicant, Mr. D. E. Lichtenwalter, testified that Applicant is serving in the general area by virtue of a certificate of public convenience and necessity granted by this Commission on

March 5, 1956, in Applicant's Application No. 14080, Commission Decision No. 45415. This is the first franchise obtained by Applicant from the Town of Columbine Valley, the Town having been incorporated in September, 1959. Applicant obtains its natural gas for distribution and sale in Columbine Valley from the Colorado Interstate Gas Company by a tap from the Martin Plant--Platte Canyon Line.

The existing facilities will be utilized in continuing said gas service. There is no other public utility in the business of distributing natural gas in said Town of Columbine Valley or in the area adjacent thereto. Applicant is serving 75 residential gas customers, and estimates the population to be approximately 300.

Witness estimated that additional capital investment in the gas distribution system in the Town of Columbine Valley during the term of the franchise would amount to approximately \$14,000. This figure will be used as the basis for the charge for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof. The Commission is of the opinion that the authority sought herein should be granted.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter involved in 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 public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise rights granted in and by Ordinance No. 16 of the Town of Columbine Valley, dated February 2, 1960, for the purchase, transmission, distribution and sale of gas by Public Service Company of Colorado in said Town.

O R D E R

THE COMMISSION ORDERS:

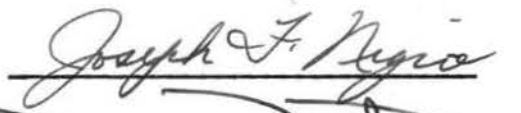
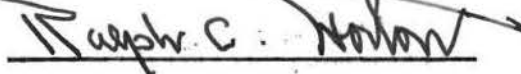

That the public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise rights granted in and by Ordinance No. 16 of the Town of Columbine Valley, dated February 2, 1960, marked Exhibit D herein, which, by reference, is made a part hereof, for the purchase, transmission, distribution and sale of gas, natural, artificial or mixed, by Public Service Company of Colorado in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

That Public Service Company of Colorado shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1960.

ea

original

(Decision No. 54183)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO CENTRAL POWER COMPANY, 3470 )  
SOUTH BROADWAY, ENGLEWOOD, COLORADO, )  
FOR AN ORDER GRANTING TO IT A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NECES- )  
SITY TO EXERCISE FRANCHISE RIGHTS IN )  
THE TOWN OF COLUMBINE VALLEY, COUNTY )  
OF ARAPAHOE, STATE OF COLORADO. )  
- - - - - )

APPLICATION NO. 17675

- - - - -  
May 3, 1960  
- - - - -

Appearances: Allen, Lynch and Rouse, Esqs.,  
Denver, Colorado, by  
Philip A. Rouse, Esq., for  
Applicant;  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

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

The matter was set for hearing, after due notice to all interested parties, on Tuesday, April 19, 1960, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was heard on said date. At the conclusion of the said hearing, the matter was taken under advisement.

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

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Delaware, qualified in Colorado



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

Applicant's witness, Mr. J. E. Wilson, Vice-President of Applicant, testified that a certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto has heretofore been filed with this Commission.

Applicant showed that on February 2, 1960, the Board of Trustees of the Town of Columbine Valley duly passed and adopted Ordinance No. 14 of the Town of Columbine Valley, entitled as follows:

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

The terms of the franchise is twenty-five years. A certified copy of the franchise contained in the Ordinance, together with a certificate of the recording of the Ordinance by the Town Clerk, proof of publication after final passage and the formal acceptance by the Applicant for the said franchise, were introduced at the hearing, and marked Exhibits A, D, B, and C, respectively, and, by reference, are made a part hereof.

Exhibit E, by reference made a part hereof, is a copy of the Ordinance No. 15 of the Town of Columbine Valley and provides for an occupation tax. This occupation tax provides for an annual payment in the amount of 2% of gross revenue for the first three years;  $2\frac{1}{2}\%$  of gross revenue for the next three years; and 3% of the gross revenue thereafter obtained from customers of Applicant within the corporate



limits of the Town of Columbine Valley. The tax is not applied to revenue in excess of \$2,500 derived per annum from the sale of electrical service to any individual customer and at any one location nor to revenue received from the Town for street lighting services.

Exhibit F is a copy of a letter addressed to the Town of Columbine Valley by Applicant, wherein in consideration of granting franchise rights, the Company in consideration of annual taxable revenue amounting to approximately \$28,000, will make annual payments, during the term of the franchise, to the Town of Columbine Valley in the amount of \$100.00 per year, beginning January 1, 1960. When this amount equals \$32,000 of taxable revenue per year, the Company will pay an additional \$100.00 per year for the remaining term of the franchise. Thereafter, for each increase of \$16,000 taxable revenue, the Company shall pay an additional \$100.00 per year during the remaining term of the franchise. When the total annual payment under this provision is equal to \$500.00, no further increases shall be made.

At the present time Applicant serves approximately 80 consumers within the Town limits of Columbine Valley.

During the term of this franchise, Applicant anticipates additional capital investment within the Town limits in the amount of \$20,000. This amount will be used as the basis for the fee for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

Columbine Valley was incorporated in September 1956. This is the first franchise obtained by Applicant.

Applicant has been distributing electric energy in the area since 1926, and prior to that time, service was provided by a predecessor company.

There is no other utility engaged in the distribution of electrical energy in the Town of Columbine Valley.

Applicant proposes to apply its rate schedule No. 61 of its PUC Tariff No. 2 to the use of electric service and energy within the Town limits. Prior to this time, its rate schedule No. 51 has been in effect.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Colorado Central Power Company, and of the subject matter involved in this application.

That the Commission is fully advised in the premises.

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

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of the franchise rights granted in and by Ordinance No. 14 of the Town of Columbine Valley, dated February 2, 1960, for the generation, transmission, distribution and sale of electric energy in said Town by Colorado Central Power Company, and that the permission sought herein should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

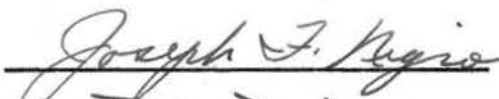
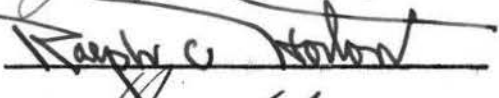

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of franchise rights granted in and by Ordinance No. 14 of the Town of Columbine Valley, State of Colorado, dated February 2, 1960, identified as Exhibit A herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Colorado Central Power Company in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

That Colorado Central Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1960.

ea

original

(Decision No. 54184)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BILL FORCE, YUMA, COLORADO, FOR AU- )  
THORITY TO TRANSFER PERMIT NO. B-3605 )  
TO EDWIN WELCH, WRAY, COLORADO. )  
----- )

APPLICATION NO. 17722-PP-Transfer

-----  
May 3, 1960  
-----

Appearances: Bill Force, Yuma, Colo-  
rado, pro se;  
Edwin Welch, Wray, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Bill Force, Yuma, Colorado, is the owner and operator of Permit No. B-3605, which authorizes the transportation of buildings between points in Yuma, Washington, Kit Carson and Phillips Counties, Colorado.

By the instant application, said permit-holder seeks authority to transfer Permit No. B-3605 to Edwin Welch, Wray, Colorado.

Said application, pursuant to prior setting after appropriate notice to all interested parties, was heard at Joes, Colorado, at 9:30 A. M., April 28, 1960, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

The transferor and the transferee both appeared at the hearing in support of the application, testifying as to the reasons for the proposed transfer of operating rights.

The evidence disclosed that the transferee is well qualified, having had twenty-five years experience in the moving of buildings. The consideration for the transfer is the amount of \$1,750.00 cash. The evidence further disclosed that the transferee is financially able to carry on the proposed operations and has ample equipment therefor.

No one appeared in opposition to the granting of the 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:

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, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Bill Force, Yuma, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-3605 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Edwin Welch, Wray, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Walter C. Horton  
Wm. G. Mulvey  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1960.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
G. B. AND R. L. MARTIN AND G. H.  
BYARS, DOING BUSINESS AS, "NEBRASKA  
PROPANE SUPPLIERS", P. O. BOX 103,  
KEARNEY, NEBRASKA.)

PERMIT NO. M-15067

May 11, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from G. B. and R. L. Martin  
and G. H. Byars, dba "Nebraska Propane Suppliers", Kearney, Nebraska.  
requesting that Permit No. M-15067 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15067, heretofore issued to G. B. and R. L. Martin and  
G. H. Byars, dba "Nebraska Propane Suppliers", Kearney, Nebraska be,  
and the same is hereby, declared cancelled effective March 20, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Gordon  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 195/ 60

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PORFIRIO MARTINEZ, GENERAL DELIVERY, )  
WOLCOTT, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-4290

-----  
May 11, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Porfirio Martinez,  
Wolcott, Colorado  
requesting that Permit No. M-4290 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4290, heretofore issued to Porfirio Martinez,  
Wolcott, Colorado be,  
and the same is hereby, declared cancelled effective February 26, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hodson  
Wm. E. Zundberg  
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 195/ 60.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HARRY PONSFORD AND EDYTHE PONSFORD, )  
DOING BUSINESS AS, "PONSFORD PUMP )  
COMPANY", 1811 EAST 10TH STREET, )  
TUCSON, ARIZONA. )  
-----

PERMIT NO. M-1761

-----  
May 11, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry Ponsford and  
Edythe Ponsford, doing business as, "Ponsford Pump Company", Tucson, Arizona  
requesting that Permit No. M-1761 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1761, heretofore issued to Harry Ponsford and Edythe  
Ponsford, doing business as, "Ponsford Pump Company", Tucson, Arizona be,  
and the same is hereby, declared cancelled effective September 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Rodon  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK CUMBERFORD AND AGNES CUMBERFORD )  
DOING BUSINESS AS, "DIRKES LUMBER )  
YARD", LYONS, COLORADO. )  
----- )

PERMIT NO. M-1806

-----  
May 11, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank Cumberford and Agnes Cumberford, doing business as, "Dirkes Lumber Yard", Lyons, Colorado requesting that Permit No. M-1806 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1806, heretofore issued to Frank Cumberford and Agnes Cumberford, doing business as, "Dirkes Lumber Yard", Lyons, Colorado be, and the same is hereby, declared cancelled effective April 4, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Hout  
Wm. E. Zallinger  
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. D. ELLETT, 790 KENTON, AURORA, )  
COLORADO. )

PERMIT NO. M-11939

May 11, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. D. Ellett.

Aurora, Colorado

requesting that Permit No. M-11939 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-11939 , heretofore issued to W. D. Ellett,

Aurora, Colorado

be,

and the same is hereby, declared cancelled effective April 7, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Weston  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1957 60.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FELIX B. FARRELL, P. O. BOX 21, )  
CLARK, COLORADO. )  
)  
)  
)  
)  
)  
-----

PERMIT NO. B-2502

-----  
May 11, 1960  
-----

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-2502 be suspended for six months from March 27, 1960.

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 Felix B. Farrell, Clark, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-2502 until September 27, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Hoston  
Wm. E. Zurlings  
Commissioners

Dated at Denver, Colorado,  
this 11th day of May, 19 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HERMAN GINTHER, 1197 BRIDGE,  
BRIGHTON, COLORADO.

PERMIT NO. M-12112

May 11, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Herman Ginther,  
Brighton, Colorado  
requesting that Permit No. M-12112 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12112, heretofore issued to Herman Ginther,  
Brighton, Colorado be,  
and the same is hereby, declared cancelled effective April 2, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ERNEST C. AND ROSELLA M. HARRIS, )  
120 FISHBACK AVENUE, FORT COLLINS, )  
COLORADO. )  
----- )

PERMIT NO. M-5355

-----  
May 11, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ernest C. and Rosella  
M. Harris, Fort Collins, Colorado  
requesting that Permit No. M-5355 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5355, heretofore issued to Ernest C. and Rosella  
M. Harris, Fort Collins, Colorado be,  
and the same is hereby, declared cancelled effective March 2, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Johnson  
Henry E. Zandberg  
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LEE ROSSOW, DOING BUSINESS AS, )  
"POUDRE VALLEY EQUIPMENT", ROUTE 3 )  
BOX 140, FORT COLLINS, COLORADO. )  
----- )

PERMIT NO. M-14716

-----  
May 12, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lee Rossow, doing  
business as, "Poudre Valley Equipment", Fort Collins, Colorado  
requesting that Permit No. M-14716 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14716, heretofore issued to Lee Rossow, doing business  
as, "Poudre Valley Equipment", Fort Collins, Colorado be,  
and the same is hereby, declared cancelled effective September 19, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PAUL BIRKHOLZ, DOING BUSINESS AS,  
"WESTERN RELIABLE FURNITURE", 507  
SOUTH 2ND, LARAMIE, WYOMING.  
-----)

PERMIT NO. M-15397

-----  
May 12, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul Birkholz, doing  
business as, "Western Reliable Furniture", Laramie, Wyoming  
requesting that Permit No. M-15397 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15397, heretofore issued to Paul Birkholz, doing  
business as, "Western Reliable Furniture", Laramie, Wyoming be,  
and the same is hereby, declared cancelled effective March 14, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Horton  
Wm. E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE E. EDENS, 402 NORTH 7TH )  
STREET, LAMAR, COLORADO. )

PUC NO. 4407-I

May 12, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George E. Edens,  
Lamar, Colorado

requesting that Certificate of Public Convenience and Necessity No. 4407-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. 4407-I heretofore issued to George E.  
Edens, Lamar, Colorado

be, and the same is hereby, declared cancelled effective February 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Hinton  
Wm. E. Zalkow  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE ROGERS, URAVAN, COLORADO. )

PERMIT NO. M-12826

May 12, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Rogers,  
Uravan, Colorado  
requesting that Permit No. M-12826 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12826, heretofore issued to George Rogers,  
Uravan, Colorado be,  
and the same is hereby, declared cancelled effective August 4, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Hoston  
Wm. E. Ziehlings  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE ROGERS, URAPAN, COLORADO.

PERMIT NO. B-5282

May 12, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Rogers,  
Uravan, Colorado  
requesting that Permit No. B-5282 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5282, heretofore issued to George Rogers,  
Uravan, Colorado be,  
and the same is hereby, declared cancelled effective August 4, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm. E. Zuckers  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MINERVA B., JOHN F. AND WAYNE P. )  
BRUNGER, DOING BUSINESS AS, "PACKERS )  
MARKET", 1331 - 15TH STREET, DENVER )  
2, COLORADO. )  
-----)

PERMIT NO. M-4569

-----  
May 12, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Minerva B., John F. and Wayne P. Brunger, dba "Packers Market", Denver 2, Colorado requesting that Permit No. M-4569 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4569, heretofore issued to Minerva B., John F. and Wayne P. Brunger, dba "Packers Market", Denver 2, Colorado be, and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Gordon  
Henry E. Zankowsky  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PIONEER POPCORN COMPANY, INCORPORATED)  
1250 EUDORA, DENVER 20, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-14925

-----  
May 12, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Pioneer Popcorn  
Company, Incorporated, Denver 20, Colorado  
requesting that Permit No. M-14925 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14925, heretofore issued to Pioneer Popcorn Company,  
Incorporated, Denver 20, Colorado be,  
and the same is hereby, declared cancelled effective March 24, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Wm. E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 195/ 60

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
KENNETH WOOD, P. O. BOX 44, PARSHALL, )  
COLORADO. )

PERMIT NO. M-6244

May 12, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Kenneth Wood,  
Parshall, Colorado

requesting that Permit No. M-6244 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-6244, heretofore issued to Kenneth Wood,  
Parshall, Colorado be.

and the same is hereby, declared cancelled effective March 22, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hobson  
Kurt E. Zuckerg  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1957 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

W. L. BEWLEY, 618 - 8TH STREET,  
ALAMOSA, COLORADO.

PERMIT NO. M-3029

May 12, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. L. Bewley,

Alamosa, Colorado

requesting that Permit No. M-3029 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3029, heretofore issued to W. L. Bewley,

Alamosa, Colorado

be,

and the same is hereby, declared cancelled effective March 5, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Henry E. Zallinger  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

BLYTHE O. MILEY, DOING BUSINESS AS, )  
"MILEY AND COMPANY", 100 EAST )  
JEFFERSON, ENGLEWOOD, COLORADO. )  
----- )

PERMIT NO. M-2238

-----  
May 12, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Blythe O. Miley,  
doing business as, "Miley and Company", Englewood, Colorado  
requesting that Permit No. M-2238 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2238, heretofore issued to Blythe O. Miley,  
doing business as, "Miley and Company", Englewood, Colorado be,  
and the same is hereby, declared cancelled effective December 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT D. DICKINSON, DOING BUSINESS )  
AS, "O. K. TIRE STORE", 1001 SOUTH )  
NEVADA, COLORADO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-4130

-----  
May 17, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert D. Dickinson,  
doing business as, "O. K. Tire Store", Colorado Springs, Colorado  
requesting that Permit No. M-4130 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4130, heretofore issued to Robert D. Dickinson, doing  
business as, "O. K. Tire Store", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective December 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Norton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,  
this 17th day of May, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILBUR B. AND VAUGHN WALL, DOING )  
BUSINESS AS, "SHORTY'S SERVICE", )  
WRAY, COLORADO. )  
----- )

PERMIT NO. M-6929

-----  
May 17, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wilbur B. and Vaughn  
Wall, doing business as, "Shorty's Service", Wray, Colorado  
requesting that Permit No. M-6929 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6929, heretofore issued to Wilbur B. and Vaughn  
Wall, doing business as, "Shorty's Service", Wray, Colorado be,  
and the same is hereby, declared cancelled effective March 16, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DUANE MC SEATON, DOING BUSINESS AS, )  
"ACTION T. V. COMPANY", 3600 )  
MORRISON ROAD, DENVER 19, COLORADO. )  
----- )

PERMIT NO. M-14596

-----  
May 17, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Duane Mc Seaton, doing  
business as, "Action T. V. Company", Denver 19, Colorado  
requesting that Permit No. M-14596 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14596, heretofore issued to Duane Mc Seaton, doing  
business as, "Action T. V. Company", Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective March 7, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 195/ 60.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES P. BENNETT, WEST END P. O. )  
BOX 92, COLORADO SPRINGS, )  
COLORADO. )  
----- )  
|

PERMIT NO. B-5666

-----  
May 17, 1960  
-----

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-5666 be suspended for six months from March 24, 1960.

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 James P. Bennett, Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5666 until September 24, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Boston  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,  
this 17th day of May, 19 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

TOMMY D. MORRILL, P. O. BOX 845,  
STERLING, COLORADO.

PERMIT NO. M-5722

May 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Tommy D. Morrill,  
Sterling, Colorado

requesting that Permit No. M-5722 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5722, heretofore issued to Tommy D. Morrill,  
Sterling, Colorado be,  
and the same is hereby, declared cancelled effective April 7, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

EDWARD F. TAYLOR COMPANY,  
INCORPORATED, 1237 SHOSHONE STREET,  
DENVER 4, COLORADO.

PERMIT NO. M-14114

May 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward F. Taylor  
Company, Inc., Denver 4, Colorado  
requesting that Permit No. M-14114 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14114, heretofore issued to Edward F. Taylor Company,  
Inc., Denver 4, Colorado be,  
and the same is hereby, declared cancelled effective March 18, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph G. Norton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRED SHORTT, 2655 BROADWAY, BOULDER, )  
COLORADO. )

PERMIT NO. M-2968

May 17, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred Shortt,  
Boulder, Colorado  
requesting that Permit No. M-2968 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-2968, heretofore issued to Fred Shortt,  
Boulder, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Francis C. Woodmont  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LOUIS LYTLE PYE, 5591 LOGAN STREET, )  
DENVER 16, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-2648

-----  
May 17, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Louis Lytle Pye,  
Denver 16, Colorado  
requesting that Permit No. M-2648 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2648, heretofore issued to Louis Lytle Pye,  
Denver 16, Colorado be,  
and the same is hereby, declared cancelled effective March 4, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Henry E. Zurlungo  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. P. WOLF, DOING BUSINESS AS, "WOLF )  
STANDARD SERVICE", P. O. BOX 56, )  
NUNN, COLORADO. )  
----- )

PERMIT NO. M-10478

-----  
May 17, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. P. Wolf, doing  
business as, "Wolf Standard Service", Nunn, Colorado  
requesting that Permit No. M-10478 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10478, heretofore issued to R. P. Wolf, doing business  
as, "Wolf Standard Service", Nunn, Colorado be,  
and the same is hereby, declared cancelled effective April 6, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE ADDITION OF COMMODITY RATES, )  
ITEMS NO. 320, PARTIALLY, AND NO. )  
325, ON CEMENT FROM BOETTCHER, )  
COLORADO, TO POINTS IN NORTHEASTERN )  
COLORADO AS PUBLISHED IN THE COLO- )  
RADO MOTOR CARRIERS' ASSOCIATION, )  
AGENT, MOTOR FREIGHT TARIFF NO. 14, )  
COLORADO P.U.C. NO. 13, ISSUED BY )  
J. R. SMITH, CHIEF OF TARIFF BUREAU, )  
4060 ELATI STREET, DENVER 16, COLO. )  
-----

CASE NO. 1585

-----  
May 5, 1960  
-----

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 May 12, 1960, 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.

In support of the changes involved in this order, excerpts are taken from letters submitted by carriers through the Colorado Motor Carriers' Association.

Item No. 320 currently provides a rate of 26 cents per 100 pounds on cement in bags, minimum weight 35,000 pounds. An addition is being added to include cement in bulk, minimum weight 45,000 pounds, at a rate of .225 cents as shown in the Appendix attached. The distance from Boettcher to Sterling, Colorado, is based upon 109 miles.

Item No. 325 is a new commodity item covering bulk cement from Boettcher to Pioneer Construction Company jobsite, eight miles east of Akron. The distance from Boettcher to Akron is 121 miles.

Mr. Bud Dodson, Operations Manager for Verl Harvey, Inc., DBA Don Ward & Company, states as justification for the above items that they are necessary to meet rail competition; the round trip revenue in Item 320 will produce approximately 46¢ and Item 325, 42¢ per mile, and is stated that it is above its operating costs.

The rates as provided in the above items are reductions as compared to the distant mileage scale used in determining cement rates.

### 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. On and after May 12, 1960, the provisions as set forth in the attached Appendix "A" of this order shall become effective.
3. All motor vehicle common carriers who are affected by the changes prescribed herein shall charge the aforesaid rates as maximum and/or minimum rates.
4. All private carriers by motor vehicles to the extent they are affected by the changes involved herein shall charge the aforesaid rates as minimum rates.
5. 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.



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 F. Nigro  
Ralph C. Hobart  
Samuel G. Adams  
Commissioners

Dated at Denver, Colorado,  
this 5th day of May, 1960.

mem

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
MOTOR FREIGHT TARIFF NO. 14

COLORADO P.U.C. NO. 13

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS				
ITEM NO.	COMMODITY	FROM	TO	RATES
320	Cement, in bags, minimum weight 35,000 pounds	Boettcher, Colorado	Sterling, Colorado	26
	+(R) Cement, in bulk in tank vehicles, minimum weight 45,000 pounds.			22½
+ 325 (R)	Cement, in bulk in tank vehicles, minimum weight 45,000 pounds. This item expires with Dec. 31, 1960.	Boettcher, Colorado	Pioneer Construction Co., Jobsite approx. 8 miles east of Akron, Colo.	24

+ - Denotes - Addition

(R) - Denotes - Reduction

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
 KNUDSEN'S, INCORPORATED, P. O. BOX )  
 148, BOULDER, COLORADO. )

PERMIT NO. M-12721

May 18, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Knudsen's, Incorporated  
Boulder, Colorado

requesting that Permit No. M-12721 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-12721, heretofore issued to Knudsen's, Incorporated,  
Boulder, Colorado be,  
and the same is hereby, declared cancelled effective March 20, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Boston  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
L. M. AND K. C. LACY, P. O. BOX 58, )  
LA JUNTA, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-7734

\_\_\_\_\_  
May 18, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from L. M. and K. C. Lacy,  
La Junta, Colorado  
requesting that Permit No. M-7734 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7734, heretofore issued to L. M. and K. C. Lacy,  
La Junta, Colorado be,  
and the same is hereby, declared cancelled effective March 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1960.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALBERT L. HEYVAERT, 3461 SOUTH )  
ELIOT, ENGLEWOOD, COLORADO. )  
----- )

PERMIT NO. B-4129

-----  
May 18, 1960  
-----

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-4129 be suspended for six months from April 7, 1960.

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 Albert L. Heyvaert, Englewood, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-4129 until October 7, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Horton*  
*Henry E. Zuckerman*  
Commissioners

Dated at Denver, Colorado,  
this 18th day of May, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

LEONARD DI GRADO, ROUTE 4 BOX 122, )  
PUEBLO, COLORADO. )

PERMIT NO. M-8501

May 18, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leonard Di Grado,  
Pueblo, Colorado

requesting that Permit No. M-8501 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8501, heretofore issued to Leonard Di Grado,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective March 15, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Ralph C. Horton  
King E. Zuckers  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEONARD DI GRADO, ROUTE 4, BOX )  
122, PUEBLO, COLORADO. )

PUC NO. 2583-I

May 18, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leonard Di Grado,  
Pueblo, Colorado

requesting that Certificate of Public Convenience and Necessity No. 2583-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. 2583-I heretofore issued to Leonard  
Di Grado, Pueblo, Colorado

be, and the same is hereby, declared cancelled effective March 15, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry C. Ziegler*  
Commissioners

Dated at Denver, Colorado,  
this 18th day of May, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHNSON AND DAVIS PLUMBING AND HEAT- )  
ING COMPANY, 2235 ARAPAHOE STREET, )  
DENVER 5, COLORADO. )  
----- )

PERMIT NO. M-3595

-----  
May 18, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Johnson & Davis  
Plumbing & Heating Company, Denver 5, Colorado  
requesting that Permit No. M-3595 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3595, heretofore issued to Johnson & Davis Plumbing  
& Heating Company, Denver 5, Colorado be,  
and the same is hereby, declared cancelled effective December 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Niemi  
Ralph C. Horton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

LEO F. FAGAN AND IMOGENE FAGAN,  
DOING BUSINESS AS, "GAMBLE STORE",  
NUCLA, COLORADO.

PERMIT NO. M-7972

May 18, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leo F. Fagan and  
Imogene Fagan, doing business as, "Gamble Store", Nucla, Colorado  
requesting that Permit No. M-7972 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7972, heretofore issued to Leo F. Fagan and  
Imogene Fagan, doing business as, "Gamble Store", Nucla, Colorado be,  
and the same is hereby, declared cancelled effective January 22, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Samuel C. Horton*  
*Henry E. Zwick*  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BENNIE MAESTAS, 4520 SOUTH ELATI, )  
ENGLEWOOD, COLORADO. )  
----- )

PERMIT NO. M-13403

-----  
May 18, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bennie Maestas,  
Englewood, Colorado  
requesting that Permit No. M-13403 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13403, heretofore issued to Bennie Maestas,  
Englewood, Colorado be,  
and the same is hereby, declared cancelled effective March 6, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Horton  
Joseph C. Horton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DOMINIC S. PORCO, 518 WEST 1ST,  
SALIDA, COLORADO.

PERMIT NO. M-13820

May 18, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dominic S. Porco,  
Salida, Colorado  
requesting that Permit No. M-13820 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13820, heretofore issued to Dominic S. Porco,  
Salida, Colorado be,  
and the same is hereby, declared cancelled effective February 28, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wing E. Zink  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 195 60.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED WAUGH, 624 SHERIDAN, )  
ORDWAY, COLORADO. )  
----- )

PERMIT NO. B-5361

-----  
May 18, 1960  
-----

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-5361 be suspended for six months from March 11, 1960.

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 Waugh, Ordway, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5361 until September 11, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Henry E. Zwick  
Commissioners

Dated at Denver, Colorado,  
this 18th day of May, 19 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLEN W. SMITH, 517 BELMONT, LA JUNTA, )  
COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-15863

\_\_\_\_\_  
May 19, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen W. Smith,  
La Junta, Colorado  
requesting that Permit No. M-15863 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15863, heretofore issued to Glen W. Smith,  
La Junta, Colorado be,  
and the same is hereby, declared cancelled effective January 31, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Henry  
Garth C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 19th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MAX N. ALLEN, DOING BUSINESS AS,  
"ALLEN AND SONS", 380 BLUE BONNETT  
DRIVE, LITTLETON, COLORADO.  
-----)

PERMIT NO. M-14410

-----  
May 19, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Max N. Allen, doing  
business as, "Allen & Sons", Littleton, Colorado  
requesting that Permit No. M-14410 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14410, heretofore issued to Max N. Allen, doing  
business as, "Allen & Sons", Littleton, Colorado be,  
and the same is hereby, declared cancelled effective February 27, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 19th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GIBBON FEED MILL NON-STOCK )  
COOPERATIVE, GIBBON, NEBRASKA. )

PERMIT NO. M-8728

May 19, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gibbon Feed Mill Non-Stock Cooperative, Gibbon, Nebraska  
requesting that Permit No. M-8728 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-8728, heretofore issued to Gibbon Feed Mill Non-  
Stock Cooperative, Gibbon, Nebraska be,  
and the same is hereby, declared cancelled effective March 11, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Garth C. Norton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 19th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
E. L. HOUGHIN, 1080 SOUTH VANCE, )  
DENVER 26, COLORADO. )  
----- )

PERMIT NO. B-1561

-----  
May 19, 1960  
-----

S T A T E M E N T

By the Commission:

On March 15, 1960, the Commission authorized E. L. Houchin to suspend operations under his Permit No. B-1561, until September 15, 1960.

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-1561, should be, and the same hereby is, reinstated as of April 11, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry C. Zink*  
Commissioners

Dated at Denver, Colorado,  
this 19th day of May, 1960

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. M. JEFFRIES TRUCKING COM- )  
PANY (CORPORATION), 121 NORTH )  
HOBART, PAMPA, TEXAS. )

PUC NO. 1836-I

May 19, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. M. Jeffries  
Trucking Company (Corporation), Pampa, Texas

requesting that Certificate of Public Convenience and Necessity No. 1836-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. 1836-I heretofore issued to C. M. Jeffries  
Trucking Company (Corporation), Pampa, Texas

be, and the same is hereby, declared cancelled effective March 15, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 19th day of May, 19 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. J. DAVIS, P. O. BOX 303, VICTOR, )  
COLORADO. )

PERMIT NO. M-4070

May 19, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. J. Davis, Victor  
Colorado

requesting that Permit No. M-4070 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-4070, heretofore issued to W. J. Davis, Victor,  
Colorado be,  
and the same is hereby, declared cancelled effective February 27, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Kling E. Zuckers  
Commissioners

Dated at Denver, Colorado,

this 19th day of May, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 )  
 PETE UMBRIACO, 5900 NORTH WASH- )  
 INGTON STREET, DENVER 16, COLO- )  
 RADO. )  
 -----

PERMIT NO. B-5002

-----  
 May 19, 1960  
 -----

S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5002 be further suspended for six months from April 22, 1960.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Pete Umbriaco, Denver, Colorado, be, and is hereby, authorized to suspend his operations under Permit No. B-5002 until October 22, 1960.

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

*Joseph J. Negro*  
*Joseph C. Johnson*  
*Wm. E. Zink*  
 Commissioners

Dated at Denver, Colorado,  
 this 19th day of May, 1960

hc

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TOM J. BEGHTOL, 6033 NELSON, )  
ARVADA, COLORADO. )  
-----

PERMIT NO. B-5842

-----  
May 19, 1960  
-----

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-5842 be suspended for six months from April 26, 1960.

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 Tom J. Beghtol, Arvada, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5842 until October 26, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Joseph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,  
this 19th day of May, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GLENN WESTWOOD, 609 YORK AVENUE, )  
YORK, NEBRASKA. )  
----- )

PUC NO. 3326-I

-----  
May 19, 1960  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 3326-I be suspended for six months from April 18, 1960.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Glenn Westwood, York, Nebraska

                     be, and is hereby, authorized to suspend operations under PUC No. 3326-I until October 18, 1960.

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

*Joseph J. Negro*  
*Ralph C. Tolson*  
*Henry E. Zuckerman*  
Commissioners

Dated at Denver, Colorado,  
this 19th day of May 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE PERLEY, DOING BUSINESS AS,  
"WATERTON SAND AND CLAY", CASTLE  
ROCK, COLORADO.

PERMIT NO. M-202

May 19, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Perley, doing  
business as, "Waterton Sand and Clay", Castle Rock, Colorado  
requesting that Permit No. M-202 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-202, heretofore issued to George Perley, doing  
business as, "Waterton Sand and Clay", Castle Rock, Colorado be,  
and the same is hereby, declared cancelled effective April, 20, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Wing E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 19th day of May, 195/60.

original

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 RECONSTRUCT THE )  
HIGHWAY-RAILROAD GRADE SEPARATION )  
STRUCTURE AT MILEPOST 74 PLUS 5194 )  
FEET OF THE DENVER AND RIO GRANDE )  
WESTERN RAILROAD COMPANY, ON COLO- )  
RADO AVENUE, STATE HIGHWAY NO. 4 )  
(U. S. 24), IN COLORADO SPRINGS, )  
EL PASO COUNTY, STATE OF COLORADO. )  
- - - - - )

APPLICATION NO. 17479

- - - - -  
May 9, 1960  
- - - - -

Appearances: Joseph M. Montano, Esq.,  
Denver, Colorado, and  
E. L. King, Denver, Colo-  
rado, 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 was filed with this Com-  
mission on October 30, 1959, and was thereafter set to be heard  
in the District Court Room, Court House, Colorado Springs, Colo-  
rado, on April 1, 1960. After appropriate notice to all interested  
parties, to the owners of adjacent property and to the City Engineer  
of Colorado Springs, said matter was heard at the designated time  
and place, and at the conclusion of the hearing was taken under  
advisement by the Commission.

The Department of Highways of the State of Colorado is  
presently constructing a "Free-Way" through the City of Colorado  
Springs, which has been designated as State Highway No. 11. State  
Highway No. 11, in its entirety, is within the Interstate and National  
Defense Highways network for Colorado and is introducing new and larger  
volumes of vehicular traffic into the State and the Colorado Springs area.



At the present time there is a highway overpass structure located at the intersection of Colorado Avenue in the City of Colorado Springs and the tracks of The Denver and Rio Grande Western Railroad Company. As a part of the freeway construction, there will also be alterations at Colorado Avenue wherein the existing separation structure at the rail line is to be extended and rebuilt. The present structure over the railroad (5 tracks) was originally constructed in 1892. There is a useable roadway width of 41 feet; with 7-foot wide wood plank walkways at either side. This bridge is structurally unsound and is deficient in loading strength and width. Maintenance costs have been exorbitant and would continue to increase should the structure not be rebuilt. Colorado Avenue, aside from being a primary east-west cross-town arterial street, is also designated State Highway No. 4 (U. S. 24). This route provides access to Manitou Springs, Cascade and interconnects with U. S. 285 in South Park. Easterly from Colorado Springs U. S. 24 provides connection with U. S. 40 at Limon and accommodates in excess of 14,000 vehicles per day in the Colorado Springs area.

Mr. E. L. King, Assistant to the Surveys and Plans Engineer for the Department of Highways, testified at the hearing and introduced the following exhibits:

- Exhibit A: Sketch map and Title Page of Highway Project showing location of proposed separation structure in the project.
- Exhibit B: Plan and Elevation sketch showing extent of new bridge and clearance at Rio Grande trackage.
- Exhibit C: Prepared statement of Mr. King describing details of the instant over-pass construction and need.
- Exhibit D: Copy of Agreement, dated July 31, 1959, between The Department of Highways and The Denver and Rio Grande Western Railroad Company confirming proposed construction.

Mr. King testified that in view of the substandard structure presently existing at Colorado Avenue and the increasing volumes of vehicular traffic, it is now necessary to construct an entirely new highway over-pass above the rail line. The new structure will be 580



feet long, providing a 24-foot 6-inch roadway each direction, opposing traffic being separated by a 4-foot raised median 6 inches in height. A 5-foot 6-inch pedestrian walkway is provided on the North side and a safety curb 2 feet 6 inches wide on the south side. Steel handrail 3 feet 3 inches in height above walk and safety curb elevation is provided for each side of the structure. Vertical clearance of 23 feet 8 inches above top of rail is provided and minimum horizontal clearance will be 10 feet 0 inches, both of which dimensions exceed Commission requirements. Construction plans provide for prestressed concrete beams supported on cast-in-place pier caps resting on cast-in-place concrete caissons. Plant mixed asphaltic surfacing shall be placed for wearing surface on the bridge.

During construction, the City of Colorado Springs, through its Traffic Department, is assisting in handling vehicular traffic. Also, public liability and property damage insurance coverage must be carried by the bridge contractor in amounts from \$250,000 to \$500,000 as added protection to patrons of the various railroads operating trains under the bridge, being: The Denver and Rio Grande Western, The Atchison, Topeka and Santa Fe, The Colorado and Southern, and Chicago, Rock Island and Pacific Railway Company.

By the agreement herein, the Department of Highways is going to be wholly responsible for maintaining the overpass structure; including superstructure, substructure, piers, walls, abutments, back-fill and approaches. The Rio Grande responsibility for maintenance will only involve tracks, roadbed and drainage.

The instant project has been approved by the State Highway Commission; by the Bureau of Public Roads; by the Chief Engineer, Colorado Department of Highways; by the City of Colorado Springs, and the Rio Grande Railroad.

Estimated costs for the new highway overpass are:	
Removal of old Colorado Avenue Bridge -	\$15,000
Place new overpass	269,080
Subtotal -	<u>\$284,080</u>
Plus 10% for Engineering and contingencies -	28,408
Total -	<u>\$312,488</u>

The entire cost as shown shall be borne by the Department of Highways, with Federal reimbursement of approximately \$178,000.

No one appeared at the hearing to offer opposition, and in view of the needs as shown, the requested authority should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

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

That public convenience, necessity and safety require the proposed reconstruction of the Colorado Avenue highway overpass in the City of Colorado Springs; being across the tracks and right-of-way of The Denver and Rio Grande Western Railroad Company, at its Mile Post 74 plus 5194 feet; together with continued operation and maintenance of the structure according to the Agreement by and between the parties.

### O R D E R

#### THE COMMISSION ORDERS:

That the Department of Highways of the State of Colorado be, and it hereby is, authorized to remove the existing highway bridge and construct a new highway overpass on Colorado Avenue (S. H. No. 4; U. S. No. 24), in the City of Colorado Springs; being across the tracks and right-of-way of The Denver and Rio Grande Western Railroad Company at its Mile Post 74 plus 5194 feet.

That the work to be done, costs, installation and maintenance, shall be in accordance with the preceding Statement, and Exhibits "A", "B", "C" and "D", all of which, by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Horton*  
*James B. Paulsen*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1960.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 15TH STREET, DENVER, COLORADO, )  
FOR AN ORDER GRANTING TO IT A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO EXERCISE FRANCHISE )  
RIGHTS IN THE CITY OF AURORA, )  
COUNTIES OF ADAMS AND ARAPAHOE, )  
STATE OF COLORADO, FOR THE PURCHASE, )  
MANUFACTURE, GENERATION, TRANS- )  
MISSION, DISTRIBUTION AND SALE OF )  
ELECTRICITY AND GAS, EITHER NATURAL, )  
ARTIFICIAL OR MIXED, IN SAID CITY. )  
-----

APPLICATION NO. 17567  
SUPPLEMENTAL ORDER

-----  
May 9, 1960  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., by  
Bryant O'Donnell, Esq., Den-  
ver, Colorado, for Applicant;  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

On May 3, 1960, this Commission issued its Decision No,  
54181 in the above-entitled matter. The STATEMENT by the Commission  
in the third paragraph on Page 3 contains the sentence: "Witness  
estimated that additional capital investment in the gas and electric  
distribution system in the City of Aurora during the term of the  
franchise will amount to approximately \$1,700,000."

F I N D I N G S

THE COMMISSION FINDS:

That the amount of \$1,700,000 represents the investment to  
be made in the electric distribution system only and that for the pur-  
pose of determining the issuance fee for this certificate the expendi-

tures to be made in the gas distribution system should also be included.

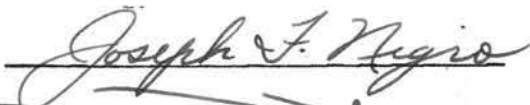


O R D E R

THE COMMISSION ORDERS:

That said sentence contained in the STATEMENT of the Commission be, and the same is hereby, amended, nunc pro tunc, as of said 3rd day of May, 1960, to read: "Witness estimated that additional capital investment in the gas and electric distribution systems in the City of Aurora during the term of the franchise will amount to approximately \$1,500,000 and \$1,700,000, respectively, for a total of \$3,200,000."

That, except as herein amended, said Decision No. 54181 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY, 1531 STOUT )  
STREET, DENVER, COLORADO, TO WITH- )  
DRAW ITS AGENCY AT YAMPA, COLO- )  
RADO, FROM NOVEMBER 1ST TO JULY )  
1ST OF EACH YEAR. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 433

-----  
May 9, 1960  
-----

Appearances: Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Applicant;  
Robert H. Gleason, Esq.,  
Steamboat Springs,  
Colorado, for J. Earl  
Ray; County of Routt;  
Colorado Spruce Com-  
pany; Bear River Stock-  
growers Association;  
and Frank Strutzel;  
J. L. McNeill, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

On November 30, 1959, The Denver and Rio Grande Western Rail-  
road Company, the applicant herein, filed its Petition, pursuant to Rule  
No. 6 of the Rules and Regulations Pertaining to Railroads, wherein the  
Applicant seeks permission to withdraw its agency station at Yampa, Colo-  
rado, from November 1st to July 1st of each year, effective January 1,  
1960.

Formal protests to the closing of the Yampa station by the  
Colorado Spruce Company, Board of County Commissioners of Routt County,  
J. Earl Ray, owner of Toponas Sawmill, Bear River Stockgrowers Associ-  
ation, Routt County Farm Bureau, Frank Strutzel, and other individual

shippers, were filed with the Commission, and as a result of said protests the Commission issued its Investigation and Suspension Docket No. 433, being Decision No. 53603, wherein they suspended the proposed closing of the station for a period of one hundred twenty (120) days, or until April 29, 1960.

On April 11, 1960, the Commission set the above-entitled matter for hearing on April 21, 1960, at the District Court Room, Court House, Steamboat Springs, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

The evidence disclosed that Yampa is a small station located on petitioner's line of railroad, which extends between Orestod and Craig, Colorado, and is situate approximately 6.2 miles east of the agency station of Phippsburg. It was further developed that the agent now employed at Yampa is an experienced telegrapher and that a shortage of telegraph operators exists over the entire Rio Grande Railroad system. The expense of operating the agency station at Yampa from January 1, 1959, to December 31, 1959, was \$6,395.73, and total revenue was \$8,736.18, while for the first two months of the Year 1960, the expense of operating the station was \$1,034.64 and the total revenue was \$336.63, divided as follows:

Passenger Forwarded	\$ 98.95
Freight Forwarded	184.70
Freight Received	1.53
Baggage, Milk and Cream	50.64
Western Union Messages	.81
	<u>\$336.63</u>

Applicant sent one of its efficiency experts to visit the station during the month of January, 1960, when their gross receipts for freight forwarded and received totaled \$1.53. He testified that on one day of his examination, the agent worked six minutes and on another day twelve minutes. It is apparent from the record that the railroad company is not interested in LCL freight as it is all now handled by Larson Transportation Company, a motor carrier, a wholly-owned subsidiary of



the railroad company.

Applicant's witnesses contended that they still wanted all LCL business but the record is clear that they do not transport LCL freight shipments but transfer it over to motor carrier service. It further appears that the only business originating at Yampa in which the railroad is interested is carload shipments. In the past five years, the carload shipments have consisted of lumber, pulpwood, livestock and spinach, the big shippers being pulpwood and livestock. The railroads have lost the pulpwood shipments due to price and the livestock shipments they are losing due to inadequate service. It therefore appears in the judgment of the Commission, after hearing the evidence, that the outlook for carload shipments in the future is not good from the Yampa station. The railroad contends that the closing of the Yampa station will not materially impair the service rendered to the patrons of the station as carload shipments can be arranged at Phippsburg, only six miles distant.

Several protestants appeared protesting the closing of the station. The witnesses contended that they are taking away a part of the railroad service, making it less attractive to ship by rail. In most cases of this kind, the witnesses protesting are the shippers now using rail service, and the evidence definitely discloses that the trucks are slowly taking away the livestock, lumber and farm product shipments from the railroad for the reasons that the trucks now offer a more attractive and better service.

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

##### THE COMMISSION FINDS:

1. That it is not economically feasible to continue the year-around agent at Yampa, Colorado, in fact, it appears to the Commission that unless the railroad improves its service and regains some of the business lost to the trucks, the day is not far distant when a complete abandonment of the agency service at Yampa would be justified.

2. That there is no need for an agent at Yampa from an operating standpoint.

3. It is true that some inconvenience will be suffered by shippers and receivers of freight, but for the small business handled at the Yampa station -- especially during the month of January -- it is the judgment of the Commission that the inconvenience to the shippers and receivers of freight is out of proportion to the overall benefit that will accrue to the railroad company and its shippers outside the Yampa area.

4. Therefore, after careful consideration of the record herein, the Commission is of the opinion, and finds, that The Denver and Rio Grande Western Railroad Company should be authorized to withdraw its agency at Yampa, Colorado, beginning November 1, 1960.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require that The Denver and Rio Grande Western Railroad Company, Denver, Colorado, be, and it hereby is, authorized to abandon and close its railway station at Yampa, Colorado, as set forth in its Petition, viz., from November 1st to July 1st of each year, effective November 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Nelson  
Harry J. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )  
COLORADO P. U. C. TARIFFS NOS. 1 )  
TO 11, INCLUSIVE, OF THE COLORADO )  
INTERSTATE GAS COMPANY. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 422

-----  
May 5, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, the Commission set the above-styled matter for hearing, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, May 10, 1960, at ten o'clock A. M., due notice thereof being sent to all parties in interest.

Inasmuch as the Supreme Court of Colorado, in The Public Utilities Commission of the State of Colorado, et al., v. Colorado Interstate Gas Company, April 11, 1960, \_\_\_\_\_ Colo. \_\_\_\_\_ (1960), ruled that said Colorado Interstate Gas Company is not a public utility, and rehearing thereon has been denied.

F I N D I N G S

THE COMMISSION FINDS:

That hearing of the above-styled matter, presently set for ten o'clock A. M., May 10, 1960, at 532 State Services Building, Denver, Colorado should be vacated.

That Investigation and Suspension Docket No. 422 should be closed upon the docket of this Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing of Investigation and Suspension Docket No. 422,

set for ten o'clock A. M., May 10, 1960, at 532 State Services Building, Denver, Colorado, be, and the same hereby is, vacated.

That said Investigation and Suspension Docket No. 422 be, and the same hereby is, closed upon the docket of this Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Randy C. Holm  
Henry J. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of May, 1960.

mls

original

(Decision No. 54238)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

COLORADO TRANSFER AND WAREHOUSEMEN'S )  
ASSOCIATION, )

Complainant, )

vs. )

MARKET STREET TRANSFER AND STORAGE )  
CO., INC., )

Respondent. )  
----- )

CASE NO. 5181

-----  
May 9, 1960  
-----

Appearances: Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Complainant;  
George F. Barbary, Esq.,  
Denver, Colorado, for  
Respondent.

ORDER

THE COMMISSION ORDERS:

This matter having come up for hearing the 5th day of  
May, 1960, on the Respondent's Motion to Strike, Motion for Summary  
Judgment, and Motion to Quash Subpoena Duces Tecum, and the Com-  
mission having considered the arguments of counsel, and being fully  
advised in the premises, doth hereby order that the said three  
Motions be, and the same hereby are, overruled and dismissed.

It is further ordered that the Subpoena Duces Tecum  
entered by the Commission, dated April 20, 1960, and directed to  
the Respondent, be, and remain in full force and effect in all partic-  
ulars, except that the return day therein, to-wit: April 29, 1960,  
at 9:00 o'clock A. M., be extended to May 19, 1960, at 9:00 o'clock A.M.

It is further ordered that the Complaint and Answer be, and  
the same hereby are, set for hearing at the Hearing Room of the

the Commission, 532 State Services Building, Denver, Colorado, on  
May 19, 1960, at 9:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Henry G. Mearns  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1960.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LLOYD K. TOKHEIM, 3400 FOX STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 17723-PP  
OPERATE AS A CLASS "B" PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
May 9, 1960  
- - - - -

Appearances: Raymond B. Danks, Esq.,  
Denver, Colorado, and  
Hans Johnson, Esq., Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Lloyd K. Tokheim, Denver, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of petroleum and related products manufactured or sold by Sinclair Refining Company, from bulk plants located in Denver, Colorado, to retail outlets and consumers located in the Counties of Denver, Arapahoe, Jefferson, Adams, Clear Creek, and Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, May 5, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Lloyd K. Tokheim, the applicant, and Paul E. Bachman, Branch Manager for Sinclair Refining Company, testified in support of the application.

There were no protests.

## F I N D I N G S

### THE COMMISSION FINDS:

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

That applicant has made arrangements with Sinclair Refining Company to provide the services for which authority is sought, and if the application is denied, the said Company will be required to acquire additional transportation facilities of its own as the services and transportation to be rendered by the applicant cannot adequately be provided by any common carrier.

That the authority sought should be granted.

## O R D E R

### THE COMMISSION ORDERS:

That Lloyd K. Tokheim, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of petroleum and related products manufactured or sold by Sinclair Refining Company, from bulk plants located in Denver, Colorado, to retail outlets and consumers located in the Counties of Denver, Arapahoe, Jefferson, Adams, Clear Creek, and Boulder, 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 F. Negro  
Harvey C. Horton  
Clay Springs  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CARL E. DAVIS, GENERAL DELIVERY, )  
DELTA, COLORADO. )

PERMIT NO. M-103

May 24, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl E. Davis,  
Delta, Colorado  
requesting that Permit No. M-103 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-103, heretofore issued to Carl E. Davis,  
Delta, Colorado be,  
and the same is hereby, declared cancelled effective March 22, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 24th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
D. D. AND A. D. AND DOUGLAS PETTY, )  
DOING BUSINESS AS, "D. D. PETTY AND )  
SONS PRODUCE", 514 SOUTH PEARL )  
EXPRESSWAY, DALLAS, TEXAS. )  
-----)

PERMIT NO. M-2303

-----  
May 24, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from D. D. & A. D. & Douglas Petty, doing business as, "D. D. Petty & Sons Produce", Dallas, Texas requesting that Permit No. M-2303 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2303, heretofore issued to D. D. & A. D. & Douglas Petty, doing business as, "D. D. Petty & Sons Produce", Dallas, Texas be, and the same is hereby, declared cancelled effective April 28, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Wm. E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 24th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN SCHNEIDER, EVERGREEN, COLORADO. )

PERMIT NO. M-4927

May 24, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John Schneider,  
Evergreen, Colorado  
requesting that Permit No. M-4927 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4927, heretofore issued to John Schneider,  
Evergreen, Colorado be,  
and the same is hereby, declared cancelled effective April 20, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 24th day of May, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FLAMINGO WHOLESALE, INCORPORATED, P. )  
O. BOX 407, ULETA BRANCH, MIAMI 64, )  
FLORIDA. )  
----- )

PERMIT NO. M-8128

-----  
May 24, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Flamingo Wholesale,  
Inc. Miami 64, Florida

requesting that Permit No. M-8128 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8128, heretofore issued to Flamingo Wholesale Inc.  
Miami 64, Florida be,  
and the same is hereby, declared cancelled effective April 29, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Fortant  
Henry G. Jennings  
Commissioners

Dated at Denver, Colorado,

this 24th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONALD L. STEELE, DOING BUSINESS AS, )  
"DON'S SUPPLY", 511 ARRAWANNA, COLO- )  
RADO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-7399

-----  
May 24, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald L. Steele,  
doing business as, "Don's Supply", Colorado Springs, Colorado  
requesting that Permit No. M-7399 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7399, heretofore issued to Donald L. Steele, doing  
business as, "Don's Supply", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective April 7, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Wm. E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 24th day of May, 1960.

he

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
T & E TRAILER SALES, (A CORPORATION), )  
EAST 5102 SPRAGUE AVENUE, SPOKANE, )  
WASHINGTON. )  
----- )

PERMIT NO. M-12679

-----  
May 24, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from T & E Trailer Sales,  
(A Corporation), Spokane, Washington  
requesting that Permit No. M-12679 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12679, heretofore issued to T & E Trailer Sales,  
(A Corporation), Spokane, Washington be,  
and the same is hereby, declared cancelled effective May 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Harrison  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 24th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

CHARLES E. DECKER, 945 JACKSON )  
STREET, DENVER 6, COLORADO. )

PERMIT NO. B-5445

-----  
May 24, 1960  
-----

S T A T E M E N T

By the Commission:

On January 25, 1960, the Commission authorized Charles E. Decker to suspend operations under his Permit No. B-5445, until July 25, 1960.

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-5445, should be, and the same hereby is, reinstated as of April 23, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Garth C. Holton*  
*Henry E. Ziehlings*  
Commissioners

Dated at Denver, Colorado,  
this 24th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN T. AND ELEANOR HARRIS, DOING )  
BUSINESS AS, "GRO-MO FERTILIZER AND )  
CHEMICAL COMPANY", P. O. BOX 61, )  
MC COOK, NEBRASKA. )  
-----)

PERMIT NO. M-6646

-----  
May 24, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John T. and Eleanor Harris, dba "Gro-Mo Fertilizer and Chemical Company", Mc Cook, Nebraska requesting that Permit No. M-6646 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6646, heretofore issued to John T. and Eleanor Harris, dba "Gro-Mo Fertilizer and Chemical Company", Mc Cook, Nebraska be, and the same is hereby, declared cancelled effective May 4, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 24th day of May, 1960.



## \* \* \*

PUC NO. 4327-I

May 24, 1960

By the Commission:

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

## O R D E R

THE COMMISSION ORDERS:

That Everett E. Gorgen, O'Neill, Nebraska

\_\_\_\_\_ be, and \_\_\_\_\_ is \_\_\_\_\_ hereby, authorized to suspend operations under PUC No. 4327-I until September 20, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 24th day of May 195/ 60.

## hc



\*\*\*\*\*

PERMIT NO. M-14791

May 24, 1960

## STATEMENT

The Commission is in receipt of a communication from Ronald R. Tucker,  
Fraser, Colorado

requesting that Permit No. M-14791 be cancelled.

## FINDINGS

That the request should be granted.

## ORDER

That Permit No. M-14791, heretofore issued to Ronald R. Tucker,  
Fraser, Colorado

and the same is hereby, declared cancelled effective April 8, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro.  
Ralph C. Horton.  
Wm. E. Zerkow.  
Commissioners

this 24th day of May, 1956.

original

(Decision No. 54250)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AIRPORT LIMOUSINE SERVICE, INC., A )  
COLORADO CORPORATION, 3455 RINGSBY )  
COURT, DENVER, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY, AUTHORIZING EXTENSION OF )  
OPERATIONS UNDER PUC NO. 2778. )  
----- )  
APPLICATION NO. 17679-Extension

-----  
May 9, 1960  
-----

Appearances: Walter M. Simon, Esq., Den-  
ver, Colorado, for Appli-  
cant;  
Holland and Hart, Esqs.,  
Denver, Colorado, and  
David Butler, Esq., Denver,  
Colorado, for Colorado  
Transportation Company;  
Barry and Boyle, Esqs.,  
Denver, Colorado, for  
Denver, Colorado Springs,  
Pueblo Motorway, Inc.

S T A T E M E N T

By the Commission:

On January 8, 1954, by Decision No. 41846, Airport Limousine Service, Inc., was granted a certificate of public convenience and necessity (PUC No. 2778), wherein it was:

"authorized to transport passengers and their personal baggage, in limousines of rated seating capacity of eight to ten, including the driver, between Stapleton Airfield, situated in the northeastern section of the City and County of Denver, Colorado, and the following points in the downtown area of Denver, to-wit: Albany Hotel, Brown Palace Hotel, Continental Airlines Ticket Office (470 17th Street), Cosmopolitan Hotel, Shirley Savoy Hotel, Union Station, and Oxford Hotel."

By the present application, applicant seeks an extension of the aforesaid certificate so that it can provide service to the Denver

Hilton Hotel.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant, through Walter M. Simon, its attorney, who is also Secretary-Treasurer of the corporation, testified that applicant is the only certificated carrier rendering scheduled limousine service between the Airport and downtown Denver. He further testified that applicant is presently rendering the service to all points included in its certificate of convenience and necessity, as hereinabove set forth, with the exception of the Continental Airlines Ticket Office, which is no longer located at 417 17th Street and which, since the filing of the application herein, has moved to the Denver Hilton Hotel where it can be served along with the Denver Hilton Hotel patrons.

The testimony further showed that applicant proposes to provide service to the Denver Hilton Hotel with the same equipment that it is presently providing service to the other downtown points and that if additional equipment becomes desirable, applicant is willing and able to provide same. The testimony also showed that the Denver Hilton Hotel is the largest hotel in the City of Denver; that, based on past experience in the operation of applicant's business, its patrons all will need and require the services of applicant.

Applicant proposes to charge the same tariff, to-wit: \$1.25 per passenger transported from and to the Denver Hilton Hotel to and from Stapleton Airfield, as it presently charges from and to other downtown points to and from Stapleton Airfield.

The applicant's financial responsibility was established to the satisfaction of the Commission as was its operating reliability.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed service as set forth in the application is compatible with the public interest and public convenience and necessity require the same, and it should be authorized as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity requires that Airport Limousine Service, Inc., a Colorado corporation, with its principal place of business in Denver, Colorado, should be authorized to transport passengers and personal baggage in limousines of rated seating capacity of eight to ten, including the driver, between Stapleton Airfield situated in the northeastern section of the City and County of Denver and the Denver Hilton Hotel in the downtown area of Denver in addition to the other stops in the downtown Denver area which it is presently authorized to serve, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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

That this Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Wm. E. Aulungo  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of May, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EL PASO COUNTY, COLORADO, FOR AUTH- )  
ORITY TO ESTABLISH AND CONSTRUCT A )  
GRADE CROSSING LOCATED IN THE SOUTH- )  
WEST QUARTER OF THE NORTHWEST QUARTER )  
OF SECTION 4, TOWNSHIP 15-SOUTH, )  
RANGE 66-WEST TO TIE IN WITH AN EX- )  
TENSION OF CRESTRIDGE AVENUE FROM )  
STRATMOOR VILLAGE (A SUBDIVISION) )  
TO THE B STREET ENTRANCE TO FORT )  
CARSON OVER THE TRACKS AND RIGHT- )  
OF-WAY OF THE SPUR RAILROAD OWNED )  
BY THE UNITED STATES GOVERNMENT IN )  
EL PASO COUNTY, COLORADO. )  
----- )

APPLICATION NO. 17535

-----  
May 10, 1960  
-----

Appearances: Leon H. Snyder, Esq.,  
and  
Dale L. Holst, Esq.,  
Colorado Springs, Colo-  
rado, for Applicant;  
J. L. McNeill, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

On December 1, 1959, the County Commissioners of El Paso County, by F. W. Monk, Commissioner of Roads, filed an application with this Commission, seeking authority to construct the highway-railroad grade crossing as captioned above.

The matter was set for hearing on December 16, 1959, at 10:00 o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Appropriate notice of the hearing was forwarded to interested parties, including also the owners of adjacent property, to the Commanding Officer, Fort Carson, and to the Chief Engineer, Colorado Department of Highways. Pursuant to said notice, the matter was heard by the Commission and taken under



advisement with the understanding that Applicant was to submit certain data as a late-filed exhibit, and which has now been received and considered by the Commission.

In behalf of El Paso County, Mr. Monk reported that he knows the roads involved and is familiar with a housing development in the Fort Carson area known as Stratmoor Hills; that developers of the area (Stratmoor Development Co. Inc.), had negotiated with El Paso County to secure approval for the subdivision plans and the requested crossing over the U. S. Government rail line serving to Fort Carson; that all costs for construction would be reimbursed to the County by the developer as evidenced by a letter agreement and performance bond; that he knows the exhibits as prepared by Stratmoor Development for the application and believes the work will be a public benefit.

As President of the Stratmoor Development Company, Mr. F. W. Ericson gave explanatory testimony regarding the proposed work and the following exhibits:

- Exhibit A: Enlarged copy of United States Geological Services map showing the Fort Carson area and general location of proposed crossing.
- Exhibit B: Plat of Stratmoor Village No. 1 and the other portions of the subdivision which will be served by the crossing.
- Exhibit C: Consists of three pages showing plans of crossing, construction details and approach grades.
- Exhibit D: Letter of El Paso County Engineer to Post Engineer, Fort Carson, indicating the street and crossing will be accepted for maintenance by El Paso County.
- Exhibit E: Legal description of crossing area.
- Exhibit F: Agreement letter of Stratmoor Development Company to pay crossing expenses and offer of performance bond for construction costs.
- Exhibit G: Sketch print of rail crossing at Crestridge Avenue to show portions of adjacent lots where open crossing vision is to be maintained.

Exhibit H: Letter of approval by adjacent property owner, Mr. James H. Sinton, Vice-President, Sinton Dairy Farm Company.

Exhibit I: (Late-filed copy)  
Easement for crossing right-of-way as granted by The Secretary of the Army over the rail-road lands of the United States.

Mr. Ericson explained that traffic over the Army railroad consists of one or two cars of freight, moving an average of three times per week between the nearby warehouse area of Fort Carson and a connection with the main line of Rio Grande Western at ~~about~~ one mile northeasterly from the crossing; that train speeds are slow and provision has been made to maintain open sight distances to the trackage within the housing area as shown in Exhibit G; that protection will consist of crossbuck signs and the crossing surface to be asphalt paved; that some thirty acres of land are to be developed for an estimated 225 home sites.

As noted in the application, the connecting "B" Street is a north-east entrance to Fort Carson and also connects with U. S. Highway 85-87. Mr. Ericson explained that with the new crossing it will then be possible for residents of the new area to move directly into Fort Carson via "B" Street.

Estimated cost for the new work is \$1,000.00; standard materials and crossbuck signs will be secured from Rio Grande railroad; all work will be in accordance with the proposed plans and is to provide a crossing forty feet wide with five-foot shoulders. Customary "STOP" signing for entrance of the side road (Crestridge Avenue) on to the main thoroughfare ("B" Street), will be related part of the crossing protection.

No objections to the proposed work were offered at the hearing, and none appears in the files of the Commission.

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

##### THE COMMISSION FINDS:

That the public safety, convenience and necessity require the establishment and construction of a new highway-railroad grade

crossing on Crestridge Avenue, Stratmoor Subdivision, at the point where said street is crossed by the spur railroad trackage serving into Fort Carson, Colorado, El Paso County, Colorado; all as set forth in the preceding Statement, which Statement, by reference, is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That El Paso County be, and it hereby is, granted a certificate of public convenience and necessity to authorize the establishment, construction and maintenance of a new highway-railroad grade crossing on Crestridge Avenue, Stratmoor Subdivision over the U. S. Government spur track serving into Fort Carson and located in the Northwest Quarter, Section 4, Township 15-South, Range 66-West, El Paso County, Colorado.

That protection devices shall consist of two reflectorized crossbuck signs at the crossing with reflectorized Advance Warning Signs on Crestridge Avenue and "B" Street at each approach in advance of the crossing.

That the work to be done, method of payment and maintenance shall all be in accordance with the various understandings as mentioned in the preceding Statement.

That materials and construction of the proposed new crossing shall conform with standard specifications for quality and workmanship, with the whole installation to be made as indicated in the preceding Statement; said Statement, the various approvals herein, and Exhibits "A", "B", "C", "D", "E", "F", "G", "H", and "I", all by reference, being made a part hereof.

That signing and any other pertinent details of traffic control shall be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Nigro*  
*Harvey C. Nelson*  
*James J. Milroy*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1960.  
ea

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 54252 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CARL E. DAVIS, GENERAL DELIVERY )  
DELTA, COLORADO. )

PERMIT NO. B-5834

May 24, 1960

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-5834 be suspended for six months from March 22, 1960.

## 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 Carl E. Davis, Delta, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5834 until September 22, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Henry E. Zerk  
Commissioners

Dated at Denver, Colorado,  
this 24th day of May, 19 60.

## hc

original

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 ARKAN- )  
SAS AVENUE, DENVER, COLORADO, FOR )  
AUTHORITY TO RELOCATE GRADE CROSSING )  
AND INSTALL AUTOMATIC FLASHING LIGHT )  
SIGNALS AT RAILWAY COMPANY MILEPOST )  
6.24 ON THE GREAT WESTERN RAILWAY )  
COMPANY, ON STATE HIGHWAY NO. 66, IN )  
WELD COUNTY, AND TO RELOCATE GRADE )  
CROSSING AND GRADE CROSSING PROTEC- )  
TION DEVICES AT RAILWAY COMPANY )  
MILEPOST 46.82 ON THE COLORADO AND )  
SOUTHERN RAILWAY COMPANY, ON STATE )  
HIGHWAY NO. 66, IN BOULDER COUNTY, )  
STATE OF COLORADO. )

APPLICATION NO. 17483

-----  
May 10, 1960  
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Appearances: Joseph M. Montano, Esq.,  
Assistant Attorney  
General, Denver, Colo-  
rado, for the State  
Highway Department;  
Ed A. Walsh, Esq., Den-  
ver, Colorado, for The  
Great Western Railway  
Company;  
J. L. McNeill, Denver,  
Colorado, for the Staff  
of the Commission.

STATEMENT AND FINDINGS

By the Commission:

By this application, which was heard at 532 State Services  
Building, Denver, Colorado, on April 19, 1960, and taken under advise-  
ment, the Department of Highways of the State of Colorado seeks the  
following authority:

1. The reconstructing and repaving State High-  
way No. 66, between U. S. 87 and U. S. 287,  
which project includes the moving of exist-  
ing grade crossing of The Great Western  
Railway Company's track and rights-of-way  
at Milepost 6.24, and protection of said

relocated grade crossing with automatic flashing light signals, said crossing being located on highway survey centerline in the Southwest Quarter of Section 21 and the Northwest Quarter of Section 28, Township 3-North, Range 68-West.

2. The relocation and widening of grade crossing and relocation of existing automatic flashing light crossing signals at Milepost 46.82 on The Colorado and Southern Railway Company, located at or near the Section Corner common to Sections 22, 23, 26 and 27, Township 3-North, Range 69-West, in Boulder County.

At the hearing, the evidence disclosed that funds have been allocated to the Department of Highways for the proposed improvement of the grade crossing at the Great Western Railway Company's Milepost 62.4. This proposed improvement provides for the railway company force to plank new crossing and furnish and install automatic flashing light crossing signals and to make all temporary and permanent changes or modifications in railway facilities as are necessary to the highway construction. The proposed improvement of the grade crossing at the Colorado and Southern Railway Company's Milepost 46.82 provides for the railway company force to plank new crossing and relocate the automatic flashing light crossing signals and to effect all temporary and permanent modifications in its facilities as are necessary to the highway reconstruction.

The aforementioned flashing light crossing signals at the Colorado and Southern Milepost 46.82 were originally installed pursuant to Application No. 11066 before the Public Utilities Commission and authorized by the Commission's Decision No. 36456, dated April 9, 1951.

The improvements herein specified are necessary for the safety and convenience of the public due to the minor change in location of the highway and the increasing volume of highway traffic, and the installation of new crossing and protective devices will be in accordance with the Commission's specifications governing same.

The record further discloses that the work to be accomplished and the method of reimbursement therefor is covered in separate agree-



ments between the Department of Highways and the respective railway companies. Exhibit D is an agreement, dated July 21, 1959, (revised September 29, 1959) with the Great Western Railway Company, which provides:

"The Department shall, upon rendition of bills therefor by the Railway Company, pay to and reimburse the Railway Company for ninety (90) per cent of the entire amount of all expenses incurred by it in connection with materials and installation costs incurred by the Railway Company for said grade crossing protection devices and shall pay to and reimburse the Railway Company for all expenses incurred for the performance of all remaining work. Billing shall be in accordance with Bureau of Public Roads Policy and Procedure Memorandum 30-3, dated August 15, 1955, and supplements thereto dated prior to date of this Agreement. The Department shall reimburse the Railway Company for all expenses incurred by said Railway Company for preliminary engineering."

An Agreement, dated October 20, 1959, with The Colorado and Southern Railway Company provides:

"Under the provisions of Bureau of Public Roads Policy and Procedure Memorandum 21-10, dated October 3, 1958, the Department shall, upon rendition of bills therefor by the Railway Company, pay to and reimburse the Railway Company for the entire amount of all expenses incurred by it in connection with materials and installation costs incurred by the Railway Company for widening said grade crossing and relocating said protection devices. Billing shall be in accordance with Bureau of Public Roads Policy and Procedure Memorandum 30-3, dated August 15, 1955, and supplements thereto dated prior to date of this Agreement. The Department shall reimburse the Railway Company for all expenses incurred by said Railway Company for preliminary engineering."

On April 19, 1960, a communication was addressed to the Commission from which we quote:

"Application No. 17483 - Application of Department of Highways to Relocate Grade Crossing and Grade crossing Protection Devices at C&S Mile Post 46.82, and State Highway 66, Boulder, County, Colorado.

"Gentlemen:

"This has reference to the above application which has been set for hearing this date before the Com-

mission.

"Paragraph 10 of the application states that the work is to be accomplished in accordance with an agreement dated October 20, 1959, with The Colorado and Southern Railway Company. This contract has not as yet been executed by the Railway Company, but it is expected that this contract, or a similar contract, will be executed in the near future. This letter is to advise the Commission that The Colorado and Southern Railway Company is agreeable to the granting of this application on the condition that a copy of any contract between the Railway Company and the Department of Highways covering the work to be done be filed with the Commission prior to the issuance of any order in this matter, and that any order contain a provision that the work be done in accordance with said contract.

"It would be appreciated if this letter would be made a part of the record of the proceeding in this matter."

The Department of Highways further agrees to furnish and install advance warning signs at no cost to the railroad company, and upon completion of the highway project, the Department of Highways shall, and will, maintain the highway, including approaches to the crossings, surface drainage, and highway right-of-way fences. Maintenance and operation of the flashing light crossing protection devices, and the grade crossings shall be the responsibility of the respective railroad companies, in accordance with the terms of the aforementioned agreements.

The Commission at this time does not have a confirmed agreement with the Colorado and Southern Railway Company, but we are of the opinion that the agreement will be in substantial compliance with an agreement dated October 20, 1959, and as to the Colorado & Southern Railway crossing, this Order will become effective when the signed agreement is filed and approved with the Colorado Public Utilities Commission, and the Order herein granted is conditional upon the filing of the abovementioned agreement.

O R D E R

THE COMMISSION ORDERS:

1. That the Department of Highways of the State of Colorado, 4201 East Arkansas Avenue, Denver, Colorado, be, and hereby is, authorized to move the existing grade crossing of the Great Western Railway Company track and right-of-way at Milepost 6.24 and install automatic flashing light signals at said crossing, being located on highway survey centerline in the Southwest Quarter of Section 21 and the Northwest Quarter of Section 28, Township 3-North, Range 68-West, as more particularly described in this application and the contract between the Department of Highways of the State of Colorado and the Great Western Railway Company, a corporation, existing under and by virtue of the laws of the State of Colorado, being Exhibit D, at the hearing herein which, by reference, is made a part hereof, and which, in the opinion of the Commission, is required by public convenience and necessity.

2. That the Department of Highways of the State of Colorado, 4201 East Arkansas Avenue, Denver, Colorado, be, and hereby is, authorized to relocate and widen the grade crossing and relocate existing automatic flashing light crossing signals at Milepost 46.82 on The Colorado and Southern Railway Company, located at or near the Section Corner common to Sections 22, 23, 26 and 27, Township 3-North, Range 69-West, in Boulder County, as more particularly described in this application and the contract between the Department of Highways of the State of Colorado, and The Colorado and Southern Railway Company, being the contract referred to in the letter of J. C. Street, attorney for The Colorado and Southern Railway Company, which is substantially in accordance with an agreement dated October 20, 1959, between the above-named parties. This Order is to become effective after the filing of the contract signed by all necessary parties. As

to the Colorado and Southern Railway crossing, this is a permissive Order which will become effective upon the filing of the abovementioned agreement. This, in the opinion of the Commission, is required by public convenience and necessity.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nye*  
*Ralph C. Hinton*  
*August A. Mayo*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

O. J. BALLARD, 900 KIRK, PUEBLO,  
COLORADO.

PERMIT NO. M-3734

May 25, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from O. J. Ballard,  
Pueblo, Colorado  
requesting that Permit No. M-3734 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-3734, heretofore issued to O. J. Ballard,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective April 26, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Garth C. Horton  
Henry E. Zallinger  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOWARD HOFFMANN, DOING BUSINESS AS, )  
"SILVER STATE FEED STORE", P. O. BOX )  
535, DEL NORTE, COLORADO. )  
----- )

PERMIT NO. M-2970

-----  
May 25, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard Hoffmann,  
doing business as, "Silver State Feed Store", Del Norte, Colorado  
requesting that Permit No. M-2970 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2970, heretofore issued to Howard Hoffmann,  
doing business as, "Silver State Feed Store", Del Norte, Colorado be,  
and the same is hereby, declared cancelled effective April 10, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Gordon  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CLYDE K. AND ELMA F. WEISSENFLUH, )  
808 PROSPECT PLACE, MANITOU SPRINGS, )  
COLORADO. )  
----- )

PERMIT NO. M-12475

-----  
May 25, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clyde K. and Elma F. Weissenfluh, Manitou Springs, Colorado  
requesting that Permit No. M-12475 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12475, heretofore issued to Clyde K. and Elma F. Weissenfluh, Manitou Springs, Colorado be,  
and the same is hereby, declared cancelled effective May 8, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Wootton  
Wm. E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
TONY PANARISO, 1900 NORWOOD, PUEBLO, )  
COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-10162

\_\_\_\_\_  
May 25, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Tony Panariso,  
Pueblo, Colorado  
requesting that Permit No. M-10162 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10162, heretofore issued to Tony Panariso,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective April 28, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 19560.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 54258 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TONY PANARISO, 1900 NORWOOD, )  
PUEBLO, COLORADO. )  
)  
)  
)  
)  
-----

PERMIT NO. B-5754

-----  
May 25, 1960  
-----

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-5754 be suspended for six months from April 28, 1960.

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 Tony Panariso, Pueblo, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5754 until October 28, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,  
this 25th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HENRY CLAY DUNN, 3587 SOUTH BANNOCK, )  
ENGLEWOOD, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-14955

\_\_\_\_\_  
May 25, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Henry Clay Dunn,  
Englewood, Colorado  
requesting that Permit No. M-14955 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14955, heretofore issued to Henry Clay Dunn,  
Englewood, Colorado be,  
and the same is hereby, declared cancelled effective April 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Gordon  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EARLE C. LOTZ, 2300 ONEIDA, DENVER 7, )  
COLORADO. )  
 )  
 )  
 )  
 )

PERMIT NO. M-7490

May 25, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Earle C. Lotz, Denver 7,  
Colorado  
requesting that Permit No. M-7490 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7490, heretofore issued to Earle C. Lotz, Denver 7,  
Colorado be,  
and the same is hereby, declared cancelled effective July 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Earle C. Lotz  
Wm. E. Zerk  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 1960.



\*\*\*\*\*

PERMIT NO. M-43

May 25, 1960

## STATEMENT

The Commission is in receipt of a communication from Vern Dotson,

Eaton. Colorado

requesting that Permit No. M-43 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-43, heretofore issued to Vern Dotson,

Eaton, Colorado

be,

and the same is hereby, declared cancelled effective March 22, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
 Ralph C. Horton  
 Henry E. Zarlengo  
 Commissioners

Dated at Denver, Colorado,

this 25th day of May, 195/60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
C. D. COLLINS, ROUTE 2 BOX 191,  
MONTROSE, COLORADO.  
-----)

PERMIT NO. M-1368

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May 25, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. D. Collins,  
Montrose, Colorado  
requesting that Permit No. M-1368 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1368, heretofore issued to C. D. Collins,  
Montrose, Colorado be,  
and the same is hereby, declared cancelled effective April 12, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Henry E. Zaulig  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES S. KILLHAM, DOING BUSINESS )  
AS, "COLFAX TIRE COMPANY", 1602 EAST )  
47TH AVENUE, DENVER 16, COLORADO. )  
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PERMIT NO. M-15682

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May 25, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles S. Killham,  
doing business as, "Colfax Tire Company", Denver 16, Colorado  
requesting that Permit No. M-15682 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15682, heretofore issued to Charles S. Killham,  
doing business as, "Colfax Tire Company", Denver 16, Colorado be,  
and the same is hereby, declared cancelled effective March 26, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Joseph F. Negro  
Ralph C. Horton  
Henry E. Zepher  
Commissioners

Dated at Denver, Colorado,  
this 25th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY, DENVER, COLORADO, )  
TO WITHDRAW ITS AGENCY AT GYPSUM, )  
COLORADO. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 424

-----  
May 10, 1960  
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Appearances: Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Applicant;  
Charles E. Leierer, Esq.,  
Eagle, Colorado, for  
Protestants: Fred  
Collett, Roy Main, Dick  
Sixkiller, Gene  
Slaughter, the Town of  
Gypsum and others;  
W. P. Epstein, General  
Chairman, Denver, Colo-  
rado, for Order of Rail-  
road Telegraphers;  
J. L. McNeill, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

On May 29, 1959, petition in the instant matter was filed with the Commission and received as Application No. 17129. Request was made for an order to authorize withdrawal of the agency at Gypsum, Colorado, effective July 1, 1959. In conformance with the Commission's rules herein, public notice of the proposed change of service was posted at the station.

Subsequent to said public posting, letters of protest were received by the Commission. By Decision No. 52661, dated July 8, 1959, the Commission suspended the proposed station closing pending investigation and further order of the Commission. Said Application No. 17129

was thereupon transferred to Commission Investigation and Suspension Docket No. 424. Said Docket was regularly set for hearing before the Commission, at the Court House, Glenwood Springs, Colorado, December 3, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 1, 1959, 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, and thereafter submitting a report of said proceedings to the Commission.

In the instant matter, we have the proposal of Applicant (Rio Grande Railroad) to withdraw its agent from the Gypsum station for the reasons that there has been very little carload business; shipments are few; passenger trains move during off-duty hours of agent; revenues are low and public need or convenience is limited. Protestants objected on the grounds that any discontinuance of service would seriously jeopardize the economy and welfare of the Gypsum area; that the absence of a station agent would be an inconvenience to railroad patrons; and that future development of a certain wood pulp plant and other industrial growth would be discouraged.

Testimony in support of the application was given by M. E. Eskildson, Rio Grande Freight Auditor at Denver, who identified and explained Exhibit No. 1; and by Division Superintendent, C. E. McEnany, of Grand Junction, who described the operation of the station herein involved.

Exhibit No. 1 is a series of tabulations consisting of fifteen (15) pages showing the following data at the Gypsum Station: Total Monthly Revenues; Separation of Carload and L.C.L. Revenues;

Western Union Revenues; Railway Express and Baggage Revenues; Operating Expenses; Station Expenses; and Freight Movements by commodity, destination, shipper and receiver for 1957, 1958, and into the year 1959 as noted. A summary of the above information is as follows:

GYPSUM STATION  
SUMMARY, REVENUES AND EXPENSES

<u>ITEM</u>	<u>1957</u>	<u>1958</u>	<u>1959</u>
Freight Forwarded	\$ 815.75	\$1,015.03	\$ 697.25 (9 Mo.)
Freight Received	3,994.66	1,577.62	1,814.93
Passenger Revenue	44.66	34.07	6.62
Milk & Cream	551.15	505.79	134.64
Western Union Messages	4.91	2.62	3.67
Revenue	<u>\$5,411.13</u>	<u>\$3,135.13</u>	<u>\$2,657.11</u>
Less: Payroll and Taxes,			
Other Station Expenses	<u>5,629.70</u>	<u>6,058.00</u>	<u>4,846.69</u>
Net Station Gain or (Loss)	<u>\$ ( 218.57)</u>	<u>(\$2,922.87)</u>	<u>(\$2,189.78)</u>
Additional:			
Operating Expense for			
Train movements without			
Station Expense	\$3,286.18	\$1,946.29	\$1,731.90

During the course of extensive cross-examination relating to the above station revenues, Mr. Eskildson explained that freight movements required attention at two stations, namely, origin and destination; that the customary practice has been followed wherein 50% of revenues are credited to a station rather than the actual collections; and that if the practice of using station collections were in effect, it would be possible for a station doing a big forwarding business to actually show no revenue.

In like manner there are the other expenses of train operation for movement of Gypsum shipments between stations, and a portion of these costs - as determined from the system operation - must also be borne by the business handled through the station as shown above.

Mr. McEnany's testimony disclosed that on May 14, 1959, he went to Gypsum for a meeting with the Agent and some eight or ten



patrons to explain the proposed station withdrawal; that he received no protests at the meeting; that he left his card and telephone number for any complaints; that he had no knowledge of any objections until shortly before the hearing in December. He further testified that he had been watching the station business for several years and was aware of the past losses; that he desired to keep the agency there for some future activity but nothing developed; and that it was now necessary to make a more efficient use of the manpower and eliminate the non-productive station expense.

Gypsum is located on the Royal Gorge route in the area between Dotsero and Leadville, being 6.8 miles west of the Agency station at Eagle, Colorado, and also located on U. S. Highway Nos. 6 and 34. The open hours of the Eagle and Gypsum stations have been from 7:15 A. M., to 4:15 P. M., Monday through Friday. According to Mr. McEnany there will be no change in rail service at Gypsum or inconvenience to passenger patrons, since Royal Gorge Train No. 1 (West) makes the stop at 7:13 P. M. and Train No. 2 (East) makes a Flag stop at 5:21 A. M. when the agent is not on duty; all switching service will be continued for local shipments; orders for cars may be telephoned collect to the agent at Eagle; scales for wool to be supplied where needed; potato cars to be heated by Eagle agent as required; that station building is to remain and if there is a sizeable development or revival of business, the agent can be restored since no authority is required for such action.

Other testimony pertaining to movement of L.C.L. shipments in substituted truck service was given by L. E. Eichinger, Division Superintendent of Rio Grande Motorways serving the western Colorado region. It appears from the testimony that U. S. Mail, the L.C.L. shipments, and milk and cream traffic are handled on daily truck movements and, according to Witness Eichinger, Rio Grande Motorways trucks have provided service to the Gypsum area for the past 12 years.



The movements for the area involved are primarily inbound and shipments are delivered directly to local consignees by truck drivers. Pickups are made as needed, and billings are completed by the agent. No change is anticipated, since agent services will be available at Eagle and the Motorway has already verified the availability of a local storage agent at Gypsum. Railway Express traffic will also be continued in truck movement and tariff details will be available from the Eagle agent.

On behalf of the protestants, testimony was offered by three witnesses who generally described their use of rail service and explained the expected inconvenience that would result to them if the agency were removed. Generally protestants' testimony was similar, and their testimony can be summarized as follows:

Fred Collett, the local Standard Oil distributor, appeared and testified that he used both rail and truck service for handling of liquid fuels from Denver; that his needs are variable during the various seasons of skiing, tourist travel, fishing, hunting and fall livestock movement; that truck shipment offers a faster service in emergency needs; that he would regularly use the railroad if he could be certain of two day delivery but that on numerous past occasions he had experienced delays up to twelve days.

Mr. Collett further testified that the mail service as proposed for handling of rail business with Eagle agent, would offer a delay of two days or the inconvenience of a fourteen mile round trip for Gypsum residents; that he would have the problems of train crew instructions for proper tank car spotting and there would be similar difficulty for spring and fall livestock car movements. Future prospects were described pertaining to a Particle Mill, Gypsum processing mill, Wood pulp mill and plans of the Forest Service for logging roads out of Gypsum.

Dick Sixkiller, testified that he is a farmer living  $3\frac{1}{2}$  miles

south from Gypsum; that he ships carload potatoes and during fall season has difficulty in securing fast telephone service; that occasionally he goes to Eagle for other business, but it involves a twenty mile round trip.

Keith Gerard - a farmer in the Gypsum area - described his work with the Forest Service in exploring possible locations for logging roads but was not certain about final plans of the department.

The promotion of community welfare and prestige by the presence of a railroad agent is understandable. However, we see a fairly regular station operation subject to seasonal fluctuations which are now resulting in station losses. Meanwhile, extensive expenditures have been made by the carrier for the improvement of its service to the general public by installation of modern signal devices, better track facilities and modern equipment. Hence, in a consideration of the public convenience and necessity, we note the provisions for alternate agency service; that there has been a long history of past L.C.L. movement by Motorway truck service and that agency service can be quickly restored upon revival of business activity or new and increased station requirements.

In the continuation of the remaining shipper needs, we are aware that for occasional movements of carload commodities as coal, oils, grain, lumber or livestock, the routine details of billing or collections can be handled at a station other than the point of origin or destination. Routine procedures are also available for establishment of credit whereby the customary requirement of prepayment to non-agency stations is waived and no inconvenience is therefore anticipated for regular patrons.

#### 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 safe and economical railroad operation does not require the maintenance of an agent at the Gypsum Station.

That under the evidence presented, there is not sufficient public need or convenience to justify continued maintenance of the Gypsum station and the resultant losses.

That the public convenience and necessity in the Gypsum area can be adequately served by the Eagle agency station.

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

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Denver and Rio Grande Western Railroad Company, Denver, Colorado, be, and it hereby is, authorized to withdraw its agent from the station at Gypsum, Eagle County, Colorado, and thereafter to handle all railroad and Railway Express tariff matters at the Agency Station of Eagle, Colorado.

That telephone toll expense for the handling of railroad business from the Gypsum area will be paid by the railroad company.

That Railway Express handling by Rio Grande Motorway will not be affected into Gypsum, Colorado. That reference shall be made to this decision in the affected tariff schedules to show the closing of the Gypsum station.

That the Commission shall retain jurisdiction in this matter to make such further orders as may be required.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Holton*  
*Wm. J. Sullivan*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1960.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THOMAS E. SALMON, JR., AND )  
EUGENE L. RAY, CO-PARTNERS, 236 )  
DAVIE DRIVE, SECURITY VILLAGE, )  
COLORADO SPRINGS, COLORADO. )  
-----

PUC NO. 2695

-----  
May 10, 1960  
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S T A T E M E N T

By the Commission:

Heretofore, Order was entered by the Commission, authorizing transfer of PUC No. 2695 to Thomas E. Salmon, Jr., and Eugene L. Ray, co-partners, Security Village, Colorado Springs, Colorado.

The Commission is now in receipt of a communication from said certificate-holders, requesting authority to do business under the trade name and style "Security Garbage Company," in the conduct of operations under said PUC No. 2695.

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 Secretary of the Commission is hereby directed to change the records of the Commission to show:

"Thomas E. Salmon, Jr., and Eugene E. Ray,  
co-partners, doing business as 'Security  
Garbage Company,'"

to be the owners and operators of PUC No. 2695, in lieu of:

"Thomas E. Salmon, Jr. and Eugene L. Ray."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regis  
Russell C. Horton  
Alvin E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1960.

mls

original

(Decision No. 54267)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. L. MOORE AND JAMES T. MOORE, CO- )  
PARTNERS, DOING BUSINESS AS "TRANS- )  
COLD EXPRESS," FINLEY AND BELT LINE )  
ROAD, IRVING, TEXAS, FOR AUTHORITY )  
TO TRANSFER INTERSTATE OPERATING )  
RIGHTS TO TRANS-COLD EXPRESS, INC., )  
FINLEY AND BELT LINE ROAD, IRVING, )  
TEXAS. )  
-----

PUC NO. 2904-I-Transfer

-----  
May 11, 1960  
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S T A T E M E N T

By the Commission:

Heretofore, R. L. Moore and James T. Moore, co-partners, doing business as "Trans-Cold Express," Irving, Texas, were granted a certificate of public convenience and necessity, authorizing operation 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, for the transportation of:

freight, between all points in Colorado and  
the Colorado State Boundary Lines, where all  
highways cross same,

said operating rights being designated "PUC No. 2904-I."

Said certificate-holders now seek authority to transfer said PUC No. 2904-I to Trans-Cold Express, Inc., Irving, Texas.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.



O R D E R

THE COMMISSION ORDERS:

That R. L. Moore and James T. Moore, co-partners, doing business as "Trans-Cold Express," Irving, Texas, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2904-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Trans-Cold Express, Inc., Irving, Texas, subject to the 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

*Joseph F. Regis*  
*Ralph C. Hobart*  
*Henry G. Harleys*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JAKE GINSBURG AND MORRIS GINSBURG,  
AS ADMINISTRATOR OF THE ESTATE OF  
WILLIAM GINSBURG, DECEASED, CO-  
PARTNERS, DOING BUSINESS AS  
"AMERICAN PRODUCTS COMPANY," 1590  
BRYANT STREET, DENVER, COLORADO,  
FOR AUTHORITY TO TRANSFER INTER-  
STATE OPERATING RIGHTS TO JAKE  
GINSBURG AND MORRIS GINSBURG, CO-  
PARTNERS, DOING BUSINESS AS  
"AMERICAN PRODUCTS COMPANY," 1590  
BRYANT STREET, DENVER, COLORADO.

PUC NO. 3963-I-Transfer

May 11, 1960

S T A T E M E N T

By the Commission:

Heretofore, Jake Ginsburg and William Ginsburg, co-partners, doing business as "American Products Company," Denver, Colorado, were granted a certificate of public convenience and necessity (PUC No. 3963-I), authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

freight, between all points in Colorado and  
the Colorado State Boundary Lines, where all  
highways cross same.

It now appears that William Ginsburg has departed this life, and by the above-styled application, Jake Ginsburg and Morris Ginsburg, as Administrator of the Estate of said William Ginsburg, seek authority to transfer said PUC No. 3963-I to Jake Ginsburg and Morris Ginsburg, co-partners, doing business as "American Products Company," Denver, Colorado.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

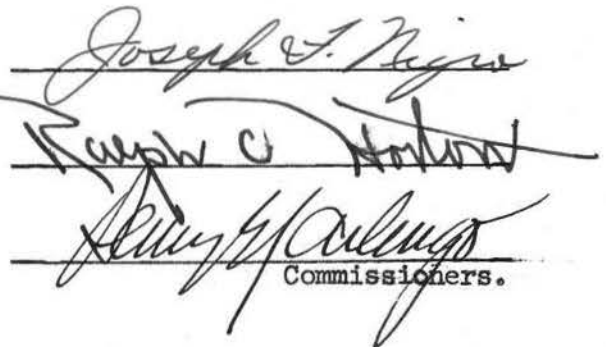
O R D E R

THE COMMISSION ORDERS:

That Jake Ginsburg and Morris Ginsburg, as Administrator of the Estate of William Ginsburg, Deceased, co-partners, doing business as "American Products Company," Denver, Colorado, be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 3963-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Jake Ginsburg and Morris Ginsburg, co-partners, doing business as "American Products Company," 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.

That transfer of operating rights herein authorized shall be effective nunc pro tunc, as of April 10, 1960, being the effective date of insurance filed with the Commission by transferees herein.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CECIL JENKINS, DOING BUSINESS AS )  
"PACIFIC INLAND TRUCK LINE," 1805½ )  
JACKSON AVENUE, KANSAS CITY, )  
MISSOURI, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO )  
J & J TRUCK LEASING, INC., 1805½ )  
JACKSON AVENUE, KANSAS CITY, )  
MISSOURI. )  
-----

PUC NO. 4064-I-Transfer

-----  
May 11, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, Cecil Jenkins, doing business as "Pacific Inland Truck Line," Kansas City, Missouri, was granted a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

freight, between all points in Colorado and  
the Colorado State Boundary Lines, where all  
highways cross same,

said operating rights being designated "PUC No. 4064-I."

Said certificate-holder now seeks authority to transfer said PUC No. 4064-I to J & J truck Leasing, Inc., Kansas City, Missouri.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

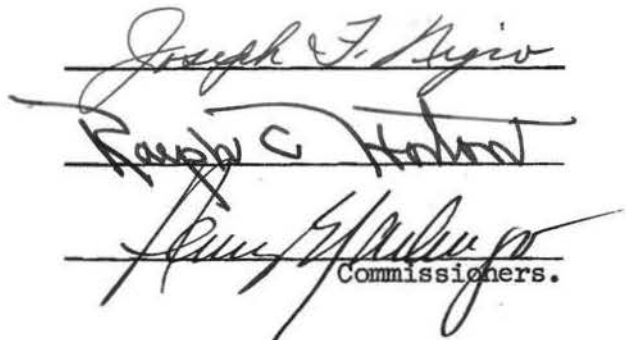
O R D E R

THE COMMISSION ORDERS:

That Cecil Jenkins, doing business as "Pacific Inland Truck Line," Kansas City, Missouri, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 4064-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to J & J Truck Leasing, Inc., Kansas City, Missouri, subject to payment of outstanding indebtedness against said certificate, 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 11th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
ANETH LUMBER COMPANY (A CORPORATION), )  
P. O. BOX 894, CORTEZ, COLORADO. )  
----- )

PERMIT NO. M-14978

-----  
May 26, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Aneth Lumber Company,  
Cortez, Colorado

requesting that Permit No. M-14978 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14978, heretofore issued to Aneth Lumber Company,  
Cortez, Colorado be,  
and the same is hereby, declared cancelled effective November 13, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 26th day of May, 195/60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 GEORGE H. PERLEY, DOING BUS- )  
 INESS AS, "WATERTON SAND AND )  
 CLAY", CASTLE ROCK, COLORADO. )  
 ----- )

PUC NO. 202

-----  
 May 26, 1960  
 -----

S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 202 be suspended for six months from April 20, 1960.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That George H. Perley, doing business as, "Waterton Sand & Clay", Castle Rock, Colorado be, and is hereby, authorized to suspend operations under PUC No. 202 until October 20, 1960.

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

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry E. Zank*  
 Commissioners

Dated at Denver, Colorado,  
 this 26th day of May 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH ERSKINE HOVER, OLATHE, COLO- )  
RADO, )

PERMIT NO. M-4328

May 26, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph Erskine  
Hover, Olathe, Colorado  
requesting that Permit No. M-4328 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-4328, heretofore issued to Ralph Erkine Hover,  
Olathe, Colorado be,  
and the same is hereby, declared cancelled effective April 21, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zarlengo  
Commissioners

Dated at Denver, Colorado,

this 26th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RICHARD WHITNEY, DOING BUSINESS AS, )  
"HIGHWAY GARAGE", CALHAN, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-15891

\_\_\_\_\_  
May 26, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Richard Whitney,  
doing business as, "Highway Garage", Calhan, Colorado  
requesting that Permit No. M-15891 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15891, heretofore issued to Richard Whitney,  
doing business as, "Highway Garage", Calhan, Colorado be,  
and the same is hereby, declared cancelled effective May 4, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Wm. E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 26th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
COLORADO BEDDING COMPANY, 476 SOUTH )  
BROADWAY, DENVER 9, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-3805

\_\_\_\_\_  
May 26, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Colorado Bedding  
Company, Denver 9, Colorado  
requesting that Permit No. M-3805 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3805, heretofore issued to Colorado Bedding  
Company, Denver 9, Colorado be,  
and the same is hereby, declared cancelled effective May 4, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Gordon  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 26th day of May, 195 60.