

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
B. DEAN AND JOHN FISHER, ROUTE 2 BOX)
104, BERTHOUD, COLORADO.)
)
)
)
-----)

PERMIT NO. M-5408

May 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from B. Dean and John
Fisher, Berthoud, Colorado
requesting that Permit No. M-5408 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5408, heretofore issued to B. Dean and Jean Fisher,
Berthoud, Colorado be,
and the same is hereby, declared cancelled effective May 9, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
James C. Norton
Henry E. Zurling
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)
C. DOUGLAS LEWIS, DOING BUSINESS AS,)
"ROCKY MOUNTAIN MEAT COMPANY", 3205)
OLIVE STREET, DENVER 7, COLORADO.)
-----)

PERMIT NO. M-7070

May 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. Douglas Lewis,
doing business as, "Rocky Mountain Meat Company", Denver 7, Colorado
requesting that Permit No. M-7070 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7070, heretofore issued to C. Douglas Lewis,
doing business as, "Rocky Mountain Meat Company", 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. Negro
Frank C. Holton
Henry E. Zurling
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)
PAUL PANARISO, 2024 EAST 11TH, PUEBLO,
COLORADO.

PERMIT NO. M-9690

May 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul Panariso,
Pueblo, Colorado
requesting that Permit No. M-9690 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9690, heretofore issued to Paul Panariso,
Pueblo, 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
Frank C. Horton
Henry E. Zepher
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)
ORRIN W. SHAFFER, DOING BUSINESS AS,)
"ARROW LAUNDRY", 715 EAST 4TH STREET,)
PUEBLO, COLORADO.)
-----)

PERMIT NO. M-14827

May 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Orrin W. Shaffer,
doing business as, "Arrow Laundry", Pueblo, Colorado
requesting that Permit No. M-14827 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14827, heretofore issued to Orrin W. Shaffer, doing
business as, "Arrow Laundry", Pueblo, Colorado be,
and the same is hereby, declared cancelled effective April 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Norton
Henry E. Zupke
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)
SIMON PETER SWEENEY, 4433 GARFIELD,)
DENVER 16, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-11513

May 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Simon Peter Sweeney,
Denver 16, Colorado
requesting that Permit No. M-11513 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11513, heretofore issued to Simon Peter Sweeney,
Denver 16, Colorado be,
and the same is hereby, declared cancelled effective May 6, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Henry E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 26th day of May, 1960.

PUC NO. 3507

May 26, 1960

hc

* * *

PUC NO. 2917-I

May 26, 1960

By the Commission:

F I N D I N G S

That the request should be granted.

THE COMMISSION ORDERS:

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.

Joseph F. Negro
Spring E. Spaulding
Commissioners

hc

original

(Decision No. 54282)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS, BY AIRPLANE, OF)	APPLICATION NO. 16193-Transfer
TED J. NELSON, DOING BUSINESS)	
AS "T. J. FLYING SERVICE,")	
MONTROSE, COLORADO.)	

SUPPLEMENTAL ORDER	

May 12, 1960

S T A T E M E N T

By the Commission:

Pursuant to authority granted by Decision No. 50011, of date April 9, 1958, entered by the Commission in Application No. 16193-Transfer, Ted J. Nelson, doing business as "T. J. Flying Service," Montrose, Colorado, acquired operating rights granted by Decision No. 45950, being the right to operate as a common carrier, by airplane, for the transportation of:

persons and property, not on schedule, but on call and demand, between all points in the State of Colorado.

The Commission is now in receipt of a communication from said Ted J. Nelson, requesting authority to suspend operations under said operating rights for the period April 21, 1960, to October 21, 1960.

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 Ted J. Nelson, doing business as "T. J. Flying Service," Montrose, Colorado, be, and he hereby is, authorized to suspend operations under common carrier airplane authority acquired by

him pursuant to Decision No. 50011, of date April 9, 1958, nunc
pro tunc, from April 21, 1960, to October 21, 1960.

That unless said Ted J. Nelson, doing business as "T. J. Flying Service," Montrose, Colorado, shall, prior to expiration of said suspension period, reinstate said certificate by complying with all rules and regulations of this Commission applicable to common carriers by airplane, 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. Regis
Joseph C. Horton
August G. Miller
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD D. BARNETTE, DOING BUSINESS) PUC NO. 1167
AS, "MOUNT EVANS MOTORWAYS", P. O.)
BOX 81, IDAHO SPRINGS, COLORADO.)

June 1, 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. 1167 be further suspended for six months from May 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 Harold D. Barnette, doing business as, "Mount Evans Motorways" be, and hereby, authorized to further suspend operations under PUC No. 1167 until November 1, 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. Nigro

Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ELMER H. JONES, P. O. BOX 609,)
EATON, COLORADO.)
)
)
-----)

PERMIT NO. M-7689

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Elmer H. Jones,
Eaton, Colorado
requesting that Permit No. M-7689 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7689, heretofore issued to Elmer H. Jones,
Eaton, Colorado be,
and the same is hereby, declared cancelled effective May 6, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Robert C. Horton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 1st day of June, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TED S. SHEEHAN, DOING BUSINESS)
AS, "SHEEHAN TRUCKING SERVICE",)
P. O. BOX 629, BELLE FOURCHE,)
SOUTH DAKOTA.)

PUC NO. 4349-I

June 1, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ted S. Sheehan,
doing business as, "Sheehan Trucking Service", Belle Fourche, So. Dakota

requesting that Certificate of Public Convenience and Necessity No. 4349-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. 4349-I heretofore issued to Ted S.
Sheehan, doing business as, "Sheehan Trucking Service", Belle Fourche, So. Dakota

be, and the same is hereby, declared cancelled effective May 5, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Charles C. Hoston
Henry E. Zurling
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT C. AND THELMA A. BRANCH, 506 -)
16TH STREET, GREELEY, COLORADO.)
)
)
)
-----)

PERMIT NO. M-6322

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert C. and Thelma A. Branch, Greeley, Colorado

requesting that Permit No. M-6322 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6322, heretofore issued to Robert C. and Thelma A. Branch, Greeley, Colorado be,
and the same is hereby, declared cancelled effective May 9, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Garth C. Horton
King E. Zurling
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WALTER D. MERRITT, 1313 JACKSON,)
GOLDEN, COLORADO.)
)
)
)
-----)

PERMIT NO. M-7071

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Walter D. Merritt,
Golden, Colorado
requesting that Permit No. M-7071 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7071, heretofore issued to Walter D. Merritt,
Golden, Colorado be,
and the same is hereby, declared cancelled effective May 5, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
James C. Horton
Wm. E. Zalkow
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ARTHUR SANCHEZ, DOING BUSINESS AS,
"ARTHUR SANCHEZ AND SON", 314 COLO-
RADO AVENUE, WALSENBURG, COLORADO.

PERMIT NO. M-13849

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur Sanchez, doing
business as, "Arthur Sanchez and Son", Walsenburg, Colorado
requesting that Permit No. M-13849 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13849, heretofore issued to Arthur Sanchez, doing
business as, "Arthur Sanchez and Son", Walsenburg, Colorado be,
and the same is hereby, declared cancelled effective May 6, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MELVIN MENKIN, DOING BUSINESS AS,)
"WESTERN SALVAGE COMPANY", P. O. BOX)
243, CHEYENNE, WYOMING.)
-----)

PERMIT NO. M-10960

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Malvin Menkin, doing
business as, "Western Salvage Company", Cheyenne, Wyoming
requesting that Permit No. M-10960 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10960, heretofore issued to Malvin Menkin, doing
business as, "Western Salvage Company", Cheyenne, Wyoming be,
and the same is hereby, declared cancelled effective May 19, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Garrett C. Horton
Henry E. Zwick
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN AUSEC, DOING BUSINESS AS,)
"AUSEC CONSTRUCTION", 3011 ILLINOIS,)
COLORADO SPRINGS, COLORADO.)
-----)

PERMIT NO. M-14894

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John Ausec, doing
business as, "Ausec Construction", Colorado Springs, Colorado
requesting that Permit No. M-14894 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14894, heretofore issued to John Ausec, doing business
as, "Ausec Construction", Colorado Springs, 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
Robert C. Norton
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 1956 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DON KILLGORE, DOING BUSINESS AS,)
"GREEN ROCK MINING COMPANY", P. O.)
BOX 371, AZTEC, NEW MEXICO.)
-----)

PERMIT NO. M-8070

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Don Killgore, doing
business as, "Green Rock Mining Company", Aztec, New Mexico
requesting that Permit No. M-8070 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8070, heretofore issued to Don Killgore, doing
business as, "Green Rock Mining Company", Aztec, New Mexico be,
and the same is hereby, declared cancelled effective April 14, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Hoston
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
V. D. FRANSEN AND BYRON BOURN, DOING)
BUSINESS AS, "R. F. D. OIL COMPANY",)
130 SOUTH MAIN STREET, LONGMONT,)
COLORADO.)

PERMIT NO. M-12911

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from V. D. Fransen and
Byron Bourn, doing business as, "R. F. D. Oil Company", Longmont, Colorado
requesting that Permit No. M-12911 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12911, heretofore issued to V. D. Fransen and Byron
Bourn, doing business as, "R. F. D. Oil Company", Longmont, Colorado be,
and the same is hereby, declared cancelled effective January 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 1st day of June, 1960.

original

(Decision No. 54293)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
J. WESLEY OLIVER, INC., 585 BOWEN)	
CIRCLE, MOAB, UTAH, FOR AUTHORITY)	
TO TRANSFER INTERSTATE OPERATING)	<u>PUC NO. 3869-I-Transfer</u>
RIGHTS TO SKYLINE TRANSPORT, INC.,)	
1330 BECK STREET, SALT LAKE CITY,)	
UTAH.)	

May 12, 1960

S T A T E M E N T

By the Commission:

Heretofore, J. Wesley Oliver, Inc., Moab, Utah, 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 the same,

said operating rights being designated "PUC 3869-I."

Said certificate-holder now seeks authority to transfer said
PUC No. 3869-I to Skyline Transport, Inc., Salt Lake City, Utah.

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.


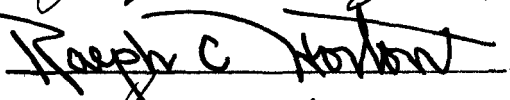

O R D E R

THE COMMISSION ORDERS:

That J. Wesley Oliver, Inc., Moab, Utah, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 3869-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Skyline Transport, Inc., Salt Lake City, Utah, subject to 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 May, 1960.

mls

original

(Decision No. 54294)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA AND EAST DENVER TRASH)
DISPOSAL," 2082 JAMAICA STREET,)
AURORA, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY,) APPLICATION NO. 17680-Extension
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 1820 AND PUC NO. 1823,)
BY REMOVAL THEREFROM OF RESTRICTION)
TO USE OF TRUCKS NOT TO EXCEED TWO-)
TONS RATED CAPACITY.)

May 12, 1960

Appearances: J. V. Condon, Esq., Aurora,
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Pursuant to prior setting, after appropriate notice to all parties in interest, the above-styled application was regularly heard and taken under advisement, April 25, 1960, at 532 State Services Building, Denver, Colorado.

Applicant herein, owner and operator of PUC No. 1820 and PUC No. 1823, seeks authority to extend operations under said PUC No. 1820 and PUC No. 1823, by removal therefrom of restriction to use of trucks not to exceed two tons rated capacity.

At the hearing, applicant appeared and testified in support of his application.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require applicant's extended motor vehicle common carrier call and demand operations under PUC No. 1820 and PUC No. 1823, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand operations of Jake Schlagel, Jr., doing business as "Aurora and East Denver Trash Disposal," Aurora, Colorado, under PUC No. 1820 and PUC No. 1823, by removing therefrom restriction to use of trucks not to exceed two tons rated capacity, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Robert C. Norton
Raymond L. Sullivan
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE KELLOGG GRAIN COMPANY, TRUCK)
DIVISION, DOING BUSINESS AS "KIOWA)
VALLEY TRUCK LINE," 4661 BRIGHTON)
BOULEVARD, DENVER, COLORADO, FOR) APPLICATION NO. 17234-Extension
AUTHORITY TO REMOVE RATE RESTRICTION)
IN ITS PUC NO. 894, AND FOR CLARIFI-)
CATION THEREOF.)

May 12, 1960

Appearances: Barry, Dawkins and Boyle,
Esqs., Denver, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

Heretofore, hearing of the above-styled application, set for July 28, 1959, was vacated, upon request of Attorneys for Applicant herein, and said matter was to be later re-set for hearing, with notice to all parties in interest.

In the meantime, the matters and things involved in these proceedings have been disposed of in another application before the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 17234-Extension be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Myers
Harold C. Hordant
James G. McLaughlin
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

CLARA M. MERRITT, DOING BUSINESS AS,)
"THE SPECIALTY SHOP", 7060 WEST 38TH)
AVENUE, WHEATRIDGE, COLORADO.)
-----)

PERMIT NO. M-9822

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clara M. Merritt, doing business as, "The Specialty Shop", Wheatridge, Colorado requesting that Permit No. M-9822 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9822, heretofore issued to Clara M. Merritt, doing business as, "The Specialty Shop", Wheatridge, Colorado be, and the same is hereby, declared cancelled effective May 7, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Norton
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT F. HARRIS, DOING BUSI-)
NESS AS "LON'S EXPRESS & MOVING,")
762 CORONA STREET, DENVER, COLO-)
RADO.)

PUC No. 3367

May 13, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert F. Harris, owner and operator of PUC No. 3367, requesting that the trade name under which he conducts operations under said PUC No. 3367 be changed from "Lon's Express & Moving," to "Bob's Express & Moving."

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:

"Robert F. Harris, doing business as
'Bob's Express & Moving,'"

to be the owner and operator of PUC No. 3367, in lieu of:

"Robert F. Harris, doing business as
'Lon's Express & Moving.'"

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. Nolan
James E. Sullivan
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO INTERSTATE GAS COMPANY,)
P. O. BOX 1087, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 17233

May 13, 1960

S T A T E M E N T

By the Commission:

Heretofore, the above-styled application was filed with this Commission by Colorado Interstate Gas Company, Colorado Springs, Colorado, seeking a certificate of public convenience and necessity:

"to operate as a public utility in the State of Colorado for the sale of gas not for resale to the City of Colorado Springs at Colorado Springs, Colorado, City of Trinidad at Trinidad, Colorado, Colorado Fuel & Iron Corporation at Pueblo, Colorado, Fountain Valley School, south of Colorado Springs, Colorado, Ideal Cement Company at Portland, Colorado, Fibreboard Paper Products Company, near Florence, Colorado, and Public Service Company at Denver, Colorado, and also, to and including December 31, 1959, to American Crystal Sugar Company at Rocky Ford, Colorado, Atchison, Topeka & Santa Fe Railway Company at La Junta, Colorado, and Holly Sugar Corporation at Swink, Colorado."

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 Application No. 17233 should be dismissed.

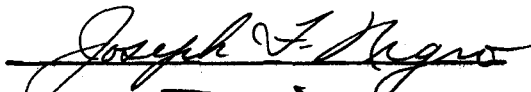
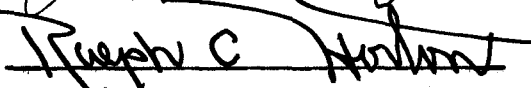

O R D E R

THE COMMISSION ORDERS:

That Application No. 17233 be, and the same hereby is,
dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

mls

original

(Decision No. 54299)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PUBLIC SERVICE COMPANY OF COLORADO,
a Colorado corporation, 900
Fifteenth Street, Denver, Colo-
rado,
Complainant,
vs.
COLORADO INTERSTATE GAS COMPANY,
a corporation, P. O. Box 1087,
Colorado Springs, Colorado,
Respondent.

CASE NO. 5161

May 13, 1960

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., Denver, Colo-
rado, for Complainant.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled complaint was filed with this Commission by Public Service Company of Colorado, Denver, Colorado, complaining against rates of Colorado Interstate Gas Company applicable to Complainant's purchase of natural gas for boiler fuel.

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 the Complaint should be dismissed and that Case No. 5161 should be closed upon the docket of this Commission.

O R D E R

THE COMMISSION ORDERS:

That the Complaint be, and the same is hereby, dismissed and that Case No. 5161 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. Regis
Joseph C. Holton
Henry G. Allen
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE COLORADO FUEL AND IRON COR-)
PORATION, Continental Oil Build-)
ing, Denver, Colorado,)

Complainant,)

vs.)

CASE NO. 5165

COLORADO INTERSTATE GAS COMPANY,)
a corporation, P. O. Box 1087,)
Colorado Springs, Colorado,)

Respondent.)

May 13, 1960

Appearances: Tippit, Haskell & Welborn,
Esqs., Denver, Colorado,
for Complainant.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled complaint was filed with this Commission by The Colorado Fuel and Iron Corporation, Denver, Colorado, complaining against rates of Colorado Interstate Gas Company applicable to Complainant's purchase of natural gas.

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 the Complaint should be dismissed and that Case No. 5165 should be closed upon the docket of this Commission.


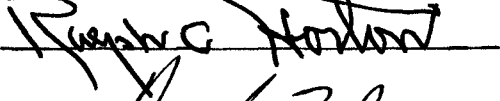
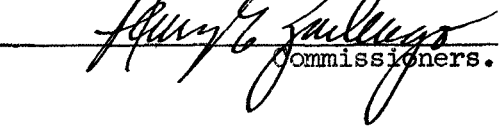
O R D E R

THE COMMISSION ORDERS:

That the Complaint be, and the same is hereby, dismissed,
and that Case No. 5165 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




Commissioners.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HOLLY SUGAR CORPORATION,
a corporation, 3 South Tejon
Street, Colorado Springs,
Colorado,

Complainant,

vs.

CASE NO. 5169

COLORADO INTERSTATE GAS COMPANY,
a corporation, P. O. Box 1087,
Colorado Springs, Colorado,

Respondent.

May 13, 1960

Appearances: Lowe P. Siddons, Colorado
Springs, Colorado, for
Complainant.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled complaint was filed with this Commission by Holly Sugar Corporation, Colorado Springs, Colorado, complaining against rates of Colorado Interstate Gas Company applicable to Complainant's purchase of natural gas for boiler fuel.

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 the Complaint should be dismissed and Case No. 5169 should be closed upon the docket of this Commission.

O R D E R

THE COMMISSION ORDERS:

That the Complaint be, and the same is hereby, dismissed,
and Case No. 5169 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
Joseph C. Holbert
Alvin E. Zedler
Commissioners.

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

mls

original

54302
(Decision No. 54302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CITY OF COLORADO SPRINGS,
a municipal corporation,
City Hall, Colorado Springs,
Colorado,

Complainant,

vs.

COLORADO INTERSTATE GAS COMPANY,
a corporation, P. O. Box 1087,
Colorado Springs, Colorado,

Respondent.

CASE NO. 5172

May 13, 1960

Appearances: Louis Johnson, Esq., and
F. T. Henry, Esq., Colo-
rado Springs, Colorado,
for Complainant.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled complaint was filed with this Commission by the City of Colorado Springs, Colorado, complaining against rates of Colorado Interstate Gas Company applicable to Complainant's purchase of natural gas for boiler fuel.

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 the Complaint should be dismissed and that Case No. 5172 should be closed upon the docket of this Commission.

O R D E R

THE COMMISSION ORDERS:

That the Complaint be, and the same hereby is, dismissed,
and that Case No. 5172 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

hereof.

Joseph F. Negro
Joseph C. Hobart
Henry E. Zuley
Commissioners.

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

mls

original

(Decision No. 54303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

AMERICAN CRYSTAL SUGAR COMPANY,
a corporation, Boston Building,
Denver, Colorado,

Complainant,

vs.

COLORADO INTERSTATE GAS COMPANY,
a corporation, P. O. Box 1087,
Colorado Springs, Colorado,

Respondent.

CASE NO. 5175

May 13, 1960

Appearances: Lewis, Grant and Davis, Esqs.,
Denver, Colorado, for Com-
plainant.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled complaint was filed with this Commission by American Crystal Sugar Company, Denver, Colorado, complaining against rates of Colorado Interstate Gas Company applicable to Complainant's purchase of natural gas for boiler fuel.

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 the Complaint should be dismissed and Case No. 5175 should be closed upon the docket of this Commission.

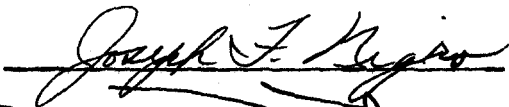
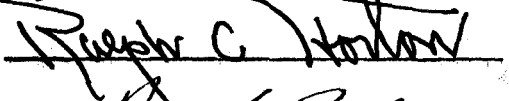
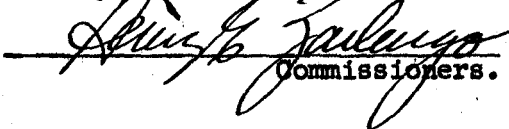
O R D E R

THE COMMISSION ORDERS:

That the Complaint be, and the same is hereby, dismissed,
and Case No. 5175 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




Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CENTRE MANUFACTURING COMPANY, INC-)
CORPORATED, P. O. BOX 218, CENTRE,)
ALABAMA.)
-----)

PERMIT NO. M-11311

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Centre Manufacturing Company, Inc., Centre, Alabama
requesting that Permit No. M-11311 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11311, heretofore issued to Centre Manufacturing Company, Inc., Centre, Alabama be,
and the same is hereby, declared cancelled effective May 9, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 1st day of June, 1960.

* * *

PUC NO. 2485-I

June 1, 1960

By the Commission:

F I N D I N G S

That the request should be granted.

THE COMMISSION ORDERS:

_____ be, and is hereby, authorized to suspend operations under PUC No. 2485-I until October 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Niaro
Commissioners

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION)
OF FIRST REVISED SHEET NO. 4,)
COLORADO P. U. C. NO. 1 OF THE)
PLAINS COOPERATIVE TELEPHONE)
ASSOCIATION, INC., JOES, COLO-)
RADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 430

May 13, 1960

Appearances: Jack A. Vohs, Esq., Cheyenne
Wells, Colorado, for Appli-
cant;
Hugh M. Gamble, Seibert, Colo-
rado, for Protestants;
P. M. Brown, Denver, Colorado,
and
Hugh D. Howard, Denver, Colo-
rado, for the Staff of the
Commission.

S T A T E M E N T

By the Commission:

On November 2, 1959, Plains Cooperative Telephone Associ-
ation, Inc., of Joes, Colorado, hereinafter called "Applicant," or
"Plains," filed with The Public Utilities Commission of the State
of Colorado a proposed change in its Tariff, Colorado P.U.C. No. 1,
First Revised Sheet No. 4, increasing all classes of telephone
rates except extension stations in the amount of \$1.00 per month
each. It was proposed to make these rates effective December 1,
1959, and would have gone into effect on said date, unless other-
wise ordered by this Commission.

The Applicant had duly notified its customers of the pro-
posed changes in its rates pursuant to Rule 17 A (2) of the Rules
of Practice and Procedure Before this Commission. Approximately 120
complaints against the proposed increase by subscribers of Applicant

were received by this Commission. In order to protect the interests of all concerned, on November 18, 1959, in Decision No. 53378, the Commission suspended First Revised Sheet No. 4 for a period of one hundred and twenty (120) days, unless otherwise ordered, to conduct an investigation into the matter of the increase of rates.

On March 28, 1960, Decision No. 54058, the Commission further suspended the effective date of the proposed increase for a period of ninety (90) days and set the matter for hearing on Tuesday, April 28, 1960, at ten o'clock A. M., in the Auditorium of the Liberty High School in Joes, Colorado. Due notice of the time and place of the hearing was given to all interested parties and at the conclusion of the hearing, the matter was taken under advisement by the Commission.

No petition of intervention was filed, however, several protestants appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Applicant is a corporation, existing under and by virtue of the laws of the State of Colorado, operating as a not-for-profit telephone corporation. Its Articles of Incorporation as amended to date have heretofore been filed with this Commission.

On February 5, 1957, in Decision No. 47275, a transfer of ownership to Applicant of several small independent telephone companies operating in this area was approved by this Commission and a certificate of public convenience and necessity in an area in parts of Washington, Yuma, and Kit Carson Counties was granted by this Commission. On January 11, 1960, the acquisition of another small independent exchange was approved, and Plains' certificate of public convenience and necessity was extended.

Applicant offered as an exhibit a Balance Sheet and Income Statement for the twelve months ending December 31, 1959, which showed a loss in the Company's operation of \$16,089.17. Beginning

in 1960, the Company's repayment obligation to the Rural Electrification Administration on the loan advanced will begin to come due. The amount due in 1960 is \$9,000; 1961, \$20,000; and in 1962, \$21,000. Applicant is not earning a sufficient amount to meet its current operating requirements and obviously would not be receiving sufficient income to meet the added burden of interest and principal repayments. Revenues are not available from any other source and it was witness' opinion that operating costs could not be reduced. The only holder of debt obligation of Applicant, the Rural Electrification Administration, had requested a study of a possible increase in rates and a possible expansion of Applicant's service to subscribers to improve the feasibility of telephone operation, and it was Applicant's witness opinion that an increase in rates and in addition, the expansion program designed to connect the larger number of subscribers, would put Applicant on a feasible basis. The most recent acquisition was the Eckley Telephone exchange now being served on a manual basis. The expansion program contemplates the conversion of the Eckley exchange to a modern automatic dial operation and the connection of additional customers in the remainder of its system which has been on dial operation since approximately March 1, 1958. Operating expenses on this system are comparatively high since the total area served covers approximately 3,000 square miles. Subscriber density is low being only slightly greater than one subscriber per mile.

There seems to be a high incidence of individual service requirements by subscribers such as installation, moves, changes and relocation of subscriber equipment, any item of which is an individual service and should be paid for by the individual subscriber and not pro rated as an item of expense against all subscribers. The schedule of charges for these services now contained in Applicant's tariff appears to be inadequate to recover the cost of providing

these individual services. Applicant is currently making a study of these costs and it was suggested on the completion of this study the results should be submitted to the staff of the Commission for their review, all toward the end of filing revised tariff sheets which will more realistically recover the cost of rendering individualized services.

It was the opinion of some that with an increase in rates many subscribers would discontinue their service thus negating the effect of an increase in revenue. Management felt that this would not be the fact because not all subscribers threatening to discontinue service would do so and because of the crowded condition of existing circuits potential subscribers are awaiting the opportunity for connection as soon as facilities are available.

Substantial criticism was made by Protestants, particularly in the direction of inefficiency. It was felt that employees of Applicant did not devote their best efforts to the benefit of the Association and that possibly some reduction in expenses of operation could be made through increased output of employees.

Many witnesses testified the local service supplied by Applicant was good, with a few exceptions which appeared to be beyond the control of Applicant. Many testified that if a rate increase was actually needed they would go along. Only two witnesses stated flatly they would discontinue service if the rate increase is granted.

Staff witness testified in regard to an examination of the books of account of Plains and concluded that the Balance Sheet and Income Statement as presented by Applicant fairly reflected the position of the Company as of December 31, 1959. Exhibits substantiating this position were introduced. The operation of the system by another staff witness was presented excluding the operations of the Eckley Exchange. This was done because the basis of the increase was made sub-

stantially on the operation of the system prior to the acquisition of the Eckley exchange and because the Eckley Exchange is yet to be converted to a dial operation. Any revenues and expenses directly attributable to Eckley Exchange would distort not only the present operation, but also the pro forma operation. On this basis, the year 1959 showed an operating income loss of \$9,956. After making appropriate adjustments for the increase proposed by Applicant of \$1.00 per month, there still would exist an operating loss of \$4,245. Since, in either instance, a loss operation occurs, there is no return on a net rate base found for the Applicant to be \$421,368.

A pro forma study was made on the basis of 1959 conditions. This study added management estimates of 32 additional subscribers to be connected in its existing dial operating system known as the "A" section and all of the Eckley Exchange subscribers now connected and to be connected at the conversion to dial, known as the "B" section. The number of subscribers in the "A" section at December 31, 1959, were 544. The subscribers pro forma in the "A" and "B" section will be 693. Pro forma revenues adjusted to the proposed rate and including all present and potential subscribers of the "A" and "B" sections with appropriate adjustments for an increase in net toll, miscellaneous revenues and uncollectible accounts showed total operating revenues will increase to \$70,391. Operating expenses were adjusted pro forma to eliminate \$2,000 of extraordinary maintenance expense appearing in 1959 and adding \$500 to cover the cost of increased maintenance due to increased line mileage. General office expense was decreased to eliminate payments to an independent auditor. Depreciation expense was increased to allow for the increase in plant investment in both the "A" and "B" sections. Local property taxes were adjusted to offset the changes to be anticipated in the pro forma operation. Amortization of acquisition adjustment was spread over the

life of the loans and includes sums for the excess of purchase price over original cost and amounts paid for plant which had been retired because such plant was not practicable to incorporate in the new system. Thus total revenue deductions increase to \$69,023. The pro forma operating income then becomes \$1,368. This amounts to a 0.21% rate of return on a pro forma rate base of \$639,210. Staff witness felt there were two areas which should be explored and appeared to be a fertile field in which operating expense might be decreased. One area is system maintenance, which under existing conditions, costs \$29.16 per main station and on the pro forma basis \$20.73 per main station. The other area is in the general office salaries, supplies, and expense, which in 1959 required \$42.56 per main station and on the pro forma basis \$31.97 per main station. Even though staff exhibits show an operating income on a pro forma basis of \$1,368, only through the institution of rigid economies, whatever they may be, plus an effort to expand the use of each subscriber and to increase the number of subscribers in such a manner as to reduce the actual investment per subscriber, can the full net operating income to meet debt obligations of Plains be attained.

It appears to us that in order to achieve and maintain financial integrity, the increase sought by Applicant should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That this Commission has jurisdiction of the Applicant and of the subject matter in the instant application.

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

That the Commission is fully advised in the premises.

That if the present rates were to be continued they would result in an increasing operating loss to the Applicant.

That rates proposed by Applicant are just, reasonable, and non-discriminatory and should be permitted to become effective as set forth in the Order following.

That Applicant should continue to apply the existing rates in its Eckley Exchange until the date of conversion from manual operation to automatic dial operation at which time it should file its Second Revised Sheet No. 4 of its Tariff Colorado P.U.C. No. 2 to supply service in the Eckley Exchange at the same rates as are applied throughout the remainder of its system.

That Investigation and Suspension Docket No. 430 should be closed.

O R D E R

THE COMMISSION ORDERS:

That the rates proposed by Applicant increasing local exchange services, except extension stations and pay stations, \$1.00 per month shall be filed in its First Revised Sheet No. 4 of its tariff, Colorado P.U.C. No. 2 on not less than three days notice to its subscribers and this Commission.

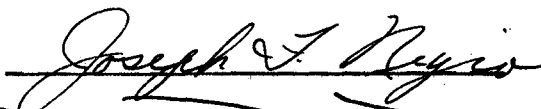
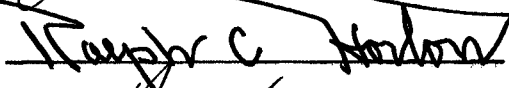

That Plains shall immediately file its adoption notice, heretofore ordered by this Commission, of the rates, rules and regulations of Eckley Telephone Company and shall continue to apply these rates in its Eckley exchange until the date of conversion from manual to automatic dial operation at which time, on not less than 10 days notice to its subscribers and this Commission, it shall file its Second Revised Sheet No. 4 of its tariff, Colorado P.U.C. No. 2, to provide service in the Eckley exchange at the same rates as are applied throughout the remainder of its system.

That Applicant shall continue to keep its books and accounts in accordance with the Uniform System of Accounts for Telephone Companies as prescribed by this Commission.

That Investigation and Suspension Docket No. 430 shall
be, and it hereby is, closed.

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 13th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BEN R. DRAKE, 1014 HOWARD STREET,)
BOISE, IDAHO.)
)
)
)
)
-----)

PERMIT NO. M-9575

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ben R. Drake,
Boise, Idaho
requesting that Permit No. M-9575 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9575, heretofore issued to Ben R. Drake,
Boise, Idaho be,
and the same is hereby, declared cancelled effective April 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zallings
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ZUNI TRUCKING COMPANY, P. O. BOX)
746, GRANTS, NEW MEXICO.)

PUC NO. 4011-I

June 1, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Zuni Trucking
Company, Grants, New Mexico
requesting that Certificate of Public Convenience and Necessity No. 4011-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. 4011-I heretefore issued to Zuni
Trucking Company, Grants, New Mexico

be, and the same is hereby, declared cancelled effective July, 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Nigro
Ralph C. Johnson
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE AND LAVETA DENNERLY, 7640)
ELMWOOD LANE, DENVER 21, COLORADO.)
_____)

PERMIT NO. M-15436

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George and Laveta
Dennerly, Denver 21, Colorado
requesting that Permit No. M-15436 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15436, heretofore issued to George and Laveta
Dennerly, Denver 21, Colorado be,
and the same is hereby, declared cancelled effective May 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Henry E. Zwick
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 1960.

original

(Decision No. 54310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF ROCK CREEK LAND)
COMPANY, 203 COLORADO COMMERCIAL)
AND SAVINGS BANK BUILDING, COLO-)
RADO SPRINGS, COLORADO.)

CASE NO. 5174

May 16, 1960

Appearances: Wynn M. Bennett, Jr., Esqs.,
Denver, Colorado, for
Realty Development Company
and Phillip Shairman, as
their interests may appear;
David Ross, Colorado Springs,
Colorado, for Rock Creek
Land Company;
Henry Replin, Denver, Colo-
rado, pro se;
Edwin R. Lundborg, Esq., Den-
ver, Colorado, for the
Staff of the Commission.

S T A T E M E N T

By the Commission:

On the 4th day of November, 1959, by its Decision No. 53310, this Commission, on its own motion, entered its Order, directed to Rock Creek Land Company, to show cause, by written Answer, to be filed on or before the 24th day of November, 1959, why the said Rock Creek Land Company should not be declared to be a utility, within the meaning of the Statutes of the State of Colorado.

On the 24th day of November, 1959, Mr. David Ross requested an extension of one week within which to file a written Answer, which request was granted, but no Answer was ever filed by Respondent, Rock Creek Land Company.

Accordingly, the matter was set for hearing before the Commission, on the 8th day of March, 1960, at the County Court Room, Court House, Colorado Springs, Colorado, at which time and place said

matter was heard and taken under advisement.

The evidence adduced at the hearing was strikingly without conflict or contradiction on its essential points. Basically, it disclosed the attempted development of a tract of land for trailer court sites or homes, with the suggestion that this proposed development was based upon speculation as to the intentions of the United States of America in the construction of military facilities which did not materialize, and which resulted in serious financial difficulties for the land promotion company,

Some years ago, a Mr. Quinn acquired a tract of land, now owned by Rock Creek Land Company, and purchased from a neighbor, John May, large quantities of well water to service the area. Apparently it was Mr. Quinn's intention to organize a water district. After Mr. Quinn's death, the Rock Creek Land Company, with Mr. Replin as President, acquired the land and commenced the promotion of trailer sites.

Mr. Replin, as President of Rock Creek Land Company, entered into a contract with John May for the purchase of water, in order to enable Rock Creek Land Company to sell the lots with all utilities, including water. To further implement this intention, Rock Creek Land Company constructed a large tank to provide water storage, and constructed such distribution facilities for necessary service to the lot sites that had been sold, and to those which it hoped to sell.

According to the testimony of the owner of the wells, John May, there is an adequate supply of water for up to 1,000 dwellings with proper storage, which can be served indefinitely. The contract between May and Rock Creek Land Company provides for a price of ten cents per thousand gallons of water where storage was established; otherwise, the price was to be twenty cents per thousand gallons. The payments under this contract apparently were delinquent a good part of the time.

The Rock Creek Land Company, with which Mr. May had entered into the contract, was organized in March, 1958. In order to finance some of the construction for tanks and lines, Mr. Replin, the then controlling stockholder of Rock Creek Land Company, incurred indebtedness with a plumbing firm, which was the indebtedness of Rock Creek Land Company.

There was evidence that Quinn, former owner of the land, had established the original tank, but that the four-inch distributing main was Mr. Replin's work.

At no time did May ever enter into a contract for the sale of water with any water district.

Replin commenced a promotional drive to sell lots, either as sites for trailers or for homes. These lots were sold, together with all utilities, with water service being provided at the flat rate of \$3.03 per month. This was the only water provided for the sites, which admittedly were sold to be used for dwellings for families -- especially those who might be stationed at Fort Carson, a short distance to the east.

The contracts for water purchases from May were changed several times, and ultimately provided a minimum of \$100 per month. The several land owners who had purchased lots from the Rock Creek Land Company paid their water bill directly to Mr. Replin, or to other agents of Rock Creek Land Company. The Rock Creek Land Company commingled all of the funds it received, and paid its obligations out of this common fund, including the water bill to May.

There was some evidence introduced that in 1956, Rock Creek Mesa Water District, which included the land now owned by Rock Creek Land Company, was formed, to provide water for the area. There was no evidence, however, that the District, after being approved by the District Court of El Paso County, was ever vitalized, or functioning. It was the testimony of all parties that the Di-

rectors never served, elections were never had, nor did the Water District ever acquire any water, or water rights, solicit customers, or distribute water.

Development of the area was partially successful, in that some forty to fifty families acquired sites there. They received their lots with all utilities installed, including water, and they made their monthly water payments to Replin, or his agents for Rock Creek Land Company. For reasons that are unimportant here, the Rock Creek Land Company became involved in serious financial circumstances. Ownership of the controlling interest of the stock was assumed by Mr. David Ross. Its embarrassed financial condition continued to worsen, and ultimately Realty Development Company, owned by Mr. Phillip Shaiman, took as security all of the land and the water contract.

A great deal of the evidence adduced at the hearing dealt with the tangled financial affairs of Rock Creek Land Company. All of this evidence we hold to be, in the main, immaterial in the determination of the main issues before the Commission.

In addition to service to the Rock Creek Land Company residents, which is now known as "West Carson Trailer City," service was commenced to an area commonly described as "Rock Creek Mesa," but which was not a part of the Rock Creek Land Company Development. This area consists of forty to fifty homes on a mesa above and adjoining Rock Creek Land Company. This service was commenced by the Rock Creek Land Company under Henry Replin, on a basis of supplying transmission lines and fire plugs, at an initial cost of \$500 per service, plus \$3.03 per month for water. Approximately fifty per cent of the people contracted and paid the \$500 for tanks, and commenced purchasing water from Rock Creek Land Company, paying therefor \$3.03 per month. This money -- both the initial cost and the monthly charge for the water -- was paid by these residents directly to Rock Creek Land Company, and comingled by it with their own funds.

There was some evidence that it was intended that a water district was to be formed to serve Rock Creek Mesa. At no time was this ever commenced or accomplished, but water service was continued. Shortly after Mr. Ross acquired control of Rock Creek Land Company, he declined to continue service to Rock Creek Mesa, but instead offered to sell to these residents the lines and tanks for the formation of a water district. The people declined to purchase these lines, on the theory that by the initial payment of \$500 they had already purchased said lines, and they insisted that the original contract between themselves and Mr. Replin for service of water be honored by Mr. Ross.

There was some conflict of evidence as to whether or not Replin originally intended to commence service to a water district, or whether he agreed to commence service and to transfer the facilities to a water district.

All the evidence relating to service of water to residents of either Rock Creek Company or Rock Creek Mesa is clouded by the apparent antagonism existing between Ross, Replin, and Shaiman, over the tangled financial affairs of the company. Several facts, however, are glaringly apparent, and that is that the entire development smacks of a promotional scheme, designed to take advantage of expansion of military facilities in the area, and that, as such, it was loosely handled, without thought to an orderly development of the area for permanent residents.

It is the duty of this Commission, however, to sift through the maze of evidence that was produced, to reconcile the conflicting testimony and recriminations, adjudge its credibility,, and make a specific findings of fact.

FINDINGS OF FACT AND CONCLUSIONS

1. Accordingly, we find that no water district ever functioned or operated in the area -- either for residents of the Rock

Creek Land Company area or for residents of Rock Creek Mesa.

2. We further find that the Rock Creek Land Company has been engaged in the promotion, development, and sale of land, as sites for trailers and homes, and in connection therewith, it has also acquired water, constructed facilities, and has provided water service and sold water to the residents of an area known as "West Carson City," in the Rock Creek Land Company area, and to the residents of an area adjacent thereto, known as "Rock Creek Mesa."

3. That West Carson Trailer City customers were provided water service by Rock Creek Land Company with the purchase of lots, and that said customers were charged \$3.03 per month for said water service.

4. That approximately one-half of the residents of Rock Creek Mesa each paid an initial cost of \$500.00 to defray the cost of constructing water transportation facilities to their area, and that said residents likewise have purchased water at the flat rate of \$3.03 per month.

5. That Rock Creek Land Company has provided water service to any and all residents of the area owned by Rock Creek Land Company known as "West Carson Trailer City," indiscriminately, without refusal of service to anyone.

6. That Rock Creek Land Company offered water service indiscriminately to all residents of Rock Creek Mesa, upon payment of an initial charge for construction of facilities.

7. That the residents of Rock Creek Land Company area and of Rock Creek Mesa are the only people residing in the area, and that Rock Creek Land Company has offered, and does render, service indiscriminately to all of said residents who desire water.

8. That there is no other water service available to said residents.

9. That Rock Creek Land Company does not have a certificate of public convenience and necessity from this Commission, nor has it, in any manner, submitted itself to the jurisdiction of this Commission, nor complied with our rules and regulations.

From the evidence adduced before us, and the specific Findings of Fact enumerated above, we are compelled to the conclusion that Rock Creek Land Company has been, since initiating its water operations, and it now is, a public utility, within the meaning of C.R.S. 1953, 115-1-3, and subject to the jurisdiction of and regulation by this Commission, and we so find.

We are led to this conclusion, and we so find, that the Company has dedicated its facilities to the public use; that public convenience and necessity require the water service to the public; that the Company, in its water operations, has held itself out to serve all of the members of the public in its capacity, indiscriminately.

All these Findings bring this Company within the purview of the standards set by the Supreme Court of Colorado, in its recent Decision of April 11, 1960, The Public Utilities Commission of the State of Colorado, et al., vs. Colorado Interstate Gas Company, _____ Colo. _____, upon which rehearing has been denied.

There is an additional facet to this case which developed during the course of the hearing. It appears that the contract for the purchase of water from Mr. May, together with other property, has been assigned by Rock Creek Land Company to Mr. Phillip Shaiman, of the Realty Development Company, who is a creditor of Rock Creek Land Company. It appears that Mr. Shaiman is collecting the water rentals from the customers and making payment to Mr. May on the water contract. He does this purely as a matter of protection to his security interest, and it appears that the assignment of the water contract to him is a matter of security, only.

Mr. Shaiman did indicate on the witness stand that he is eager to cooperate with all parties, and to continue rendering water service. He believes it is not only essential to the present customers, but to the continued sale of lots of Rock Creek Land Company.

Although Mr. Shaiman is not a party to this action, and there is a serious question in our minds as to whether or not this Commission is empowered to issue any orders directed to him, although he did appear at the hearing, we accept Mr. Shaiman's statement of position that he is a security holder, only, and as such, stands in the shoes of Rock Creek Land Company, and that he, in no wise, can refuse to comply with the Orders of this Commission directed to Rock Creek Land Company.

Because of the urgency of this matter, we are adopting this policy, rather than instituting a new hearing to bring the security holder within our jurisdiction.

O R D E R

THE COMMISSION ORDERS:

That Rock Creek Land Company be, and the same is hereby, found to be a public utility, within the meaning of the statutes of the State of Colorado, and it has been since 1958.

That the Company shall forthwith apply to this Commission for a certificate of public convenience and necessity to perform the acts it has been performing for the past several years.

That the Company shall resume service where and if desired to its customers, and serve all members of the public who make demand therefor in the manner prescribed by law.

That until the further Order of this Commission, Rock Creek Land Company shall continue to charge the sum of \$3.03 per month for said water service.

That the Commission hereby retains jurisdiction of this

matter, to enter such further Order, or Orders, as may be appropriate in the premises.

This Order shall become final twenty-one days hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Ligon
Joseph C. Holman
Henry E. Paulings
Commissioners.

Dated at Denver, Colorado,
this 16th day of May, 1960.

mls

original

(Decision No. 54311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WESLEY D. CONDA AND R. FRANCES)	
CONDA, CO-PARTNERS, DOING BUSINESS)	
AS "WESLEY CONDA," ROUTE 1, BOULDER,)	APPLICATION NO. 17505-PP-Extension
COLORADO, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER PERMIT NO. B-2933.)	

May 17, 1960

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

The within application was set for hearing Thursday, May 12, 1960, at 10:00 o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and all interested parties were notified thereof.

Mr. Lewis, Attorney for Applicants, stated that he had notified all interested parties that he would appear and ask that the hearing be continued on the grounds that because of an emergency the Applicants, nor shipper witnesses, could appear.

There were no objections to the continuance.

F I N D I N G S

THE COMMISSION FINDS:

That the hearing on the instant application should be re-set at some future date convenient to the Commission, with notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and the same hereby

is, re-set for hearing at some future date convenient to the Commission, with notice to all interested parties.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Regier
Joseph C. Hobart
Clarence J. Gabels
Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1960.

mls

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,")
1322 BRADLEY, LARAMIE, WYOMING, FOR) APPLICATION NO. 17726-Transfer
AUTHORITY TO TRANSFER PUC NO. 1967)
AND PUC NO. 1967-I TO C. EDWARD LONG,)
DOING BUSINESS AS "LARAMIE WALDEN)
BUS LINE," BOX 466, LARAMIE, WYOMING.)

May 17, 1960

Appearances: M. M. Young, Laramie,
Wyoming, pro se;
C. Edward Long, Laramie,
Wyoming, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

M. M. Young, doing business as "Young Transportation Com-
pany," Laramie, Wyoming, is the owner and operator of PUC No. 1967
and PUC No. 1967-I, authorizing:

transportation of passengers and express
only between the Colorado-Wyoming State
Line and Walden, Colorado, over Colorado
Highways Nos. 127 and 125, via Cowdrey,
Northgate, Kings Canyon, and Nelson,
Colorado, in both intrastate and inter-
state commerce, subject to the provisions
of the Federal Motor Carrier Act of 1935,
as amended.

By the instant application, said certificate-holder seeks
authority to transfer said PUC No. 1967 and PUC No. 1967-I to C.
Edward Long, doing business as "Laramie Walden Bus Line," Laramie,
Wyoming.

Said application, pursuant to prior setting, after appro-
priate notice to all parties in interest, was heard at the Court
House, Fort Collins, Colorado, May 10, 1960, and at the conclusion

of the evidence, the matter was taken under advisement.

M. M. Young, the Transferor, and C. Edward Long, the Transferee, the applicants, testified in support of the application and submitted a Sales Agreement, marked Exhibit A, which was received in evidence. The transferee is to pay \$1,200 for the permits sought to be transferred and \$1,000 for one 1950 model Cub Bus, said payment of \$2,200 to be by cash. The transferor has no debts against this operation or equipment, and the same equipment as was used will be continued to be used.

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.

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 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. 1967 and PUC No. 1967-I -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to C. Edward Long, doing business as "Laramie Walden Bus Line," Laramie, Wyoming, 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 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.

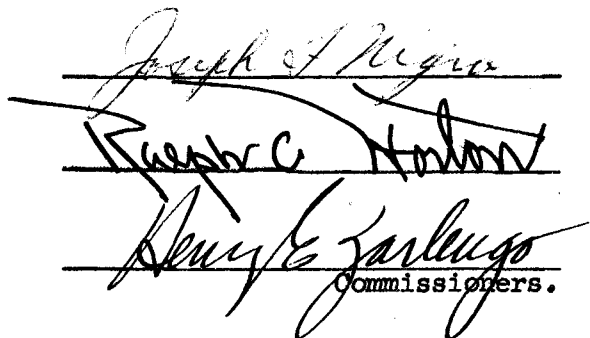
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JESSE C. GREER, 304 NORTH HOWES,)
FORT COLLINS, COLORADO, FOR REIN-)
STATEMENT OF PERMIT NO. B-4544, AND) APPLICATION NO. 17731-PP-Transfer
FOR AUTHORITY TO TRANSFER SAID OPER-)
ATING RIGHTS TO JAMES E. WALKER, 227)
NORTH GRANT, FORT COLLINS, COLORADO.)

May 17, 1960

Appearances: Jesse C. Greer, Fort
Collins, Colorado,
pro se;
James E. Walker, Fort
Collins, Colorado,
pro se.

STATEMENT AND FINDING OF FACTS

By the Commission:

Jesse C. Greer, Fort Collins, Colorado, is the owner and
operator of Permit No. B-4544, authorizing:

transportation of timber products from Red
Feather Lakes area in Larimer County, Colo-
rado, to Denver, Colorado, and intermediate
points, including Greeley, Colorado;

transportation of building materials, farm
products, and farm machinery, between points
within a radius of 30 miles of Fort Collins,
Colorado, excluding the right to transport
cement to points in Loveland, Colorado, and
points south of an east-west line drawn
through Loveland, Colorado;

transportation of treated posts and timber
products between points within a 10-mile ra-
dius of Fort Collins, Colorado, and from
said area to all points in the State of Colo-
rado.

By Decision No. 53627, dated January 19, 1960, said Permit
No. B-4544 was suspended for six months until April 1, 1960.

By the instant application, said permit-holder seeks authority to reinstate Permit No. B-4544 and to transfer the same to James E. Walker, Fort Collins, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Fort Collins, Colorado, May 10, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Jesse C. Greer and James E. Walker, the applicants, testified in support of the application, and from the evidence submitted, the Commission finds that the permit has heretofore been suspended; that it should be reinstated; that the transferee is to pay \$200.00 for the permit only without equipment, of which \$25.00 has been paid; that the transferee intends to use a 1960 International Tandem Truck in his operation. It was called to the attention of the applicants that a letter, dated May 5, 1960, addressed to the Public Utilities Commission, from Colorado Motor Carriers' Association, Inc., was filed with the Commission, in which letter it is stated that the transferor, Jesse C. Greer, owes the Association the sum of \$117.08 for Association dues and tariff services.

The applicants agreed that if the transfer is authorized that the Order provide that the transferee James E. Walker pay the debt due the Association out of the balance of proceeds still due to the transferor and pay to the transferor the difference.

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

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

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4544 should be, and the same hereby is,

reinstated as of March 25, 1960.

That Jesse C. Greer, Fort Collins, Colorado, should be, and he is hereby, authorized to transfer all his right, title and interest in and to Permit No. 4544 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to James E. Walker, Fort Collins, Colorado, subject to payment by James E. Walker in the amount of \$117.08 to the Colorado Motor Carriers' Association, Inc., Denver, Colorado, being the amount owed by the transferor, out of the balance of proceeds due to the transferor, and pay to the transferor the difference.

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, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Higgins
Joseph C. Nelson
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1960.
mls

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 FOR AUTHORITY TO)
RELOCATE RAILROAD-HIGHWAY GRADE)
CROSSING AND TO INSTALL GRADE CROSS-)
ING PROTECTION DEVICES AT MILE POST)
25 PLUS 4174 FEET OF THE DENT BRANCH)
OF THE UNION PACIFIC RAILROAD COM-)
PANY CROSSING STATE HIGHWAY NO. 52)
AT DACONA, WELD COUNTY, STATE OF)
COLORADO.)
-----)

APPLICATION NO. 17599

May 17, 1960

Appearances: Joseph M. Montano, Esq.,
Denver, Colorado, for
Applicant;
Robert A. Corso, Assistant
Signal Engineer, Denver,
Colorado, and
H. B. Durrant, Industrial
Engineer, Denver, Colorado,
for Union Pacific Railroad
Company;
J. L. McNeill, Denver, Colo-
rado, for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to interested parties, including the owners of adjacent property, and the Chairman of the Board of Weld County Commissioners, was set for hearing in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 19, 1960, where the matter was heard by the Commission and taken under advisement.

Purpose of the instant application is to secure Commission approval for new crossing construction and substitution of automatic flashing light signals with gates in lieu of existing wigwag signals at the above location on State Highway No. 52. At the hearing, the following exhibits were received and explained by Mr. Joseph C. Rex,

Associate Engineer in the office of the Plans and Surveys Engineer
of the Department of Highways at Denver, Colorado:

Exhibit A: (As attached to application)
Combination sketch map sheet to show
present situation with wigwag signals
and proposed line of improved road
and crossing work.

Exhibit B: Prepared statement from the office of
Plans Engineer to further explain the
details of: Agreement, need, type of
protection, construction details and
statement of costs.

Exhibit C: Copy of Agreement made August 24, 1959,
between Department of Highways and Union
Pacific Railroad Company for crossing
work and signals involved at Dacona,
near Frederick, Colorado.

Dacona is located on Union Pacific Dent Branch Line approximately one mile south from the Frederick station. Trackage consists of the main line and two passing tracks in a central group with a separated industry spur at some 80 feet eastward from the main line rail group. A grain elevator, an oil storage tank, and a sugar beet dump are served on the industry spur.

According to the statement and testimony as offered by Mr. Rex, State Highway No. 52, is a part of the Highway Secondary system and traffic now amounts to some 1,250 vehicles per day. The proposed widening and signal changes are now necessary for conformance with the general highway improvement program which has been in process during recent years.

Rail traffic consists of nine freight trains that may operate to the maximum speed of 40 miles per hour; switching movements also are made but fluctuate with the seasons; there is some restriction in sight distance and the further movement of fast rail traffic over multiple tracks creates the need for combination signal and gate protection.

Mr. Rex also explained that the roadway plans provide for utilization of the present roadway through Dacona as a frontage road; such frontage road to terminate at Railroad Avenue opposite the junction of County Road to Frederick and Firestone. Present grade crossing is to be eliminated and will be replaced with a new crossing 70 feet

northerly therefrom. Approaches to present crossing will be obliterated westerly from Railroad Avenue and a large permanent barricade will be placed at the westerly end of the frontage road to divert traffic thereon from railroad properties.

Mr. H. B. Durrant testified that as Industrial Engineer for Union Pacific Railroad, he assists in planning for track layouts and development of protection for the public. He identified:

Staff Exhibit No. 1
 Union Pacific Drawing C-4740
 Location and Circuit Plans for
 highway crossing signals,
 Frederick, Colorado.

Mr. Durrant explained that the central group of three tracks will be protected with the gates and flashing lights; that the independent spur track is only used for switching, and train movements are protected by a crew member working on the ground as a flag-man or crossing watchman. Past experience at the crossing has shown there is no excessive or unnecessary operation of the automatic devices due to switching operations when manual protection is provided at the spur track.

In the Agreement herein (Exhibit C), work at the proposed crossing relocation and automatic signal installation shall be performed by Union Pacific; the estimates for work to be done indicate the following cost distribution:

	State	Railroad	Total Cost
Flashing Lights and Short-Arm Gates	\$14,717	\$1,635	
Less Credit for Salvage	190	--	
Sub-totals -	\$14,527	\$1,635	\$16,162
Four new crossings, removal of old crossings, adjust communications -	\$7,330	--	
Less Credit for Salvage	1,600		
	\$5,730		\$5,730
Totals -	\$20,257	\$1,635	\$21,892

Upon completion of the project, Union Pacific will maintain the crossing and protection devices. Department will maintain the highway, including the roadway surface, drainage and drainage culverts and rights-of-way, and install three advance warning signs on the crossing approaches.

In addition to the above agreement, approvals for proposed work have been given by the U. S. Bureau of Public Roads; by the State Highway Commission and Chief Engineer, Department of Highways and by the County Commissioners of Weld County. It appears further that no public utilities or adjacent property owners will be adversely affected and the files of the Commission indicate no protests to the proposed signals and no objections were offered at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require improvement of the existing grade crossing and protection, by and through the relocation and construction of new crossings and the installation, operation and maintenance of automatic flashing light signals with gates, at the public grade crossing of State Highway No. 52, over the trackage and right-of-way of Union Pacific Railroad Company in the community of Dacona, near Frederick, Weld County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways of the State of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize replacement of present crossings and wigwag protection by the construction, installation, operation and maintenance of new crossings with automatic flashing light signals and gates, at the public grade crossing of State Highway No. 52, over the tracks and right-of-way of Union Pacific Railroad Company in the community of Dacona, near Frederick, Weld County, Colorado.

That the work to be done, costs, installation and maintenance of the crossings and protection devices, shall be as indicated in the preceding Statement; said Statement and Exhibits "A", "B", "C", and Staff Exhibit No. 1, are, by reference, made a part hereof.

That the proposed signal devices and installation shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Meyer
Ralph C. Horton
Henry E. Zailings
Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1960.

ea

revised

(Decision No. 54315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LARRY K. BRUNMEIER, 942 CLEVELAND)	
AVENUE, LOVELAND, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A)	APPLICATION NO. 17727-PP
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

May 17, 1960

Appearances: Larry K. Brunmeier,
Loveland, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Fort Collins, Colorado, May 10, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Larry K. Brunmeier, the applicant, testified in support of his application.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

That Larry K. Brunmeier, Loveland, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; the transportation of road-surfacing materials being restricted against the use of tank vehicles.

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
Rueph C. Holton
Berry E. Zarbo
Commissioners

Dated at Denver, Colorado,
this 17th day of May, 1960.

ea

original

(Decision No. 54316)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION)
OF TARIFF COLORADO P. U. C. NO. 7)
OF THE LEADVILLE WATER COMPANY,)
LEADVILLE, COLORADO.)
-----)

INVESTIGATION AND SUSPENSION
DOCKET NO. 434

May 17, 1960

S T A T E M E N T

By the Commission:

On April 25, 1960, The Leadville Water Company, Leadville, Colorado, filed with The Public Utilities Commission of the State of Colorado, its Tariff Colorado P. U. C. No. 7. Presumably, this tariff would cancel the Tariff Colorado P. U. C. No. 6 of The Leadville Water Company now on file with this Commission and currently in effect in its service area. The principal change of Tariff No. 7 over Tariff No. 6, according to the statement contained in the Company's notice to customers concerning the rate filing is "an increase of water rates to produce the amount of revenue requested by the Company in its application now pending before the Public Utilities Commission." Application No. 17531 is the application referred to and said application is by The Leadville Water Company for a rate base determination and allowable rate of return. The application has been taken under advisement by the Commission.

The rates as provided in the proposed Tariff P. U. C. No. 7 were presented in evidence during the hearing conducted in said application at Leadville, Colorado, on Tuesday, May 3, 1960.

These rates would become effective on June 1, 1960, unless otherwise ordered by this Commission.

The Company duly notified its customers of the proposed changes in its rates pursuant to Rule 17 A (2) of the Rules of Practice

and Procedure before this Commission. The Commission has since received complaints from customers of The Leadville Water Company sufficient in number and importance to warrant the suspension of the proposed changes. Therefore, in order to protect the interests of all concerned, the Commission has decided to suspend in its entirety The Leadville Water Company Tariff Colorado P. U. C. No. 7.

F I N D I N G S

THE-COMMISSION FINDS:

That the effective date of the rates as set forth in Tariff Colorado P. U. C. No. 7 of The Leadville Water Company, as filed with this Commission on April 25, 1960, should be suspended until further order of this Commission.

O R D E R

THE COMMISSION ORDERS:

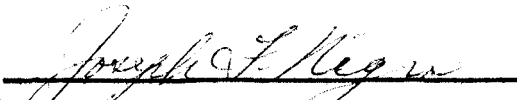


That the effective date of the proposed changes in rates of The Leadville Water Company Tariff Colorado P. U. C. No. 7, in its entirety, be, and it hereby is, suspended for a period of one hundred twenty (120) days from June 1, 1960 to September 29, 1960, unless otherwise ordered.

That a copy of this Order be filed with The Leadville Water Company, Tariff Colorado P. U. C. No. 7, and copies hereof be forthwith served upon The Leadville Water Company and on all parties who are of record with the Commission as having protested the proposed increase.

That the Commission shall retain jurisdiction of this matter to make such further order or orders as it may deem necessary.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1960.

original

(Decision No. 54317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MANUEL BARELA, 715 EIM, FORT)
COLLINS, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 4057 TO RAYMOND B.) APPLICATION NO. 17725-Transfer
ELLIS, 513 NORTH LOOMIS, FORT)
COLLINS, COLORADO.)

May 17, 1960

Appearances: Raymond B. Ellis, Fort
Collins, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Manuel Barela, Fort Collins, Colorado, is the owner and
operator of PUC No. 4057, authorizing:

transportation of ashes, trash and other
waste materials, from point to point with-
in the City of Fort Collins, Colorado, and
within a radius of ten miles thereof.

By the instant application, said certificate-holder seeks
authority to transfer said PUC No. 4057 to Raymond B. Ellis, Fort
Collins, Colorado.

Said application, pursuant to prior setting, after appro-
priate notice to all parties in interest, was heard at the Court
House, Fort Collins, Colorado, May 10, 1960, and at the conclusion
of the evidence, the matter was taken under advisement.

The transferee Raymond B. Ellis, appeared in support of
the application, and testified that he is to pay \$1,700 as consider-
ation for the transfer.

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 Manuel Barela, Fort Collins, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 4057 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Raymond B. Ellis, Fort Collins, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

The right of transferee to operate under this Order shall

depend upon the prior filing by transferor of delinquent reports,
if any, covering operations under said certificate up to the time
of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Joseph T. Negro
Ralph C. Hobart
Henry E. Zedler
Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HANSEL KNIGHT AND ROBERT YOST, CO-
PARTNERS, DOING BUSINESS AS "K AND
Y TRUCKING COMPANY," ROUTE 2, BOX
277, LOVELAND, COLORADO, FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 17729-PP

May 17, 1960

Appearances: Ned J. Carpenter, Esq.,
Loveland, Colorado, for
Applicant;
Tull, Hays & Thompson, Esqs.,
Denver, Colorado, for
Blakley Livestock Trucking
Co., Inc.;
Jones, Meiklejohn & Kilroy,
Esqs., Denver, Colorado,
for Sorenson Truck Service;
Melvin Dinner, Greeley, Colo-
rado, for Livestock Trans-
port, Inc.; Stroh's Cattle-
liners; Greeley Truck Line;
J. J. Schaefer; and Nauta
Trucking Service;
Truman Stockton, Jr., Esq.,
Denver, Colorado, for Yockey
Trucking Co., Inc.
Guy Hart, Longmont, Colorado,
for Farm Hauling Service.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of livestock feed, hay, farm products and livestock, using Loveland, Colorado, as a center point, north to the Wyoming State line, east to the Nebraska and Kansas State lines, south and west one hundred miles from Loveland, Colorado.

Said application, pursuant to prior setting, after appro-

priate notice to all parties in interest, was heard at the Court House, Fort Collins, Colorado, May 10, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Applicants filed, at the commencement of the hearing, a Motion to Amend their application in the following respects, to-wit:

1. Delete that portion of the said application, requesting authority to transport livestock.
2. Amend described area in which they seek to operate, to read "between customers and towns within a 35 mile radius of Loveland, Colorado, and to service these customers to and from this area to other points in Colorado beyond the said 35 mile radius of Loveland, Colorado.

All of the aforementioned who entered their appearances, which appearances were entered in protest, did not object to the motion. The motion was granted, and all protests were withdrawn.

Hansel Knight and Robert Yost, the partner applicants, testified in support of their application to the effect, and the Commission so finds, that applicants have been operating under a temporary permit; have specialized body truck equipment to haul bulk feed; have a 1959 8-ton truck to which is attached elevator equipment for unloading feed; that partner Yost has had at least five years trucking experience; that there have been many requests for the specialized service which the applicants are ready, willing and able to provide.

E. L. Marsh, the Manager of Farr Company at Lacerne, testified that he has had considerable experience with K & Y Truck Company which was very satisfactory; that for some time his Company has been considering purchasing its own equipment; however, with the services available which applicants seek to provide his Company will use the services of applicants.

Ira Schroeder also testified in support of the application that he is the owner of a feed business; has used applicants' services which are excellent, and as a matter of fact he is realizing savings

over the hauling which he was doing under an "M" permit.

The Commission finds that the proposed operation will not impair the efficient public service of any authorized motor vehicle common carrier or carriers serving the same territory over the same general highway route or routes, and that the application should be granted, as amended.

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

O R D E R

THE COMMISSION ORDERS:

That Hansel Knight and Robert Yost, co-partners, doing business as "K and Y Trucking Company," Loveland, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of livestock feed, hay, and farm products between customers and towns within a 35 mile radius of Loveland, Colorado, and to service these customers to and from this area to other points in Colorado beyond the said 35 mile radius of Loveland, Colorado.

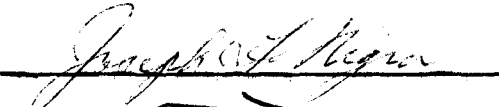
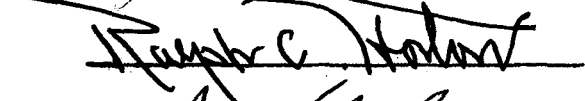

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE M. CASTELLANOS, ROUTE 4, BOX 24,)
FORT COLLINS, COLORADO, FOR A CLASS) APPLICATION NO. 17728-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

May 17, 1960

Appearances: Joe M. Castellanos, Fort
Collins, Colorado,
pro se.

S T A T E M E N T

By the Commission:

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

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Fort Collins, Colorado, May 10, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Joe M. Castellanos, the applicant, appeared and testified in support of his application.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

of road-surfacing materials being restricted against the use of tank vehicles.

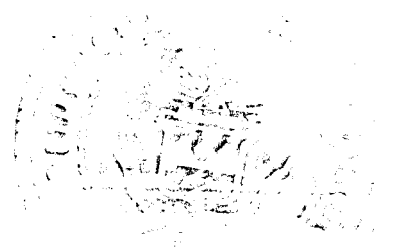
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 L. Negro
Ralph C. Holton
Henry G. Zalkow
Commissioners

Dated at Denver, Colorado,
this 17th day of May, 1960.

mls

negated

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MRS. ROSE WOKERSIN, DOING BUSINESS)	
AS "WOKERSIN MILK LINES," ROUTE 1,)	
BOX 239, LONGMONT, COLORADO, FOR A)	APPLICATION NO. 17732-PP
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

May 18, 1960

Appearances: Mrs. Rose Wokersin, Longmont,
Colorado, pro se.

S T A T E M E N T A N D F I N D I N G S

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of milk, in cans, from an area bounded on the north by Highway No. 66, on the west by Highway No. 287, south to Highway No. 52, and east to Dacona, and north to intersection of Highway No. 66 and Dacona Road, to Colorado Condensed Milk Company, at Johnstown, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Fort Collins, Colorado, May 10, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant and V. E. Witmore testified in support of the application that the applicant has two trucks, one being a 1959 F-600, which will be used in the operation; that Colorado Condensed Milk Company is very much satisfied with the services of the applicant and will use the same, and that there are other requests for the same service which cannot be provided adequately by others.

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

The Commission finds that 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; that the operating experience and financial responsibility of applicant were established to the satisfaction of the Commission, and, that the application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Mrs. Rose Wokersin, doing business as "Wokersin Milk Lines," Longmont, Colorado, should be, and she hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of milk, in cans, from an area bounded on the north by Highway No. 66, on the west by Highway No. 287, south to Highway No. 52, and east to Dacona, and north to intersection of Highway No. 66 and Dacona Road, to Colorado Condensed Milk Company, at Johnstown, Colorado.

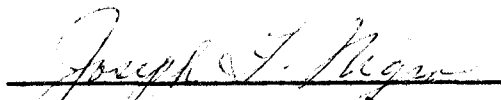
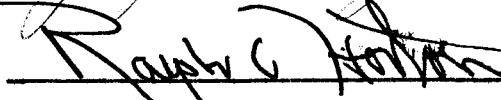

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of her 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 her compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1960.
ea

original

(Decision No. 54321)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRED SAN SOUCI, P. O. BOX 161, LA)	
PORTE, COLORADO, FOR AUTHORITY TO)	<u>APPLICATION NO. 17730-PP-Extension</u>
EXTEND OPERATIONS UNDER PERMIT NO.)	
B-5724.)	
-----)	

May 18, 1960

Appearances: Fred Sansouci, La Porte,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Fred Sansouci, La Porte, Colorado, is the owner and
operator of Permit No. B-5724, authorizing:

transportation of logs from forests
within a radius of ten miles of Red
Feather Lakes, Colorado, to East Side
Lumber Company, located at the south
edge of Fort Collins, Colorado.

By the instant application, said permit-holder seeks
authority to extend operations under Permit No. B-5724 to include
the right to transport forest and sawmill products from Cherokee
Park, to Denver, Colorado, for Broderick Wood Products Company,
Denver, Colorado.

Said application, pursuant to prior setting, after appro-
priate notice to all parties in interest, was heard at the Court
House, Fort Collins, Colorado, May 10, 1960, and at the conclusion
of the evidence, the matter was taken under advisement.

The applicant testified that he is engaged in other similar
operations and that he has had requests from Broderick Wood Products
Company for the transportation of forest and sawmill products from
Cherokee Park, to Denver, Colorado.

No one appeared in opposition to the granting of the application and the Commission is of the opinion that the granting of said application will not impair the efficient public service of any common carrier or carriers serving the same territory.

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 Fred Sansouci, La Porte, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-5724 to include the right to transport forest and sawmill products from Cherokee Park, to Denver, Colorado, for Broderick Wood Products Company, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Joseph T. Nigro
Joseph C. Horton
Henry E. Jarling
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
STANLEY E. GRIFFITH AND THELMA G.)
GRIFFITH, CO-PARTNERS, DOING BUSI-)
NESS AS "ACE CAB COMPANY," 176)
NORTH COLLEGE AVENUE, FORT COLLINS,) APPLICATION NO. 17724-Extension
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY, AU-)
THORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 376.)
-----)

May 18, 1960

Appearances: Stanley E. Griffith, Fort
Collins, Colorado, pro se;
Thelma G. Griffith, Fort
Collins, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Stanley E. Griffith and Thelma G. Griffith, co-partners,
doing business as "Ace Cab Company," Fort Collins, Colorado, are
the owners and operators of PUC No. 376, authorizing:

passengers, in and out of Fort Collins,
Colorado, subject to the following con-
ditions:

- (a) the radius of taxi operations shall
not exceed seventy-five miles;
- (b) no sightseeing operations shall be
conducted except to those points named
in the tariff to be kept on file with
the Commission;
- (c) rates shall, on all trips made to
points having regular service -- whether by
rail or motor vehicle -- be thirty-three
and one-third percent greater per passenger
than effective rates of scheduled carriers;
- (d) none of such operations shall be on
schedule,

and the right to operate a taxicab service
within the City of Fort Collins, Colorado.

By the instant application, said certificate-holders seek authority to extend operations under PUC No. 376 to include the right to conduct a messenger and package delivery business, from point to point within the City of Fort Collins, Colorado, and a twenty-mile radius thereof, package delivery to be limited to packages of one hundred pounds or less per package.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House, Fort Collins, Colorado, May 10, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Stanley E. Griffith testified in support of the application and from his evidence the Commission finds that many demands have been made upon the applicants for the type of service which they propose to render, in particular that there have been many demands for delivering drugs and doctor's supplies, and demands from Western Union and the telephone company.

The Commission further finds that there is only one other carrier who could render such service, but that his operations are limited to groceries and the hauling of trash; that a radio control system will be used to provide fast and efficient service and, in addition to four radio cabs, the applicants will use a pickup truck not to exceed one-half-ton in capacity.

No one appeared in opposition to the proposed extension, and it does not appear that the granting of said extension, and operations by applicants thereunder, will tend to impair the efficiency of any common carrier service with which they will compete.

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

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

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of Stanley E. Griffith and Thelma G. Griffith, co-partners, doing business as "Ace Cab Company," Fort Collins, Colorado, under PUC No. 376, to include the right to conduct a messenger and package delivery business, from point to point within the City of Fort Collins, Colorado, and a twenty-mile radius thereof, package delivery to be limited to packages of one hundred pounds or less per package, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 18th day of May, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BILLY JOHNSTON, GENERAL DELIVERY,)
PAGOSA SPRINGS, COLORADO.)

PERMIT NO. M-11206

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Billy Johnston,
Pagosa Springs, Colorado
requesting that Permit No. M-11206 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11206, heretofore issued to Billy Johnston,
Pagosa Springs, Colorado be,
and the same is hereby, declared cancelled effective March 18, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Nigro
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK WILSON, DOING BUSINESS AS,)
"GAS APPLIANCE SERVICE", P. O.)
DRAWER W, BUENA VISTA, COLORADO.)
-----)

PERMIT NO. M-14774

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank Wilson, doing
business as, "Gas Appliance Service", Buena Vista, Colorado
requesting that Permit No. M-14774 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14774, heretofore issued to Frank Wilson, doing
business as, "Gas Appliance Service", Buena Vista, Colorado be,
and the same is hereby, declared cancelled effective May 9, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Negro
Chairman
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ISAIAS MARTINEZ, 519 SOUTH ASH,)	
CORTEZ, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE)	APPLICATION NO. 17719-PP
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

May 19, 1960

Appearances: Isaias Martinez, Cortez,
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 uranium and vanadium ore, from mines and pot holes in San Miguel, Dolores, and Montezuma Counties, to ore-reduction plants in Durango, Naturita, Uravan, and Grand Junction, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, April 27, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Applicant herein appeared and testified in

support of his application, stating he is the owner of sufficient equipment with which to conduct his proposed operation; that he has a net worth of approximately \$10,000; that he has had trucking experience; that he has received numerous requests for his proposed service.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

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

That Isaias Martinez, Cortez, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of uranium and vanadium ore, from mines and pot holes in San Miguel, Dolores, and Montezuma Counties, to ore-reduction plants in Durango, Naturita, Uravan, and Grand Junction, Colorado.

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

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured 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 L. Meyer
Rueph C. Holton
George F. Zuluaga
Commissioners.

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

ea

original

(Decision No. 54326)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILBUR DEAN JOSEPH, DOING BUSINESS)
AS "GOLD CAMP TOURS," 1616 WEST)
BRITTON ROAD, OKLAHOMA CITY, OKLA-)
HOMA, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OP-)
ERATE AS A COMMON CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 17713

May 19, 1960

Appearances: Wilbur Dean Joseph, Oklahoma
City, Oklahoma, pro se;
L. W. Parcell, Silverton,
Colorado, for Grand
Imperial Hotel;
John M. Distel, Silverton,
Colorado, for Circle
Route Garage.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the conduct of sightseeing operations in and around the Town of Silverton, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, April 27, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, upon motion of Applicant and consent of Protestants, it was moved that the instant application be continued.

Report of the Examiner recommends that said application be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

F I N D I N G S

THE COMMISSION FINDS:

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

That the above-styled application should be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

O R D E R


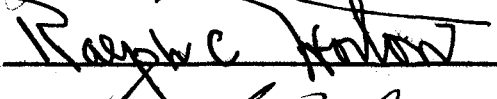
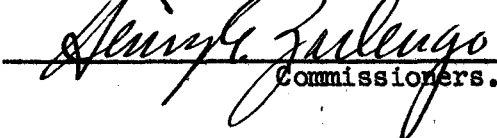
THE COMMISSION ORDERS:

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

That Application No. 17713 be, and the same hereby is, continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

ea

original

(Decision No. 54327)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. C. OSWALD AND WARREN W. OSWALD,)
CO-PARTNERS, DOING BUSINESS AS)
"OSWALD PRODUCE COMPANY," CHAPPELL,)
NEBRASKA, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO)
WARREN W. OSWALD, DOING BUSINESS)
AS "OSWALD PRODUCE COMPANY,")
CHAPPELL, NEBRASKA.)
-----)

PUC NO. 3886-I-Transfer.

May 19, 1960

S T A T E M E N T

By the Commission:

Heretofore, A. C. Oswald and Warren W. Oswald, co-partners, doing business as "Oswald Produce Company," were 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 the same,

said operating rights being known as "PUC No. 3886-I."

Said certificate-holders now seek authority to transfer said operating rights to Warren W. Oswald, doing business as "Oswald Produce Company," Chappell, Nebraska, said A. C. Oswald being desirous of withdrawing from said co-partnership.

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

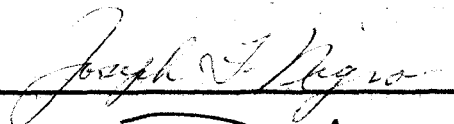
THE COMMISSION ORDERS:

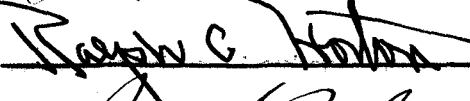
That A. C. Oswald and Warren W. Oswald, co-partners, doing business as "Oswald Produce Company," Chappell, Nebraska, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 3886-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Warren W. Oswald, doing business as "Oswald Produce Company," Chappell, Nebraska, said A. C. Oswald being hereby authorized to withdraw from said partnership.

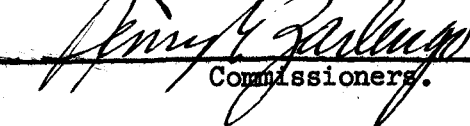
That transfer of operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

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

ea

original

(Decision No. 54328)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SUPERIOR TRANSPORTATION, INC., SALT)
LAKE CITY, UTAH, FOR AUTHORITY TO)
TRANSFER PERMITS NOS. B-4292 AND)
B-4292-I TO F. G. MC FARLAND AND S.)
R. HULLINGER, CO-PARTNERS, DOING)
BUSINESS AS "MC FARLAND & HULLINGER,")
P. O. BOX 238, TOOELE, UTAH.)

APPLICATION NO. 17714-PP-Transfer

May 19, 1960

Appearances: Warren L. Turner, Esq.,
Grand Junction, Colo-
rado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Superior Transportation, Inc., Salt Lake City,
Utah, was authorized to operate as a Class "B" private carrier by
motor vehicle for hire, for the transportation of:

uranium, vanadium, and other ores used in
the production of Atomic materials, includ-
ing carnotite ore, from pits, ledges, veins,
mines, and places where same is found and
mined, to mills and reduction works in and
within a radius of one hundred and fifty
(150) miles of Dove Creek, Colorado;

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

said operating rights being known as "Permits Nos. B-4292 and B-4292-I."

By the above-styled application, said permit-holder seeks
authority to transfer said operating rights to F. G. McFarland and S.
R. Hullinger, co-partners, doing business as "McFarland & Hullinger,"
Tooele, Utah.

Said application was regularly set for hearing before the Com-

mission, at the Court House, Durango, Colorado, April 27, 1960, due notice thereof being forwarded to all parties in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Gregory E. Hosford, President or Transferor herein, appeared and testified in support of the application, stating that transferor corporation has been continuously operating under said permits since granted by this Commission; that said corporation has entered into an agreement to sell certain trucks and equipment to transferee partnership, copy of said Agreement being on file with the Commission; that there is no consideration for transfer of said permits; that there are no outstanding unpaid operating obligations against said operating rights.

Report of said Examiner further states that S. R. Hullinger, one of transferees herein, also appeared at the hearing and testified substantially as did Mr. Hosford. In addition, he stated transferees have ample and suitable equipment with which to carry on operations under Permits Nos. B-4292 and B-4292-I; that transferees have sufficient net worth, financial statement being on file with the Commission; that transferees have had operating experience.

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

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

Report of the Examiner recommends that authority herein

sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

That Superior Transportation, Inc., Salt Lake City, Utah, be, and hereby is, authorized to transfer all right, title, and interest in and to Permits Nos. B-4292 and B-4292-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to F. G. McFarland and S. R. Hullinger, co-partners, doing business as "McFarland & Hullinger," Tooele, Utah, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, transfer of interstate operating rights being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, 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 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 transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hobart
Henry G. Zedler
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT G. RAE, DOING BUSINESS AS)
"STAR MILK LINES," 9125 WEST 35TH)
AVENUE, WHEATRIDGE, COLORADO, FOR) APPLICATION NO. 17738-Transfer
AUTHORITY TO TRANSFER PUC NO. 328 TO)
BRUSH MILK LINES CO., A CORPORATION,)
812 WARNER, FORT MORGAN, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
ROBERT G. RAE, DOING BUSINESS AS)
"STAR MILK LINES," 9125 WEST 35TH)
AVENUE, WHEATRIDGE, COLORADO, FOR) APPLICATION NO. 17739-Transfer
AUTHORITY TO TRANSFER PUC NO. 2948)
TO BRUSH MILK LINES CO., A CORPORA-)
TION, 812 WARNER, FORT MORGAN, COLO-)
RADO.)

May 19, 1960

Appearances: Robert G. Rae, Wheatridge,
Colorado, pro se, and for
transferee corporation.

S T A T E M E N T

By the Commission:

Robert G. Rae, doing business as "Star Milk Lines," Wheat-
ridge, Colorado, is the owner and operator of PUC No. 328 and PUC No.
2948, authorizing:

PUC No. 328:

Transportation of milk and cream from the
following described territory to Denver,
Colorado, and to Golden, Colorado, with re-
turn of empty cans:

Beginning at a point on Sheridan Boulevard
located $\frac{1}{2}$ mile south of Hart's Corner, being
the point where the Denver-Morrison paved
road crosses said Sheridan Boulevard. From
said beginning point, south on Sheridan
Boulevard $\frac{1}{2}$ mile; thence west $1\frac{1}{2}$ miles to
the Town of Midway; thence north $\frac{3}{4}$ miles;
west 1 mile; south 2 miles; east $\frac{1}{4}$ mile;
south 1 mile and east $\frac{3}{4}$ mile to the Town

of Midway; thence west from Midway $1\frac{1}{2}$ miles; thence south on the Lee Siding Road, being along the east line of Sec. 28 T. 4 S., R. 69 W., to its intersection with U. S. 285. Said intersection being a point on the north boundary of a territory wherein the authority is to serve all customers for the transportation to Denver of milk and cream, with back-haul of empty cans, said territory being described as follows:

beginning at the intersection of the Lee Siding Road and U. S. 285 and along Lee Siding Road to where it crosses the Pioneer Union Ditch; thence east along the south bank of said ditch to the east right-of-way line of the South Park Narrow Gauge Railroad; thence north and east along the right-of-way of said railroad to the northwest corner of NE $\frac{1}{4}$ of Sec. 33 T. 4 S., R. 68 W.; thence east $4\frac{1}{2}$ miles to the NE corner of Sec. 31 T. 4 S., R. 67 W.; thence south $6\frac{1}{2}$ miles to the center of the east section line of Sec. 31 T. 5 S., R. 67 W.; thence due west through the center of that section and Sections 36, 35, 34, 33, 32, T. 5 S., R. 68 W., to the Platte River; thence southwesterly along the Platte River to the NE corner of Sec. 14, T. 6 S., R. 69 W.; thence due west along the south side of Sections 11, 10 and 9 to the southwest corner of Sec. 9 T. 6 S., R. 69 W.; thence north 5 miles to the NW corner of Sec. 21 T. 5 S., R. 69 W.; thence west $3\frac{1}{2}$ miles; thence north 3 miles to U. S. 285; thence east thru Morrison along U. S. 285 to its intersection with Lee Siding Road, said intersection being the point of beginning.

PUC NO. 2948:

Transportation of milk, cream and dairy products, in bulk and in cans, with the return of empty cans, from farms within the area extending 30 miles north, 25 miles west, 10 miles east and 25 miles south of Fort Morgan; to creameries and condensereries in Fort Morgan and Brush; and to Denver and Colorado Springs, and a five-mile radius thereof; and from said area to creameries, condensereries and milk processing plants in the State of Colorado when the milk originating on farms is diverted by the Denver Milk Producers.

By the instant applications, said certificate-holder seeks authority to transfer PUC No. 328 and PUC No. 2948 to Brush Milk Lines Co., a corporation, Fort Morgan, Colorado.

Said applications, 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 12, 1960, and at the conclusion of the evidence, the matters were taken under advisement.

Robert G. Rae, the transferor, moved that the applications be consolidated for hearing and there being no objection thereto and good grounds existing therefor, the applications were consolidated for hearing.

Robert G. Rae testified in support of the applications. Three exhibits were received in evidence.

There were no protests to the proposed transfer, and no reason appears why the same should not be granted.

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 transfers are compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Robert G. Rae, doing business as "Star Milk Lines," Wheatridge, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 328 and PUC No. 2948 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Brush Milk Lines Co., a 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 certificates have been formally assigned and that said parties have accepted, and in the future will


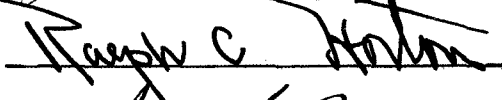
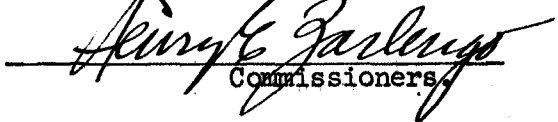
comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to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

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 May, 1960.

mls

original.

(Decision No. 54330)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BARLOW'S SERVICE DIVISION OF CON-)
SOLIDATED FREIGHTWAYS CORPORATION)
OF DELAWARE, 2424 ARAPAHOE STREET,)
DENVER, COLORADO, AND 5101 YORK)
STREET, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PUC NO. 3263 TO M &)
H TRUCKING, INC., FARMINGTON, NEW)
MEXICO.)

APPLICATION NO. 17740-Transfer

May 19, 1960

Appearances: Robert D. Means, Esq., Denver,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Barlow's Service Division of Consolidated Freightways Corporation of Delaware, Denver, Colorado, is the owner and operator of PUC No. 3262, authorizing:

transportation of water from point to point
within a radius of 100 miles of Durango,
Colorado.

By the instant application, said certificate-holder seeks authority to transfer said PUC No. 3263 to M & H Trucking, Inc., Farmington, New Mexico.

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 12, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Kenneth Reese, President of M & H Trucking, Inc., T. M. Williams, Secretary of said corporation, and G. W. West, General Manager of Barlow's Service Division of Consolidated Freightways Cor-

poration of Delaware, testified in support of the application, Three exhibits were received in evidence.

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 Barlow's Service Division of Consolidated Freightways Corporation of Delaware, Denver, Colorado, should be, and it hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 3263 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to M & H Trucking, Inc., Farmington, New Mexico, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

Commission, upon proper application.

The tariff of rates, rules, and regulations of transfer-
or shall, upon proper adoption notice, become and remain those of
transferee until changed according to law and the rules and regu-
lations 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 T. Negro
Ralph C. Horton
Henry E. Zallinger
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VEARL E. WILLIAMS, DOING BUSINESS)
AS, "DIAMOND TRUCK LINE", 133)
EAST SACKETT STREET, SALIDA,)
COLORADO.)

PUC NO. 1250 & I

June 1, 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. 1250 & I be further suspended for six months from May 12, 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 Vearl E. Williams, doing business as, "Diamond Truck Line", Salida, Colorado be, and is hereby, authorized to further suspend operations under PUC No. 1250 & I until November 12, 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
Commissioners

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

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH L. NOFFSINGER, ROBERT W. NOFF-)
SINGER, AND OLLIE L. NOFFSINGER, CO-)
PARTNERS, DOING BUSINESS AS "NOFF-)
SINGER MANUFACTURING COMPANY," P. O.)
BOX 516, GREELEY, COLORADO, FOR AU-)
THORITY TO TRANSFER INTERSTATE OP-)
ERATING RIGHT TO NOFFSINGER MANU-)
FACTURING COMPANY, INC., P. O. BOX)
516, GREELEY, COLORADO.)
-----)

PUC NO. 2509-I-Transfer

May 19, 1960

S T A T E M E N T

By the Commission:

Heretofore, Ralph L. Noffsinger, Robert W. Noffsinger,
and Ollie L. Noffsinger, co-partners, doing business as "Noffsinger
Manufacturing Company," Greeley, Colorado, were 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 the same,

said operating rights being known as "PUC No. 2509-I."

Said certificate-holders now seek authority to transfer said
operating rights to Noffsinger Manufacturing Company, Inc., Greeley,
Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

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

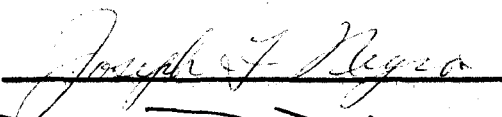


O R D E R

THE COMMISSION ORDERS:

That Ralph L. Noffsinger, Robert W. Noffsinger, and Ollie L. Noffsinger, co-partners, doing business as "Noffsinger Manufacturing Company," Greeley, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2509-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Noffsinger Manufacturing Company, Inc., Greeley, Colorado, 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 19th day of May, 1960.

ea

original

(Decision No. 54333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. W. HORN, DOING BUSINESS AS "HORN)
TRANSPORTATION COMPANY," 1119 WEST)
24TH STREET, KANSAS CITY, MISSOURI,)
FOR AUTHORITY TO TRANSFER INTER-)
STATE OPERATING RIGHTS TO HORN)
TRANSPORTATION, INC., 1119 WEST 24TH)
STREET, KANSAS CITY, MISSOURI.)
-----)

PUC NO. 2795-I-Transfer

May 19, 1960

S T A T E M E N T

By the Commission:

Heretofore, O. W. Horn, doing business as "Horn Transportation Company," Kansas City, Missouri, was granted a certificate of public convenience and necessity to operate 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. 2795-I."

Said certificate-holder now seeks authority to transfer said PUC No. 2795-I to Horn Transportation, 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 O. W. Horn, doing business as "Horn Transportation Company," Kansas City, Missouri, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2795-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Horn Transportation, Inc., Kansas City, Missouri, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Negro
Rueph C. Horton
Samuel J. Juley
Commissioners.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRED O. RODRIQUEZ, IGNACIO, COLO-)	
RADO, FOR A CLASS "B" PERMIT TO)	APPLICATION NO. 17720-PP
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	
-----)	

May 19, 1960

Appearances: Fred O. Rodriquez, Ignacio,
Colorado, pro se;
Leslie R. Kehl, Esq., Denver,
Colorado, for copy of
Order.

S T A T E M E N T

By the Commission:

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

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, April 27, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Applicant herein appeared and testified in support of his application, stating he is the owner of a dump truck; that he has a net worth of \$8,000; that he has had operating experience, and is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed service; that he will restrict his operations in transportation of road-surfacing materials against the use of tank trucks.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Fred O. Rodriquez, Ignacio, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against use of tank vehicles.

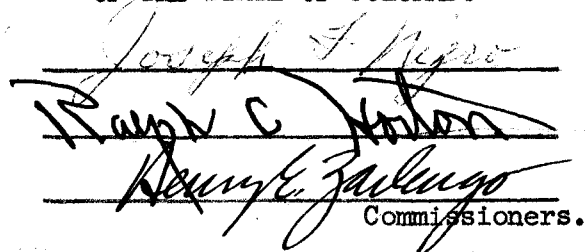
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

(S B A D)
Dated at Denver, Colorado,
this 19th day of May, 1960.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS B. (BERT) HUTTON, ALSO KNOWN)
AS "BURT HUTTON," 3475 SOUTH DAHLIA)
STREET, DENVER, COLORADO, FOR AU-)
THORITY TO TRANSFER PUC NO. 3705 TO) APPLICATION NO. 17737-Transfer
CARL WADE SIMMONS, ALSO KNOWN AS)
"CARL W. SIMMONS," DOING BUSINESS)
AS "A & A HAULING SERVICE," 2205)
JAY STREET, DENVER, COLORADO.)
-----)

May 20, 1960

Appearances: C. Mert Reese, Esq.,
Denver, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

Thomas B. (Bert) Hutton, also known as "Burt Hutton,"
Denver, Colorado, is the owner and operator of PUC No. 3705,
authorizing:

transportation of ashes and trash between
points within the City and County of Denver,
State of Colorado, 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. 3705 to Carl Wade Simmons, also
known as "Carl W. Simmons," doing business as "A & A Hauling 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,
May 12, 1960, and at the conclusion of the evidence, the matter was
taken under advisement.

The applicants appeared and testified in support of the
proposed transfer.

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 Thomas B. (Bert) Hutton, also known as "Burt Hutton," Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3705 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Carl Wade Simmons, also known as "Carl W. Simmons," doing business as "A & A Hauling 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 transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Henry A. Zaidings
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1960.

ea

original

(Decision No. 54336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CIPRIANO LUJAN, BOX 32, SAGUACHE,)	
COLORADO, FOR A CLASS "B" PERMIT)	<u>APPLICATION NO. 17706-PP</u>
TO OPERATE AS A PRIVATE CARRIER)	
BY MOTOR VEHICLE FOR HIRE.)	
-----)	

May 20, 1960

Appearances: Raphael J. Moses, Esq., and
William O. DeSouchet, Jr., Esq.,
Alamosa, Colorado, for
Applicant;
Richard E. Conour, Esq., Del
Norte, Colorado, for Gibson
Truck Lines, J. P. Wiederkehr
and Son;
Marion R. Smyser, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.;
W. W. Myers, Esq., Alamosa,
Colorado, for C. H. Phillips
Trucking Company.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and farm produce, excluding livestock, but including potatoes, hay, both baled and loose, feeds, including prepared feeds, fertilizer, both natural and artificial, from point to point within a radius of fifty miles of Saguache, Colorado, with no town-to-town service; oil cake and prepared feed, from Salida, Walsenburg, Pueblo, McClave, Manzanola, and Denver, Colorado, to farms and ranches within a radius of fifty miles of Saguache, Colorado, excluding all that part of said fifty-mile radius of Saguache, Colorado, lying west of the Continental Divide.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Alamosa, Colorado,

May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, upon motion of Attorneys for Applicant, and consent of Protestants' Attorneys, it was moved that said application be continued, in order that Applicant might file an amended application.

Report of said Examiner recommends that said matter be continued, as requested by Applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

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

That the above-styled application should be continued, to be later re-set for hearing before the Commission, pursuant to filing of Amended Application by Applicant herein.

O R D E R

THE COMMISSION ORDERS:

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

That Application No. 17706-PP be, and the same hereby is, continued, to be later re-set for hearing before the Commission, with notice to all parties in interest, pursuant to filing of Amended Application by 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. Regier
Ralph C. Johnson
Wm. E. Gullings
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1960.
ea

original

(Decision No. 54337)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD PETERSON, DOING BUSINESS)
AS "J AND R SUPPLY COMPANY,")
FLAGLER, COLORADO.)
-----)

PERMIT NO. M-2035
CASE NO. 693-INS.

May 20, 1960

S T A T E M E N T

By the Commission:

On May 4, 1960, in Case No. 693, the Commission entered its Order, revoking Permit No. M-2035 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-2035 be, and the same hereby is, reinstated, as of May 4, 1960, revocation order entered by the Commission on said date in Case No. 693-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Negro
Joseph C. Stott
Henry L. Zalusky
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GORDON AND POPE MACHINERY COM-)
PANY, P. O. BOX 2205, FORT)
WORTH, TEXAS.)

PERMIT NO. M-13253
CASE NO. 699-INS.

May 20, 1960

S T A T E M E N T

By the Commission:

On May 4, 1960, the Commission entered its Order in Case No. 699-Ins., revoking Permit No. M-13253 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-13253 be, and the same hereby is, reinstated, as of May 4, 1960, revocation order entered by the Commission on said date in Case No. 699-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Regier
Ralph C. Norton
Henry C. Zallinger
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. L. SCHJELDERUP AND GEORGE)
SCHJELDERUP, CO-PARTNERS, DOING)
BUSINESS AS "AMERICAN FABRIC)
COMPANY," 1551 MARKET STREET,)
DENVER, COLORADO.)

PERMIT NO. M-13951
CASE NO. 758-INS.

May 20, 1960

S T A T E M E N T

By the Commission:

On May 4, 1960, the Commission entered its Order in Case No. 758-Ins., revoking Permit No. M-13951 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-13951 be, and the same hereby is, reinstated, as of May 4, 1960, revocation order entered by the Commission on said date in Case No. 758-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro
Harold C. Nolan
Henry E. Zaidinger
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1960.

mls

original

(Decision No. 54340)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEAN RESLER, HAXTUN, COLORADO, FOR)
AMENDMENT OF AUTHORITY UNDER PERMIT) APPLICATION NO. 17620-PP-Extension
NO. A-587.)

May 18, 1960

Appearances: Robert D. Means, Esq., Denver,
Colorado, for Applicant;
John P. Thompson, Esq., Denver,
Colorado, for North Eastern
Motor Freight, Inc.

S T A T E M E N T

By the Commission:

By the above-styled application, Dean Resler, Haxtun, Colo-
rado, seeks authority to amend his authority under Permit No. A-587,
by deletion of the following restriction:

"That permittee shall have only one office
for operation and solicitation of business
under Permit No. A-587, said office to be
in Haxtun, Colorado,"

so that authority under said Permit No. A-587, as amended, shall author-
ize:

"transportation of freight, between Holyoke
and Denver and intermediate points, via U.
S. Highway No. 85 and via short-cut over
Colorado Highway No. 81;

"transportation of cement and plaster pro-
ducts and household furniture, between
Haxtun, Colorado, on the one hand, and
points and places in Fort Collins, Colo-
rado, and a five-mile radius of Fort Col-
lins, Colorado, and points and places in
Loveland, Colorado, and a five mile radius
of Loveland, Colorado, on the other hand."

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

Court Room, Court House, Sterling, Colorado, February 24, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant objected to the protestant entering an appearance to protest.

A motion was made that official notice be taken of the transcript of evidence taken at the hearing in Application No. 17490, November 24, 1959, at Sterling, Colorado. There was no objection to said motion.

Dean Resler testified that he is the owner of Permit No. A-587, which is operated over Highways Nos. 85 and 6. Official notice will be taken of said authority. Mr. Resler acquired said permit from Ralph L. Scott, of Haxtun, Colorado, and paid therefor the sum of \$3,000.00. There was no restriction as to the office location from which the solicitation and operation was to be conducted prior to the transfer of the permit from Scott to Resler, which transfer was authorized January 24, 1956.

Witness Resler testified that he lives at Sterling, Colorado, and has a \$10,000.00 home there. He also owns some acreage valued at approximately \$8,000.00 near Sterling which is in the process of subdivision and development. He testified that he is employed at Sterling, is a Field Representative on a salary, and such employment requires him to be in Sterling a considerable amount of time. He testified that to carry on the transportation operations under Permit No. A-587 with an office only at Haxtun, Colorado, is a great inconvenience. He also holds other authorities which are interstate authorities in which there is no restriction as to office location.

Mr. Resler also operates out of Sterling under Permit No. M-342, using three trucks in the business of buying and selling water.

This witness has been living in and about Sterling for some

19 years, has a wife and children there and is well known in that locality.

He testified that he uses approximately \$50,000.00 worth of equipment in his operations; that about 90% of his business originates from Denver and that he serves approximately 60 Denver customers per day and averages about one per day at Haxtun.

Applicant's late filed Exhibits 1-a to 1-z and 1-aa to 1-cc corroborate this testimony.

Merrill McKnight testified that he is an investigator for the Public Utilities Commission. This witness is familiar with the operations and history of the authority. He stated that Scott did about 10% of the volume of business in 1956 as Resler is doing at the present time under Permit No. A-587.

Meredith Crist, of Sterling, Colorado, testified that he is a cream and egg buyer, has been such since 1938; that he buys eggs and cream from farmers and ships them to Denver; that the eggs are hauled by Safeway and the cream has been hauled by Resler; that he has about five shipments per week; that supplies are hauled back from Denver; that he has done business with North Eastern, but has been informed that it would not haul his cream on Saturdays; that Resler is now satisfactorily serving him,

J. R. Arnold, of North Eastern Motor Freight, Inc., testified that he was familiar with Scott's operations before the transfer and that Scott was not competing with North Eastern.

North Eastern submitted evidence in protest showing that the volume of business decreased from 42,900,000 pounds in 1956 to 34,068,000 pounds in 1959; that this decrease was partly due to business conditions; that in 1957 the Company lost money, but showed a profit of \$4,000.00 in 1958; that in 1959 the Company sustained a loss of \$13,800.00; that since December 24, 1959, the Company has had the benefit of a 50¢ per shipment surcharge.

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 removal of the restriction restricting the owner of Permit No. A-587 to the use of one office at Haxtun, Colorado, would make it possible for him to render better service to his customers.

That the situation existing at the time said restriction was incorporated in the authority, to-wit: January 24, 1956, and the situation at the present time has materially changed in that a very substantial number of Denver and Greeley customers now seek and use the transportation services provided by the authority, whereas, at the time of the placement of the restriction there were but few such customers.

That to continue the restriction to remain in effect would result in unreasonable and arbitrary action.

That the removal of the restriction to permit the owner of said permit to have offices more convenient to him in his solicitations and operations under the permit and in conducting other business with which he is engaged will make it possible to effect economies.

That the removal of said restriction will not substantially affect the operations of the protestant, or of any other common carrier, or carriers operating within the area of the authority.

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 operation of the authority without restricting the owner thereof to have only one office for operation and solicitation of business, and that office at Haxtun, Colorado, will impair the efficient public service of any

other motor vehicle common carrier, or carriers, adequately serving the same territory over the same general highway, route or routes.

That the objections to North Eastern Motor Freight, Inc., to enter its appearance in protest should be overruled.

That the motion that official notice of the transcript of evidence taken at the hearing in Application No. 17490, November 24, 1959, at Sterling, Colorado, should be granted.

O R D E R

THE COMMISSION ORDERS:

That the objections to North Eastern Motor Freight, Inc., to enter its appearance in protest be, and the same hereby is, overruled.

That the motion that official notice be taken of the transcript of evidence taken at the hearing in Application No. 17490, November 24, 1959, at Sterling, Colorado, be, and the same is hereby, granted, and the Commission takes official notice of said transcript.

That the authority of Dean Resler, Haxtun, Colorado, under Permit No. A-587, should be, and the same hereby is, amended, by deleting the following restriction:

"That permittee shall have only one office for operation and solicitation of business under Permit No. A-587, said office to be in Haxtun, Colorado,"

so that the authority under said Permit No. A-587, as amended, shall authorize:

"transportation of freight, between Holyoke and Denver and intermediate points, via U. S. Highway No. 85 and via short-cut over Colorado Highway No. 81;

"transportation of cement and plaster products and household furniture, between Haxtun, Colorado, on the one hand, and points and places in Fort Collins, Colorado, and a five-mile radius of Fort Collins, Colorado, and points and places in Loveland, Colorado, and a five mile radius of Loveland, Colorado, on the other hand."

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. Nigra
Ralph C. Norton
Amos L. Zuleygo
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1960.

mls

original

(Decision No. 54341)

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," DEERTAIL,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 17646-PP
SUPPLEMENTAL ORDER

May 20, 1960

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.;
Bennie Goldstein, 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
Kiowa Valley Truck Line;
and Albert Transfer.

STATEMENT AND FINDINGS OF FACT

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.

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 Kellog Grain Company, Truck Division, doing business as "Kiowa Valley Truck Line," and Elbert Transfer Co., by Robert D. Means, Attorney, Denver, Colorado, which petition for rehearing was granted and the matter set for rehearing at 10:00 o'clock A. M. on May 5, 1960.

The Commission finds that 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, Colorado," applicant is called upon for such service by Rector as Rector needs such service because it speeds up his moves and there are no common carriers available who can render as satisfactory service as Vancil, because Vancil is "familiar with the country" and knows all the local points by

familiar land marks; that the volume of this type of transportation which will be rendered, if the authority is granted, is uncertain; that there is no substantial basis for opinion on the Commission's part that the granting of authority for this type of transportation for Rector would impair the efficient service of any common carrier.

With regard to the transportation service to be rendered for Morrison-Knudsen Company, the applicant testified and the Commission so finds that he has been called upon by said Company at infrequent and irregular times for rendering such service. There was no concrete evidence as to what volume, either money-wise or by poundage, the applicant might acquire if granted authority to render such service, especially if the authority limits the conduct of the operations to one office at Deertrail, Colorado.

Bennie Goldstein testified for Goldstein Transportation & Storage, Inc., to the effect that the money volume of business done by his Company in 1959 amounted to the sum of \$750,000 and amounted to some \$44,683.00 for the month of January, 1960, and that his Company has operated at a loss. He also testified that he had no opinion as to what money volume of business the applicant might do with Morrison-Knudsen, and that he had no particular reason to believe that he would get this business. He did testify that if the application is granted it would impair the efficient operation of common carriers in the area to the public.

There was also presented some other evidence to the same effect by a witness for Kellogg Grain Company, another common carrier protesting the application.

The Commission finds from the evidence which was uncontradicted that there are at least seven other common carriers in the area, none of whom has appeared in protest.

The Commission finds that the evidence in protest is too general, vague, indefinite, and uncertain for it to be of the opinion that the granting of the application as hereinafter restricted will impair the efficient public service of any authorized motor vehicle common carrier or carriers serving the same territory over the same general highway route or routes. The best that can be said for the evidence in protest is that some possible loss of some business to some common carrier may result but this in itself is not sufficient basis for denying this application.

The Commission finds that the motion to make the records, files and testimony in the original hearing made a part of the record on rehearing should be granted, and the motion of applicant to amend his application to restrict the authority if granted to six pieces of equipment should be denied. The Commission finds that applicant has seven pieces of equipment hereinafter listed.

O R D E R

THE COMMISSION ORDERS:

That the motion to make the records, files and testimony in the original hearing part of the record on rehearing be, and the same hereby is, granted, and the motion to amend application 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, and shall be restricted in rendering such transportation services for

Morrison-Knudsen Company, Inc., to the following pieces of equipment, to-wit: one 34' covered stock trailer; one 32' covered stock trailer; one 36' flat bed trailer - single axle; one 36' flat bed trailer and grain combination - tandem axle; one 1959 Dodge bobtail truck-tractor - 500 Series; one 1958 Dodge truck-tractor - 700 Series; and one 1960 Dodge truck-tractor - 700 Series; for the transportation of 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 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

Joseph F. Negro
Frank C. Holman
Wm. B. Ziegler
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1960.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 1585

May 18, 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 21, 1960, designated as set forth in Appendix "A", attached hereto and made a part hereof.

Under the provision 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 the carriers, information furnished by the tariff publishing officer through the Colorado Motor Carriers' Association or interested shippers.

Item No. 380, covering various grocery items, is being amended by adding food, baby, canned or preserved, other than frozen, consisting only of strained or chopped foods, in hermetically sealed containers, in boxes.

Mr. Robert Bayle, Rate Analyst, Gerber Baby Foods, Fremont, Michigan, states:

"A few years ago we filed an application with the National Classification Board to add a description in the classifications for baby foods. The proposal was approved and the description is now shown in Item No. 39865 of the National Motor Freight Classification No. A-4. At the same time we tried to handle with all publishing agents to add the same description in exception items or commodity items which named canned fruits and vegetables. In all instances the applications were approved as it was merely for the purpose of making it unnecessary to use a more specific description of canned fruits, vegetables, meats, etc. However, some items were overlooked and one of these was Item No. 380."

The specific class rate, Index No. 12455, between Denver, Colorado and the United States Air Force Academy under the bracket minimum weight 2,000 pounds is being adjusted by increasing from a base of 135 to 136 to correct an error in the original publication. This adjustment will now place the specific rates for L.T.L., 5,000, and 10,000 pound brackets on the same parity as the mileage scale and will result in a one-half cent to one cent increase, and in some cases no change, for commodities classed from 27½ to 100; above class 100 the maximum will be five cents.

Item No. 1406 is being added by Centennial Truck Lines, Inc., to serve the Boy Scout Jamboree being held near Colorado Springs this summer. The item covers a variety of grocery items as required and will expire with August 1, 1960.

Mr. H. D. Hicks, General Traffic Manager for Centennial, states:

"As justification for this rate, the National Boy Scout Jamboree will be held at a camp site approximately six miles north of Colorado Springs, Colorado, between the days of Monday, July 18, 1960, and Saturday, July 30, 1960. A Denver shipper is making a proposal to the Boy Scouts of America to store, fill orders and deliver dry groceries to the Jamboree Camp and will need the assistance of common carriers in making these deliveries. There will be thirty-nine camps requiring thirty-nine deliveries per night. Samples of the orders given to this shipper by the Boy Scout Committee indicate that the orders will range in weight from 3600 pounds to 6500 pounds per delivery. Delivery hours must be between twelve midnight and two A.M., between five A.M. and seven A.M. only. Due to the short delivery time required, it is felt that a commodity rate is necessary to be applied to all of the

commodities which will be moving to the camp site from Denver. This will simplify billing for the carrier and listing on the bill of lading for the shipper."

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 21, 1960, be the prescribed rates, rules, regulations and provisions of the Commission.
4. 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.
5. 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.
6. On and after May 21, 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.


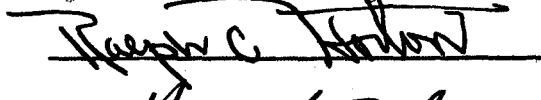

7. On and after May 21, 1960, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

8. 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.

9. 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of May, 1960.

mem

APPENDIX "A"

Changes effective May 21, 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
380	<p>Groceries, packed in accordance with Classification requirement, viz.:</p> <p>(The balance of other commodities in this item are not listed as they have been included in previous orders.)</p> <p>+(R) Food, baby, canned or preserved, other than frozen, consisting only of strained or chopped foods, in hermetically sealed containers, in boxes.</p> <p>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; Boulder Truck Service, Inc.; 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; Centennial Truck Lines, Inc.; Edward B. & Rose M. Thomas, DBA Clear Creek Transportation Co.; Denver-Laramie-Walden Truck Line, Inc.; Denver-Limon Burlington Transfer Company; Floyd A. Henrikson, DBA Denver-Loveland Transportation; C. R. Bryant, DBA Evergreen Freight Line; Interstate Motor Lines, Inc.; Thomas D. Lane, DBA Thomas D. Lane Truck Lines; McKie Transfer Company; Ivan Miller and Dwight Miller, DBA Miller Bros. Truck Line; Navajo Freight Lines, Inc.; North Eastern Motor Freight, Inc.; Overland Motor Express, Inc.; Interstate Motor Freight System; Rio Grande Motor Way, Inc. (Subject to Item No. 690); Westway Motor Freight, Inc., and Yuma County Transportation Co.</p>	55

SECTION NO. 1								
CLASS RATE BASES								
FOR APPLICATION, SEE ITEM NO. 927.								
FOR CLASS RATES, SEE PAGES 101 TO 124.								
INDEX NO.	AND	BETWEEN	MILES	DENVER, COLORADO			ROUTE NO.	
				LESS-THAN-TRUCKLOAD	MINIMUM WEIGHT--LBS.			
				2,000	5,000	10,000		
12455	USAF Academy		63	139	(A)136	124	114	47

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.
	Commodities in the same item may be shipped in straight or mixed truck loads.				
	Cereal Food Preparations, as listed under that heading in current classification; bakery goods, NOI, other than frozen; fruit, canned or preserved, not frozen; fruit juice, canned, not frozen; vegetables, canned or preserved, not frozen; fish or shell fish, cooked or pickled, preserved, dried, dry salted or smoked, NOI; meats, cooked, cured or preserved, with or without vegetable, milk, egg or fruit ingredients; foil, aluminum; fruit butter; table sauces, NOI; also catsup, prepared horseradish, mayonnaise, prepared mustard, pepper sauce or salad dressing; coffee, roasted, ground; coffee, extract of (condensed, instant, or soluble coffee), dry; cleaning, scouring or washing compounds, NOI; soap powder, or soap, NOI; French toast mix; jams, jellies or preserves, edible, NOI; macaroni, noodles, spaghetti or vermicelli; macaroni and cheese, with or without sauce; matches; milk, condensed or evaporated; flour or corn meal, edible, NOI; peanut butter, pepper; pickles, NOI; potato chips; puddings; dessert preparations such as ice cream, jelly, pie or pudding preparations, other than frozen, NOI; fruits, dried or evaporated, NOI, not candied; salt; scouring pads, with or without soap; lard, NOI, lard compounds, lard substitutes, rendered pork fats, or vegetable oil shortening; soups, not frozen; sugar, beet or cane, other than raw; molasses or syrup, not medicated, NOI; vinegar. In mixed shipments, subject to the packing requirements of the current National Motor Freight Classification, subject to a minimum weight per truck or trailer of 26,000 pounds. Each truck or trailer may be stopped at additional points within the Campsite for partial unloading. No charge will be made for the first stop but each additional stop will be charged for at \$7.50 per stop which charge shall be in addition to all other lawful charges. All charges must be prepaid.	Denver, Colorado	Boy Scout Jamboree Camp Site near Colo. Springs, Colorado	57	47
+ 1406 (R)					
	EXPIRES WITH AUGUST 1, 1960.				

+ - Denotes - Addition

A - Denotes - Increase

R - Denotes - Reduction

Route No. 47 - Centennial Truck Lines, Inc. - direct

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BOULDER-DENVER TRUCK LINE, INC., A)	
COLORADO CORPORATION, P. O. BOX 271,)	
BOULDER, COLORADO, FOR AUTHORITY TO)	
TRANSFER PUC NO. 2635 TO OVERLAND)	
MOTOR EXPRESS, INC., A COLORADO)	APPLICATION NO. 17736-Transfer
CORPORATION, P. O. BOX 271, BOULDER,)	
COLORADO, AND AUTHORIZING TRANS-)	
FEREE TO CONDUCT OPERATIONS UNDER)	
SAID PUC NO. 2635 UNDER THE TRADE)	
NAME OF "BOULDER-DENVER TRUCK LINE.")	
-----)	

May 20, 1960

Appearances: E. B. Evans, Esq., Denver,
Colorado, for Transferor
and Transferee.

S T A T E M E N T

By the Commission:

Boulder-Denver Truck Line, Inc., Boulder, Colorado, is
the owner and operator of PUC No. 2635, authorizing:

Transportation, on schedule, of freight, excluding household goods, as defined by the Interstate Commerce Commission, and excluding freight which, because of size or weight, require special equipment for transportation, between Denver (and an area included in a three-mile radius of the City Limits of Denver), and Boulder, Colorado (and an area included in a three and one-half-mile radius of the City Limits of Boulder), without the right to serve intermediate points; conduct of a pick-up and delivery service in the City of Boulder, Colorado, for freight having a prior or subsequent movement in connection with the existing line-haul common carrier service, where the entire movement is covered by a single bill of lading.

By the instant application, the certificate-holder seeks authority to transfer said operating rights under PUC No. 2635 to Overland Motor Express, Inc., a Colorado corporation, Boulder, Colorado, and authorizing transferee to conduct operations under said PUC No. 2635 under the trade name of "Boulder-Denver Truck Line."

The application was regularly set for hearing, and heard, at 532 State Services Building, Denver, Colorado, at 9:30 o'clock A. M., on May 11, 1960, after notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement.

The evidence disclosed that the transferee, Overland Motor Express, Inc., owns PUC No. 3058, and is desirous of consolidating the operations under both certificates, the principal shareholders of both corporations being the same individuals. The Articles of Incorporation of both corporations are on file with the Commission. It is the intention of the shareholders of Boulder-Denver Truck Line, Inc., to dissolve said corporation and convey PUC No. 2635 to Overland Motor Express, Inc. An agreement has been entered into between the transferee and transferor whereby PUC NO. 2635 will be transferred to Overland Motor Express, Inc., with the right to use the name "Boulder-Denver Truck Line." A copy of the Agreement between the two corporations attached to their application was marked "Exhibit A" at the hearing.

It is the desire of the transferee corporation to file joint reports under the one certificate number, viz., PUC No. 2635, and that the Commission issue temporary authority so that operations may be commenced immediately.

Transferee is well qualified by experience and financially, and has ample equipment with which to carry on the proposed operations, the current balance sheet of transferee, as well as a pro forma balance sheet, being on file with the Commission.

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

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission, and it would appear that the transfer is in the public interest.

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 Boulder-Denver Truck Line, Inc., a Colorado corporation, Boulder, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 2635 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Overland Motor Express, Inc., a Colorado corporation, Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

Authority is also hereby given transferee to conduct its operations under PUC No. 2635 under the trade name of "Boulder-Denver Truck Line," and to make joint reports of operations under PUC No. 2635 and PUC No. 3058 under one number, viz., PUC No. 2635, temporary authority to operate hereunder to be issued in order that transferee may commence operations immediately.

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

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

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

covering operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Negro
Wesley C. Hobson
Henry E. Zadenko
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. D. BELTZ, DOING BUSINESS AS,)
"SUNNY ACRES INDUSTRIES", KEENESBURG,)
COLORADO.)
-----)

PERMIT NO. M-13704

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. D. Beltz,
Keenesburg, Colorado
requesting that Permit No. M-13704 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13704, heretofore issued to E. D. Beltz,
Keenesburg, Colorado be,
and the same is hereby, declared cancelled effective May 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Hord
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
AERLYT, INCORPORATED, 5541 MARSHALL)
STREET, ARVADA, COLORADO.)
)
)
)
-----)

PERMIT NO. M-4037

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Aerlyt, Inc.,
Arvada, Colorado
requesting that Permit No. M-4037 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4037, heretofore issued to Aerlyt, Inc.,
Arvada, Colorado be,
and the same is hereby, declared cancelled effective April 30, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54346)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OWEN JENSEN, ROUTE 1 BOX 136,)
CHEYENNE, WYOMING.)
)
)
)

PERMIT NO. B-5853

June 1, 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-5853 be suspended for six months from May 4, 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 Owen Jensen, Cheyenne, Wyoming

be, and is hereby, authorized to suspend his operations under Permit No. B-5853 until November 4, 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. Holton
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,
this 1st day of June, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

B. ALFONZO DINE, 111 SOUTH CAMERON,)
BRUSH, COLORADO.)
)
)
)
-----)

PERMIT NO. M-8284

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from B. Alfonzo Dine,
Brush, Colorado

requesting that Permit No. M-8284 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8284, heretofore issued to B. Alfonzo Dine,
Brush, Colorado be,

and the same is hereby, declared cancelled effective February 27, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Negro
Garth C. Horton
Henry E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. ALFONZO DINE, 111 SOUTH)
CAMERON, BRUSH, COLORADO.)

PUC NO. 4436-I

June 1, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from B. Alfonzo Dine,

Brush, Colorado

requesting that Certificate of Public Convenience and Necessity No. 4436-I
be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Certificate No. 4436-I heretofore issued to B. Alfonzo
Dine, Brush, 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. Norton
Harry E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RUDY A. DART, DOING BUSINESS AS,)
"RUDY A. DART, DISTRIBUTOR GULF OIL)
COMPANY", P. O. BOX 705 , FORT)
COLLINS, COLORADO.)
-----)

PERMIT NO. M-14234

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Rudy A. Dart, doing business as, "Rudy A. Dart, Distributor Gulf Oil Company", Fort Collins, Colorado requesting that Permit No. M-14234 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14234, heretofore issued to Rudy A. Dart, doing business as, "Rudy A. Dart, Distributor Gulf Oil Company", Fort Collins, Colorado be, and the same is hereby, declared cancelled effective May 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frederic C. Hordt
Henry E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
AULDEN O. BACHER, ROUTE 1 BOX 150,)
LAS ANIMAS, COLORADO.)
_____)

PERMIT NO. M-6280

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Aulden O. Bacher,
Las Animas, Colorado
requesting that Permit No. M-6280 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6280, heretofore issued to Aulden O. Bacher,
Las Animas, Colorado be,
and the same is hereby, declared cancelled effective March 26, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 1st day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CALVIN O'BRYANT AND WOODROW POWELL,)
DOING BUSINESS AS, "O'BRYANT AND)
POWELL", P. O. BOX 124, URAVAN,)
COLORADO.)
-----)

PERMIT NO. M-9827

June 1, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Calvin O'Bryant and
Woodrow Powell, doing business as, "O'Bryant and Powell", Uravan, Colorado
requesting that Permit No. M-9827 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9827, heretofore issued to Calvin O'Bryant and Woodrow
Powell, doing business as, "O'Bryant and Powell", Uravan, 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
Ralph C. Horton
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,

this 1st day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

DON STRUGHOLD, DOING BUSINESS AS,)
"DON'S VENDING SERVICE", P. O. BOX)
54, LA PORTE, COLORADO.)
-----)

PERMIT NO. M-1282

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Don Strughold, doing
business as, "Don's Vending Service", La Porte, Colorado
requesting that Permit No. M-1282 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1282, heretofore issued to Don Strughold, doing
business as, "Don's Vending Service", La Porte, Colorado be,
and the same is hereby, declared cancelled effective May 7, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zandberg
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
NATIONAL MOTOR SERVICE, (A COR-)
PORATION), P. O. BOX 1655, BOISE,)
IDAHO.)
-----)

PERMIT NO. M-8169

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from National Motor Service,
(A Corporation), Boise, Idaho

requesting that Permit No. M-8169 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8169, heretofore issued to National Motor Service,
(A Corporation), Boise, Idaho be,
and the same is hereby, declared cancelled effective May 10, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Nelson
Henry E. Zink
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLAD-REX CORPORATION, 11500 WEST KING)
STREET, FRANKLIN PARK, ILLINOIS.)
)
)
)
-----)

PERMIT NO. M-9426

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clad-Rex Corporation,
Franklin Park, Illinois

requesting that Permit No. M-9426 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9426, heretofore issued to Clad-Rex Corporation,
Franklin Park, Illinois be,

and the same is hereby, declared cancelled effective April 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Horton
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE ARAGON, 1040 BLUFF STREET,)
DELTA, COLORADO.)

PERMIT NO. M-13855

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Aragon,
Delta, Colorado
requesting that Permit No. M-13855 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13855, heretofore issued to George Aragon,
Delta, Colorado be,
and the same is hereby, declared cancelled effective May 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Kung E. Zuehlke
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195/60.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF SOUTHERN UNION GAS COMPANY,
DURANGO, COLORADO, FOR AUTHORITY
TO ISSUE SECURITIES.

APPLICATION NO. 17776
Securities

S T A T E M E N T

By the Commission:

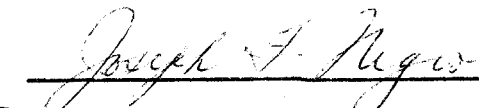
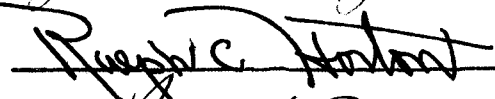
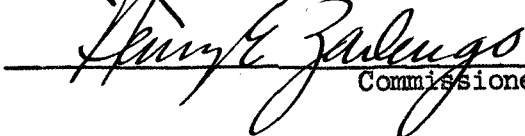
Upon consideration of the application filed May 18, 1960,
by Southern Union Gas Company, a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing May 31, 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 May 26, 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




Commissioners

Dated at Denver, Colorado,
this 20th day of May, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. KNAUL, DOING BUSINESS AS,)
"PUEBLO TYPEWRITER EXCHANGE", 410)
NORTH SANTA FE, PUEBLO, COLORADO.)
-----)

PERMIT NO. M-9662

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles E. Knaul,
doing business as, "Pueblo Typewriter Exchange", Pueblo, Colorado
requesting that Permit No. M-9662 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9662, heretofore issued to Charles E. Knaul, doing
business as, "Pueblo Typewriter Exchange", Pueblo, Colorado be,
and the same is hereby, declared cancelled effective May 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Negro
Joseph C. Holton
Harry E. Zerk
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT S. JOHNSON, DOING BUSINESS AS)
"HERB'S TRADING POST", 5557 NORTH)
BROADWAY, BOULDER, COLORADO.)
-----)

PERMIT NO. M-13031

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Herbert S. Johnson,
doing business as, "Herb's Trading Post", Boulder, Colorado
requesting that Permit No. M-13031 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13031, heretofore issued to Herbert S. Johnson, doing
business as, "Herb's Trading Post", Boulder, 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
Joseph C. Horton
Wm. E. Zuckers
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL H. BREWER, ULYSSES,)
KANSAS.)
-----)

PERMIT NO. B-5929-I

June 8, 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-5929-I be suspended for six months from May 23, 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 Paul H. Brewer, Ulysses, Kansas

be, and is hereby, authorized to suspend his operations under Permit No. B-5929-I until November 23, 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. Tigra
Robert C. Norton
Henry E. Zullinger
Commissioners

Dated at Denver, Colorado,
this 8th day of June, 19 60.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO**

RE MOTOR VEHICLE OPERATIONS OF)
QUALITY PRODUCE, INCORPORATED, 1326 -)
4TH S.W., ALBUQUERQUE, NEW MEXICO.)

PERMIT NO. M-13696

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Quality Produce, Inc.,
Albuquerque, New Mexico

requesting that Permit No. M-13696 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13696, heretofore issued to Quality Produce, Inc.,
Albuquerque, New Mexico be,
and the same is hereby, declared cancelled effective May 19, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
 Ralph C. Norton
 Henry E. Zuckers
 Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195/60.

original

(Decision No. 54362)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EDDIE PARSONS, DOING BUSINESS AS)	
"EDDIE PARSONS LOGGING COMPANY,")	
GENERAL DELIVERY, FORT GARLAND,)	<u>APPLICATION NO. 17708-PP</u>
COLORADO, FOR A CLASS "B" PERMIT)	
TO OPERATE AS A PRIVATE CARRIER)	
BY MOTOR VEHICLE FOR HIRE.)	
-----)	

May 25, 1960

Appearances: J. E. Pound, Esq., Alamosa,
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 rough lumber and logs, from point to point in Costilla County, Colorado, within a radius of fifty miles of Fort Garland, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated in the Notice of Hearing, applicant appeared and testified in support of his application, stating he is owner of five trucks,

and has a net worth of approximately \$200,000; that he has had operating experience; that he has received numerous requests for his proposed operation.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Eddie Parsons, doing business as "Eddie Parsons Logging Company," Fort Garland, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of rough lumber and logs, from point to point in Costilla County, Colorado, within a radius of fifty miles of Fort Garland, 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
Ralph C. Holman
Dwight C. Zurlingo
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN ZERTUCHE, BOX 22, MONTE VISTA,)
COLORADO, FOR AUTHORITY TO EXTEND) APPLICATION NO. 17710-PP-Extension
OPERATIONS UNDER PERMIT NO. B-5284.)
-----)

May 25, 1960

Appearances: John Zertuche, Monte Vista,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore John Zertuche, Monte Vista, Colorado, was granted a Class "B" permit (No. B-5284), authorizing operation as a private carrier by motor vehicle for hire, for the transportation of:

potatoes and hay, from Grower-Shipper Potato Company, from point to point within the area extending fourteen miles north of Monte Vista; east of Monte Vista to the Rio Grande-Alamosa County Lines; fifteen miles south, and four miles west of Monte Vista, Colorado.

By the above-styled application, said permit-holder seeks authority to extend operations under said permit, to include the right to transport seed potatoes, potatoes, and hay, for customers living in his presently-authorized territory, to points within the San Luis Valley.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant herein appeared and testified in support of his application, stating he is owner and operator of Permit No. B-5284; that he is presently operating under Temporary Authority issued by this Commission, covering his proposed extended operations under said Permit No. B-5284; that he owns sufficient equipment to carry on his proposed extended operations; that he has a net worth of approximately \$20,000; that he has had numerous requests for the service herein proposed to be performed.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That applicant herein should be authorized to extend operations under Permit No. B-5284, as set forth in the Order following.

O R D E R

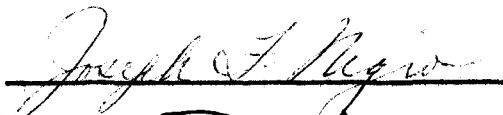
THE COMMISSION ORDERS:

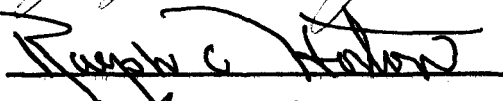
That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

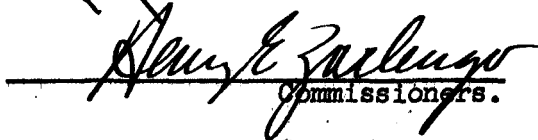
That John Zertuche, Monte Vista, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-5284, to include the right to transport seed potatoes, potatoes, and hay, for customers living in applicant's presently-authorized territory, viz.: fourteen miles north of Monte Vista, east of Monte Vista to the Rio Grande-Alamosa County Line, fifteen miles south, and four miles west of Monte Vista, Colorado, to points within the San Luis Valley.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1960.

ea

original

(Decision No. 54364)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DEPARTMENT OF PUBLIC WORKS, CITY)
AND COUNTY OF DENVER, 379 CITY AND)
COUNTY BUILDING, DENVER, COLORADO,)
FOR AUTHORITY TO INSTALL A RUNWAY)
OVERPASS OF THE TRACKS OF THE UNION)
PACIFIC RAILROAD COMPANY, LOCATED)
IN THE SW¹/₄ SECTION 22, TOWNSHIP 3-)
SOUTH, RANGE 67-WEST OF THE 6TH P.M.)
BETWEEN RAILROAD STATION 3396 AND)
THE WEST LINE OF SAID SW¹/₄, IN ADAMS)
COUNTY, COLORADO.)

APPLICATION NO. 17734

May 25, 1960

Appearances: Tedford Dees, Assistant City
Attorney, City and County
of Denver, Denver, Colorado,
and
John S. Marshall, Design En-
gineer, City and County of
Denver, Denver, Colorado,
for the Department of Public
Works;
J. L. McNeill, Denver, Colo-
rado, for the Staff of the
Commission;
E. G. Knowles, Esq., Denver,
Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

On April 21, 1960, the Department of Public Works, City
and County of Denver, hereinafter called "City," filed its petition
with the Commission for authorization to construct and install a run-
way overpass over the tracks of the Union Pacific Railroad Company,
located in the Southwest Quarter (SW¹/₄) Section Twenty-two (22), Town-
ship Three (3) South, Range Sixty-seven (67) West of the Sixth (6th)
Principal Meridian, between Railroad Station 3396 and the west line
of the SW¹/₄, in Adams County, Colorado.

The matter, pursuant to prior notice to all parties in interest, was heard at 532 State Services Building, Denver, Colorado, on May 17, 1960, and taken under advisement by the Commission.

At the hearing, it appeared that the applicant is an administrative department of the City and County of Denver, Colorado, duly authorized to construct, maintain and operate public airfields in the State of Colorado, its address being 379 City and County Building, Denver, Colorado.

The record further discloses that under authority of the Charter and Ordinances of the City and County of Denver, the City is presently engaged in constructing airfield betterments and a new north-south runway with taxiways and appurtenances at Stapleton Airfield, Denver, Colorado. This north-south runway and parallel taxiway are located across and over the tracks of the Union Pacific Railroad Company. The City proposes to construct a 33-foot clear span reinforced concrete structure over the tracks to accommodate two tracks under the runway and parallel taxiway. A minimum vertical clearance of $22\frac{1}{2}$ feet is maintained above top of rails. The length of the overpass is 752.23 feet between portals. By mutual agreement with the Railroad Company, being Exhibit C, the City's construction contracts will include all overpass construction and all runway and taxiway construction pertaining to the improvement.

The City will advertise the call for bids, award the construction contract and supervise construction in accordance with plans and specifications approved by the Manager of Public Works, City and County of Denver, and the Chief Engineer of the Union Pacific Railroad Company.

Attached to the application is Exhibit A, which discloses the general plans and layout of the overpass, showing clearances and general configuration of the structure. It further appears there are

no abutting properties affected by this improvement, and during construction, telephone and telegraph lines shall be protected and finally relocated in the structure beyond minimum clearance lines, in accordance with approved plans.

The City's constructor will be required to provide Railroad Protective Liability Insurance, naming the Union Pacific Railroad Company as the insured, in advance of any work involving properties occupied by railroad facilities. The City shall, and will, maintain this overpass and approaches at its own expense.

This improvement or runway overpass is for the new jets, which require a longer north-south runway. The evidence clearly demonstrates that this improvement is necessary for the safety and convenience of the public.

F I N D I N G S

THE COMMISSION FINDS:

1. That public convenience and necessity require the construction and installation of a runway overpass of the tracks of the Union Pacific Railroad Company located in the SW $\frac{1}{4}$ Section 22, Township 3-South, Range 67-West of the 6th P. M., between Railroad Station 3396 and the west line of said SW $\frac{1}{4}$, in Adams County, Colorado.

2. That the construction plans for said overpass, marked Exhibit C, have been approved by the Engineering Department of the City and County of Denver, the Engineering Department of the Union Pacific Railroad Company, and James C. Buckley, Inc., Industrial and Transportation Consultants.

3. That the plans for said overpass conform to the standard specifications for construction of airports, issued in June, 1959, by the Federal Aviation Agency.

4. That it is the opinion of the Commission, and we so find, that the granting of the aforesaid application is in the public interest.

O R D E R

THE COMMISSION ORDERS:

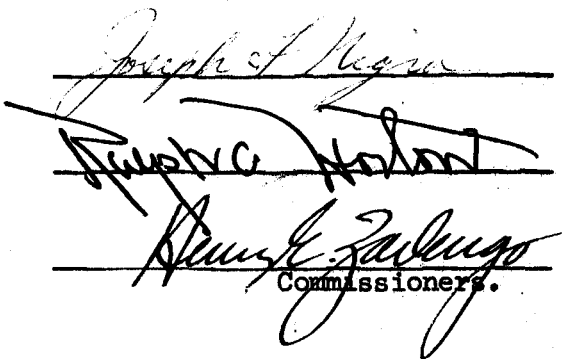
That the Department of Public Works, City and County of Denver, State of Colorado, be, and it hereby is, authorized to construct, establish and install a runway overpass of the tracks of the Union Pacific Railroad Company, located in the SW $\frac{1}{4}$ Section 22, Township 3-South, Range 67-West of the 6th P. M., between Railroad Station 3396 and the west line of said SW $\frac{1}{4}$, in Adams County, Colorado.

Said crossing shall be constructed in accordance with the construction plans and specifications set forth in the Agreement between the City and County of Denver and the Union Pacific Railroad Company, as more particularly set forth in Exhibit C, which Exhibit C is incorporated herein as a part of this Order, by reference.

That jurisdiction is hereby retained by the Commission to make such further Order, or Orders, as may be deemed necessary in the matter.

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 25th day of May, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE C. MORTENSEN AND CLYDE H. MORT-)
ENSON, CO-PARTNERS, SANFORD, COLO-)
RADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 17707-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

May 25, 1960

Appearances: Moses and DeSouchet, Esqs.,
Alamosa, Colorado, for
Applicant;
Conour and Conour, Esqs.,
Del Norte, Colorado,
for copy of Order.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm produce, including baled hay and potatoes (excluding livestock), fertilizer, crop dusts, and insecticides, from point to point within a radius of thirty-five miles of La Jara, Colorado, with no town-to-town service.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Clyde H. Mortensen appeared and testified he is a partner of Joe C. Mortensen, being applicants herein; that said partnership has sufficient equipment with which to conduct their proposed operations; that they have a net worth of approximately \$50,000; that both partners have had operating experience; that they have received numerous requests for their proposed service.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicants herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Joe C. Mortensen and Clyde H. Mortensen, co-partners, Sanford, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm produce, including baled hay and potatoes, but excluding livestock, fertilizer, crop dusts, and insecticides, from

point to point within a radius of thirty-five miles of La Jara, Colorado, with no town-to-town service.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry J. Zalusky
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ETHRIG GRAY AND ARVANE BURWELL,)	
DOING BUSINESS AS "GRAY & BURWELL,")	
DOVE CREEK, COLORADO, FOR AUTHORITY)	<u>APPLICATION NO. 17718-PP-Transfer</u>
TO TRANSFER PERMITS NOS. B-4757 AND)	
B-4757-I TO ARVANE BURWELL, DOVE)	
CREEK, COLORADO.)	
-----)	

May 25, 1960

Appearances: Ethrig Gray, Dove Creek,
Colorado, pro se;
Arvane Burwell, Dove Creek,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Ethrig Gray and Arvane Burwell, doing business
as "Gray & Burwell," Dove Creek, Colorado, were authorized to operate
as a private carrier by motor vehicle for hire, for the transportation of:

uranium ores from the Colorado-Utah State Line,
to Durango, Colorado, via U. S. Highway No. 160,
Durango to Uravan, Colorado, via U. S. Highway
No. 160, and Colorado Highways Nos. 80, 145 and
141, being a fifty-mile radius of Dove Creek,
Colorado, in intrastate and interstate commerce,
interstate operations being subject to the pro-
visions of the Federal Motor Carrier Act of
1935, as amended,

said operating rights being known as "Permits Nos. B-4757 and B-4757-I."

Said permit-holders now seek authority to transfer said
Permits Nos. B-4757 and B-4757-I to Arvane Burwell, Dove Creek, Colo-
rado, said Ethrig Gray being desirous of withdrawing from said partner-
ship.

Said application was regularly set for hearing before the
Commission, at the Court House, Durango, Colorado, April 27, 1960, at
ten o'clock A. M., due notice thereof being forwarded to all parties
in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Ethrig Gray appeared and testified he is one of transferors herein; that he has entered into an agreement with Arvane Burwell to transfer his interest in said permits to said Arvane Burwell; that the consideration for transfer of said operating rights is the sum of \$380.00, which has been paid in full; that there is no outstanding unpaid operating indebtedness against said permits.

Report of the Examiner further states that Arvane Burwell, transferee herein, also appeared at the hearing and testified in support of the application, stating he is one of transferors herein, as well as transferee; that the sum of \$380 has been paid Ethrig Gray for his interest in Permits Nos. B-4757 and B-4757-I; that he has sufficient equipment and net worth with which to carry on said operations; that there is no outstanding unpaid operating indebtedness against said permits.

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

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

Report of the Examiner recommends that authority herein sought should 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 Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Ethrig Gray and Arvane Burwell, co-partners, doing business as "Gray & Burwell," Dove Creek, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permits Nos. B-4757 and B-4757-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to said Arvane Burwell, Dove Creek, Colorado, said Ethrig Gray being hereby authorized to withdraw from said partnership.

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

The 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 permits up to time of transfer of said permits.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Nigro
Joseph C. Horton
Henry E. Baileys
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1960.

ea

original

(Decision No. 54367)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
900 FIFTEENTH STREET, DENVER, COLO-)
RADO, FOR A DETERMINATION, FOR RATE-)
MAKING PURPOSES, OF THE REASONABLE)
VALUE OF ITS ELECTRIC AND GAS PROP-)
ERTIES DEVOTED TO PUBLIC USE, THE)
FAIR RATE OF RETURN THEREON, AND)
THE GROSS REVENUES TO WHICH APPLI-)
CANT MAY BE ENTITLED.)
-----)

APPLICATION NO. 17406

May 27, 1960

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., Denver, Colorado,
by
Charles J. Kelly, Esq., and
Bryant O'Donnell, Esq., for
Applicant;
Donald E. Kelley, Esq., Denver,
Colorado, and
Horace Hawkins, Esq., Denver,
Colorado, for the City and
County of Denver;
John Sayre, Esq., Boulder,
Colorado, and
Leonard M. Campbell, Esq.,
Denver, Colorado, for the
Colorado Municipal League,
and pro se;
Philip A. Rouse, Esq., Denver,
Colorado, for Colorado Central
Power Company;
John Bell, Esq., Brush, Colo-
rado, for the City of Brush,
Colorado;
Orrel A. Daniel, Esq., Brighton,
Colorado, for the City of Thornton
and the Town of Commercetown;
S. D. Coleman, Esq., Boulder,
Colorado, for the City of
Boulder, Colorado;
Bernard V. Berardini, Esq.,
Aurora, Colorado, for the City
of Aurora, Colorado;
C. J. Kountz, Esq., Washington,
D. C., and
Leroy Thurtell, Esq., Denver,
Colorado, for the General
Services Administration for
the United States of America;

Robert L. Nagel, Esq., Denver,
Colorado, and
Edwin R. Lundborg, Esq., Denver,
Colorado, for the Staff of
the Commission.

S T A T E M E N T A N D F I N D I N G S

By the Commission:

The Public Service Company of Colorado, sometimes referred to hereinafter as "Public Service," "Applicant," or "Company," filed an application with this Commission on the 25th day of September, 1959, praying that the Commission determine, for rate-making purposes, the reasonable value of Applicant's electric and gas properties devoted to public use, the fair rate of return thereon, and the gross revenues to which Public Service Company would be entitled, and for such further relief, findings, and Orders the Commission may determine are just and proper.

The matter was set for hearing on the 18th day of November, 1959, and Notice of Hearing was sent to the Mayors or other appropriate city officials of all incorporated cities and towns in which the Company serves one hundred or more customers with electricity or natural gas, or both. Notice was also sent to all of the Company's wholesale electric purchasers, to all municipalities which purchase at whole-sale all or a part of their electrical requirements from the Company; to all of the Company's electric customers served under special contracts; to the Colorado Municipal League; to a competing electric utility, Union Rural Electric Association, Inc., of Brighton, Colorado, and to the newspapers in the major cities served by the Company.

Full publicity regarding the filing of the application was given by the Company, through advertisements and statements of its Vice-Presidents, in the various newspapers of general circulation in the areas of the cities served by the Company.

Protest to a raise in rates was filed by the City of Brush, Colorado, on the 18th day of November, 1959. All other parties entering their appearance, as heretofore set forth, did so as their interests may appear at the time of the hearing.

The hearing was commenced on the 18th day of November, 1959, on the direct case of the Company, and it was continued from time to time thereafter for the following purposes:

Cross-examination by the staff, protestants, and interveners of all Applicant's witnesses, except W. D. Virtue and M. J. Reis, was commenced on the 10th day of February, 1960.

Cross-examination of Witnesses Virtue and Reis was commenced on the 18th day of February, 1960.

Cross-examination of L. R. Patterson, a Public Service Company witness, was commenced on the 9th day of March, 1960.

Presentation of direct testimony and other evidence by the staff, protestants, and interveners, other than the United States of America, was held March 11, 1960.

Presentation of direct testimony of the United States of America commenced on the 16th day of March, 1960.

Cross-examination of all staff and intervener witnesses was held March 16, 1960.

Rebuttal testimony by the Company was presented March 24, 1960.

The hearing, in toto, occupied approximately twelve days.

At the conclusion of the evidence, the matter was taken under advisement, but the parties submitted memoranda specifying points in issue to be determined by the Commission.

Applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, with authority to do business in said State; its Articles of Incorporation, together with all the amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility, as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and is engaged in the generation, purchase, transmission, distribution, and sale of electric energy, and the purchase, distribution, and sale of natural gas within the State of Colorado. Applicant is also engaged, to a minor extent, in

rendering steam heating service within a limited area of the business district of the City and County of Denver. Applicant also renders bus service in the City of Boulder, but this operation is not a part of the present application.

The post office address and principal office of Applicant is the Gas and Electric Building, 900 Fifteenth Street, Denver, Colorado. Applicant maintains various division offices throughout the State to facilitate the conduct of its business.

Applicant supplies electric or natural gas service, or both, to the following cities and towns:

<u>City or Town</u>	<u>Type of Service</u>	<u>City or Town</u>	<u>Type of Service</u>
Alamosa	Electric	Jamestown	Electric
Alma	Electric	Johnstown	Gas
Antonito	Electric	Lafayette	Electric and Gas
Arvada	Electric and Gas	La Jara	Electric
Atwood	Electric	Lakeside	Electric and Gas
Aurora	Electric and Gas	Leadville	Electric
Berthoud	Electric and Gas	Littleton	Gas
Black Hawk	Electric	Log Lane Village	Electric and Gas
Blanca	Electric	Longmont	Gas
Bonanza City	Electric	Louisville	Electric and Gas
Boulder	Electric and Gas	Loveland	Gas
Bow Mar	Gas	Manassa	Electric
Breckenridge	Electric	Mead	Electric
Brighton	Electric and Gas	Merino	Electric
Brush	Electric and Gas	Milliken	Gas
Carbondale	Electric	Minturn	Electric
Central City	Electric	Moffat	Electric
Cherry Hills Village	Gas	Monte Vista	Electric
Columbine Village	Gas	Montezuma	Electric
Commerce	Electric and Gas	Mountain Valley	Electric and Gas
DeBeque	Electric	Nederland	Electric
Del Norte	Electric	New Castle	Electric
Denver	Electric and Gas	Palisade	Electric and Gas
Dillon	Electric	Peetz	Electric
Edgewater	Electric and Gas	Poncha Springs	Electric
Eldora	Electric	Raymer	Electric
Empire	Electric	Red Cliff	Electric
Englewood	Gas	Rifle	Electric and Gas
Fairplay	Electric	Romeo	Electric
Federal Heights	Electric and Gas	Saguache	Electric
Firestone	Electric	Salida	Electric
Fort Collins	Gas	Sanford	Electric
Fort Lupton	Gas	Severance	Electric
Frisco	Electric	Sheridan	Gas
Fruita	Electric and Gas	Silt	Electric
Georgetown	Electric	Silver Plume	Electric
Glendale	Electric and Gas	Sterling	Electric
Golden	Gas	Superior	Electric
Grand Junction	Electric and Gas	Thornton	Electric and Gas
Grand Valley	Electric	Timnath	Electric
Greenwood Village	Electric and Gas	Ward	Electric
Hillrose	Electric	Wellington	Electric
Hooper	Electric	Westminster	Electric and Gas
Idaho Springs	Electric	Windsor	Electric and Gas
Iliff	Electric		

Applicant likewise supplies power at wholesale for resale to Colorado Central Power Company, Home Light and Power Company, and it has interconnections with other light and power companies. It also supplies power to municipally-owned electric systems, and to other public authorities.

The Company likewise renders service to steam heating customers within the City and County of Denver. This phase of its operation has been excluded from the application.

Growth and Expansion

The Company adduced substantial testimony relative to the growth of its service area and the expansion of its facilities to meet the growth -- both in population and demand. It was pointed out that the population in Colorado in 1950 numbered 1,325,000. This had grown in 1957 to approximately 1,680,000, which is a rate of growth that was twice the National Average. Most of this growth occurred in the Denver Area, which grew from 564,000 in 1950, to an estimated 833,000 in 1958.

New industries have been swarming into the area, including Sunstrand, Dow Chemical, Stanley Aviation, Martin Company, Ramo-Wooldridge, and others. There have been many new commercial businesses and new homes. The Company continually is receiving inquiries from various organizations and industries who desire to locate in the Denver Area, and it is the best estimate of the qualified responsible officials of the Company that there is every evidence that this accelerated and substantial growth will continue.

As a result of this growth, the electric customers of the Company now number over 308,000, which is a twenty per cent increase over 1954. The gas customers number 261,000, which is an increase of twenty-eight per cent over 1954. In addition to the increased number of customers, new and expanded uses have been found for both electricity and gas, resulting in what is commonly known in the industry as "vertical growth" -- that is, an increased consumption of either commodity by an existing customer. This has necessitated an increase in

capital investment by the Company, which now aggregates \$315,708,000, contrasted with \$195,900,000 in 1954. It was the testimony of the President of the Company, R. T. Person, that the necessity for this additional investment to meet the growing demand created by both the vertical and horizontal growth has resulted in what has been described in regulatory parlance as "attrition," which will be discussed at length later in this Decision. The result of this attrition is that due to the increased cost of plant, greater investment is required per dollar of revenue. In addition to this factor, there has been the normal inflationary spiral that resulted in an increase in operating expenses, such as wages, which amounts to a one-third increase since 1954, the cost of coal and natural gas used under the boilers to generate electricity, and the cost of natural gas for domestic consumption has also increased greatly.

It was pointed out that the Company is restricted in its source of supply for natural gas, and that the rates therefor can be, and have been, raised by the supplier, without reference to anyone, other than the ability of the Company to bargain for a lower rate, or to discontinue its use, since under the laws of Colorado, the supplier cannot be regulated as a public utility. This increase, therefore, has a tendency to increase the revenue requirements of the Company, which ultimately results in applications for rate increases, such as we have here.

Officials of the Company outlined the efficiencies that have been effected, in order to mitigate the effects of increased costs of plant and spiraling costs of operation, including wages and costs of fuels, by the installation of larger generating units, the use of automation wherever possible, by employing mobile radio equipment to dispatch service cars to trouble areas, and by increased mechanization in the construction field -- all of which have combined to increase the number of customers per employee from 137 in 1954 to 158 in 1959.

Despite these efficiencies, however, it is the position of the Company that its revenue requirements are such that in order to pay

its operating expenses, maintain its financial integrity, and to earn a reasonable rate of return on its investment, it must secure an additional four and one-half million dollars in net revenues to the Company, which will require an additional sum in excess of ten million dollars, primarily because of the large and heavy tax imposed by the Government of the United States.

Company officials point out that the first rate increase experienced by the Company was in 1954, which at that, was only a minor increase granted by this Commission, and that the rates today are considerably less than they were twenty-five years ago. They assert that the price per kilowatt hour for electric energy in 1933 was 6.1¢, whereas today it is approximately 2.8¢, and that the price for gas in 1933 was 87.2¢ per M.C.F., whereas it is approximately 55¢ today. It was the opinion of these officials that these reductions have been possible because of the increased consumption, both vertical and horizontal, and by reason of the continued efficient practices of the Company.

In the presentation of its case, the Company has followed the classical pattern in presenting evidence on rate base, in which it afforded to the Commission an opportunity to examine the value of the Company's properties, based upon a reproduction cost new, less depreciation, on a fair value basis, and on an original cost basis. The Company also adduced testimony on its operating costs, and its present and future cost of money. Considerable evidence was also adduced by the Company on the factors of attrition.

Issue was joined principally by the Staff of the Commission, with assistance from the Colorado Municipal League and the General Services Administration of the United States of America, on the validity of any theory of rate base other than original cost, on property that was used or useful utility property, on working capital, accelerated depreciation; the Staff of the Commission and the General Services Administration also presented expert testimony on the present and future cost of money, and the rate of return.

There were other minor issues raised by these parties -- all of which were pertinent to the case, and which will be discussed in detail later in this Decision.

Basically, it was the position of the Company that its minimum revenue requirements necessitated an increase in gross revenues in excess of ten million dollars, but that it was entitled to a rate of return of 6.75%, regardless of the theory of rate base -- whether original cost, fair value, or reproduction cost, less depreciation. This maximum could result in an increase in revenues of over twenty-seven million dollars.

The General Services Administration of the United States of America took the position that a rate of return of 5.43% was a minimum reasonable rate of return.

The Staff of the Commission, through its experts, adduced testimony showing that the revenue requirements of the Company as a whole could be met by a reduction of \$219,685, if certain adjustments proposed by the Staff were made, and a 5.75% rate of return was granted to the Company on an average investment rate base, or by an increase of \$1,021,446, if a 5.75% rate of return was granted on an end of period rate base. Based upon the Commission's Staff's expert testimony, it was the opinion of the Staff that a rate of return of 5.75% applied to an average rate base for the test period at original cost would produce revenues sufficient to meet the revenue requirements of the Company.

It is the position of the Commission that all of the various theories as to the numerous and complicated aspects of this case are helpful, useful guides, to assist the Commission in reaching its ultimate determination. Nevertheless, it is our firm opinion that no one theory or approach constitutes infallible or inflexible dogma that inexorably compels an immutable conclusion.

It is the position of the Commission that a sound determination should be made of these classical issues, but that they are guides,

at best, and that ultimately the reasonable revenue requirements of the Company to pay its necessary operating expenses, to service its indebtedness, to afford the investor a reasonable return on his investment and provide the consumer with gas and electricity at reasonable prices, should be the main objectives in a rate case, regardless of theoretical approaches to any one particular issue.

Thus, these ultimate objectives should be controlling, rather than allowing the issue of revenue requirements to be determined by pedantic determinations of individual problems, which, we hold, are mere guide-posts.

Rate Base

Extensive testimony was adduced by both the Company and the Staff of the Commission, on a proper rate base for the Company. A substantial portion of the Company's testimony was uncontradicted or uncontested on this issue by any of the parties. Vigorous issue was made, however -- especially by the Staff of the Commission -- on certain important aspects of the plant and other items of rate base.

The principal issues in our determination of rate base involve:

Value of Company property devoted to public use; customer advances for construction; plant held for future use; inclusion of certain generating units and gas holders in plant; acquisition adjustment on certain acquired properties; differences on the amount of working capital; whether or not the restricted surplus account on accelerated depreciation that has accumulated shall be deducted from rate base, and whether or not value of the plant should be calculated as of the end of the test year, or on an average basis during the test year.

Value of Company Property

In this phase of our Decision, we shall not discuss the advisability of making deductions from plant. These matters will be discussed later in our Decision. At this time, we will dispose of the issue raised on the proper theory employed to determine value of Company property.

Colorado Revised Statutes, 1953, 115-4-10 provides that:

"The Commission shall have power to ascertain the value of the property of every public utility . . . and the facts which in its judgment have or may have any bearing on such value."

To establish the value as prescribed in the statute, the Company offered testimony on three basic theories: Original cost, less depreciation; reproduction cost new, less depreciation; and reasonable value.

The original cost theory requires little explanation, since it is patently self-explanatory. Under this method of determination of plant value, the cost of the plant is recorded in inventory, and credited as investment of the Company. Deducted therefrom is the normal depreciation used by the Company, consistent with the system of accounts approved by the Commission. The Company, in presenting its evidence, selected a "test year," to illustrate its contentions. The test year used by the Company terminated as of June 30, 1959, a date that is reasonably close to current conditions. Obviously, a company that is engaged in rapid expansion such as Public Service will experience additions to plant throughout any given year. Consequently, the total value of plant, regardless of the theory, will be greater, normally, at the end of the test year than if an average is struck. The problem of whether or not average plant value, or value at the end of the test year is to be employed will be disposed of later.

The evidence of the Company shows that the actual original cost of the Company property after depreciation at the end of the test year is \$259,672,784. This includes investments in electric, gas, and steam heating departments, but it excludes an amount for cash working capital requirements, and it excludes the sum of \$449,609, which was the cost of the Summit Hydroelectric System, which was sold by the Company to the Water Board of the City and County of Denver. (See Public Service Company Exhibit No. 23, Page 4).

The Staff of the Commission introduced evidence showing the average value of the combined plant for the test year, based upon

actual cost, after depreciation, and excluding cash working capital and sale of the Summit Hydroelectric Plant, of \$248,545,145.

The Company, in addition, adduced evidence on the reproduction cost new, less depreciation, theory through Witness A. M. Rife. This theory was based upon the original cost of the plant from the property records of the Company. There is then applied to this original cost factor a cost index multiplier, or trending procedure, which has been developed by the witness' organization. This involves the development of a system of index numbers and related multipliers or trend factors for each property category existing in the utility's property records, which results in a conclusion that reflects the changes in the cost levels of the existing property as if they were acquired on the date of the study rather than at the time of original acquisition. These cost index factors represent a composite weighting of the appropriate elements of material, labor and indirect costs, based upon the experts' study and knowledge of actual construction methods, and the character of the particular utility. This witness then applied to the reproduction cost new certain depreciation factors, based upon similar adjustments in value.

It was the opinion of the Company's expert on this theory that the value of the Company's electric property, on a reproduction cost new, less depreciation, basis, adjusted to June 30, 1959, was \$288,551,932. It was likewise his opinion that the value of the Company's gas properties, on the same basis, was \$72,497,672, and that the value of the common utility property was \$8,921,308, and that the value of the steam generating plant was \$2,235,971, or a total of \$372,206,883. (See Public Service Company Exhibits Nos. 26, 30, 33 and 36).

The witness did deduct from this amount the sum of \$988,000 as the value of the Summit Hydroelectric Plant.

This witness gave detailed testimony as to the methods employed by his company in arriving at the trend factors, and in applying these index numbers to the original cost of Company's plant.

Under cross-examination, this witness conceded that his opinions weighed heavily upon judgment factors, which, however, he felt were conditioned upon sound engineering practices. He did not contend that this method represented the true value, but only a step or a factor in determining true value. (See transcript, Volume 2, Pages 425, 426).

This witness also conceded on cross-examination that his trend factors are applied to categories of property, rather than specific items of property. They do not take into consideration the fact that if the plant were being reconstructed today, different, more efficient types of plant might be constructed. It is the intent not to change anything in the physical construction of the plant, but to keep as closely as possible to identity of the original item. Over all, the witness conceded that the method is not an exact science, and that arbitrary factors must be employed, albeit based on sound engineering practices, and that there may be a possibility of some weakness in converting an original plant, as it was constructed years ago, to present-day value, without change in present-day construction.

The theory of fair value was advocated by J. Samuel Hartt, as a witness for the Company. This witness equated the terms "reasonable value" and "fair value," and stated that he followed the same principles in estimating the value of a public utility as would be followed by two private individuals or corporations negotiating for the purchase and sale of items of property. He also employed indexes reflecting costs and trends. It was his opinion that the reasonable value of the Company's property was \$240,000,000 for the electric plant, and \$65,000,000 for the gas plant, or a total of \$305,000,000, as a reasonable value upon which an estimate for the future could be based.

In determining which theory this Commission is to adopt, we are impressed with our duty to determine first the credibility and weight of the evidence before us in support of the several theories and secondly our duties under the law of Colorado.

It is admittedly inherent in the procedures of the sponsors of "Reproduction Cost New, Less Depreciation," and "Fair Value," that many factors are based upon judgment, and that their methods are not an exact science. On the other hand, "Original Cost" is easily and accurately determinable; depreciation thereon is likewise accurately determinable. Thus, the net original cost of plant may be adjudged on the basis of actual investment, eliminating all speculation, guesswork, and error. "Original Cost" also carries with it the undeniable fact that it represents the actual number of dollars that investors have invested in plant. On the basis of these observations, we are compelled to give greater weight to the testimony relating to original cost, and to adjudge it to be the most credible and it more clearly reflects the true value of the property as disclosed by the evidence and described in the statutes.

The Supreme Court of Colorado, in Ohio and Colorado Smelting and Refining Company vs. Public Utilities Commission, et al., 68 Colo. 137 (See also F.P.C. vs. Hope Natural Gas Company, 320 U. S. 591, 64 Sup. Ct. 281), has held this Commission is vested with broad discretionary powers as to which theory is to be adopted. We are not unmindful and we did consider other methods proposed or suggested in the Hope case, supra, but for the reasons expressed herein we must adopt original cost.

We find, therefore, on the basis of the evidence before us, that the value of the Company property at the time it is being used for the public shall be determined on the Original Cost Method, Less Depreciation.

Average Rate Base

Having determined the theory of value to be applied to the Company's property dedicated to public use, it becomes our duty to determine whether or not the value should be determined by averaging investment and plant during the test year, or selecting the amount of investment at the end of the test year.

It is the opinion of the Commission that under normal circumstances the average of the plant dedicated to public use gives a reasonable approximation of the average continuous plant balance, and reflects the investment most clearly related to operating and earnings performance of a utility during a test period.

It would normally be a more stable yardstick upon which to predicate future rates.

The Commission is cognizant, however, that the additions during the test year, in times of inflation, such as we now have, do not necessarily result in corresponding increased revenues to the extent allowed by the Commission on rate of return, and that a good number of months will have elapsed from the end of the test year until new rates allowed to the Company will become effective. These attrition and erosion factors act to distort the accuracy of average rate base for purposes of determining a proper base for future rates. In order to adjust at least partially for this factor, we will follow the previous Orders of this Commission in determining the rate base to be calculated as of the end of the year and we find it is the proper method for purposes of this hearing. Re Mountain States Telephone and Telegraph Company, 1952, 94 P.U.R. N.S., 3; In the Matter of the Application of Public Service Company of Colorado, Colo. P.U.C. Decision No. 43834 (1954); Home Light and Power Company, Colo. P.U.C. Decision No. 43938 (1955).

Customer Advances

Under tariff regulations, some customers who require an unusual amount of facilities in order to obtain service are required to make a substantial cash advance. According to the amount of usage of service by the customer over a fixed period -- generally five years -- the money is refunded to the customer, either as a credit on his bill, or in cash. If at the end of the period the usage has not been sufficient to obtain a full refund of the entire advance, the balance is transferred by the Company to the Contribution in Aid of Construction Account. During this period no interest is paid on the money.

The staff made an adjustment to rate base by deducting \$1,438,538, which represents the amount accumulated in the account on customer advances, \$1,141,391 being deducted from the gas department plant account, \$295,987 being deducted from the electric department plant account, and \$1,160 being deducted from the steam department account, on the theory that these moneys were supplied by the customers rather than by the investors. It was conceded, however, that ultimately all of the money would be repaid, either to the customer or transferred to the Contribution in Aid of Construction Account, which is deducted from rate base.

There was evidence introduced that the amount of this account has remained substantially constant over the past several years, despite the fact that customer usage has effected a repayment by the Company. It is apparent that this fund remains constant, or will grow, as a result of the Company's expansion.

On the basis of this evidence and the fact that these moneys are advanced by the customers and not by the Company, and as such constitute cost-free capital, it is our opinion that normally the entire amount should be deducted from rate base. Considering the state of the record, however, we are inclined to make some adjustment in order to accord to the Company all reasonable doubt. Assuming first that the Customer Advances Account would not increase, but would decline steadily, it would mean that during the period when customer usage is being credited against the advances made by the customers, the Company would, in effect, be making an investment from investor funds. To the extent that the Company does so, we are of the opinion that it should be entitled to earn thereon.

There is no evidence as to the rate at which this money will be repaid by the Company. We believe the Commission would be justified in normalizing this repayment on an amortized basis by assuming a steady decline. This Commission knows, however, that the Company, in its past practices, would afford to the customers an ample time to

earn the amount of their advances by customer usage, so that in an earnest effort to be eminently fair to the Company on this proposition, we feel that the repayment to the customer by the Company will be effected in a shorter period than that normally specified in the tariff provision.

If we had considered repayment by the Company on a normalized basis, it would have averaged out that one-half of the amount of the fund would have been cost-free capital to the Company, and that therefore, one-half should be deducted. Making allowance, however, for the fact that the Company would give ample time to the customer to effect a usage equal to the amount of his advance, we believe it fair to credit the Company with an additional ten per cent, and allow a deduction only of forty per cent of the amount of the fund from rate base. This we calculate to be \$456,556 that should be deducted from the gas department plant account; \$118,395 from the electric department plant account, and \$464 from the steam department plant account, or a total of \$575,415 that should be deducted from rate base.

In so doing, we have given consideration to the fact that the fund may remain constant, or continue to grow, which, in our opinion, would entitle the Commission to deduct the entire amount. Our reason for according weight to this possibility is that in the present state of the record, and the fact that despite almost certain expansion of the Company, there is no assurance that the Customer Advances Account will continue to grow, nor is there any accurate basis for prediction as to what amount it will continue to grow. We thus view this evidence with regard to the future increase in the amount of this fund in the light most favorable to the Company.

We further wish to point out that as of the end of the test year, this fund was cost-free capital, but we have departed from the test year basis for this purpose, simply because of the obligation on the part of the Company to repay, in effect, to the customer, based upon the customer's usage.

In deducting the specified amount from rate base, we realize that within five years the Company may have invested the full amount deducted. It is incumbent upon the Company, however, to come in at that time to seek an adjustment in its rate base. It is not the duty of this Commission to predict that five years hence the Company will have made a complete investment, and that in the interim the Company should have the advantage of cost-free capital furnished by the customer.

Plant Held for Future Use,
Including Certain Generators and Gas Holders

The sale of the Summit Hydroelectric Plant was given effect by deduction from rate base in the section above dealing with value of the Company's property.

The staff of the Commission, in their Exhibit No. I, detailed the various generating units at Valmont, Alamosa, Grand Junction, Salida, and Sterling, which it felt should be deducted from rate base. Staff Exhibit "J" detailed items of land at Valmont and Waterton, and structures at Valmont which it felt should also be deducted, and Staff Exhibit "N" enumerated the gas holders which the staff felt should likewise be eliminated from rate base. The basis of the staff theory for these deductions is that the land held for future use has not been used for many years, and that there are no immediate plans to do so.

It was the staff's contention that the electric generating plants were not used except sparingly, and were old and obsolete. It was the further contention of the staff that the gas holders were obsolete and would be of no use after the Leyden Mine Gas Storage Project was completed.

The Company contends that the land held for future use is necessary for future expansion and to provide a zoned protection for their Valmont Plant. As to the generators, it is the Company's position that these units were useful when installed, and that although there are now more efficient units to provide generation, these units do provide stand-by or firm power, which, if these plants were retired,

would have to be provided by expensive newly-constructed generating plants. In the opinion of management, the relegation of these older but useful plants to stand-by service provides the necessary firm generating capacity consistent with good utility practices, and at the same time does so without the investment of additional funds by the Company.

With regard to the gas holders, it is the Company's position that these do provide stand-by service in the areas where they are located, and they can be employed for peak shaving or reserve purposes. While the importance of these gas holders will be greatly reduced if the Leyden Mine Storage Project is successful, we cannot, at this time, predict with certainty that this project will succeed, since it is still in the experimental stage. We must also consider the fact that capacity to serve the metropolitan area with gas -- especially during peak periods -- is always a matter of vital importance, and no comfortable reserve capacity exists on service of gas to this area to warrant our dismissing even the smallest facility that could assist in alleviating a possible critical condition.

The contentions of the Company with respect to the various items of property previously discussed, we deem to carry merit. We therefore are inclined to accord greater weight to the Company's testimony, and accordingly we must find that all of said property, save and except the Summit Hydroelectric Plant which was sold, enumerated in Staff's Exhibits "I", "J", and "N" is used and useful as a part of the Company's property dedicated to public use.

Acquisition Adjustment on Utility Plant

The Company has acquired certain properties for which it paid a sum greater than the depreciated original cost of the property. This difference is carried in a special account under the Uniform System of Accounts prescribed by the Commission, and is commonly referred to as "Acquisition Adjustment."

The Company, in this rate case, has included this amount in rate base, and it has likewise amortized this account on a fifteen-year

basis. This latter procedure has the effect of adding an additional cost to Operating Expenses greater than normal depreciation. Thus the Company has the advantage of earning on the excess over original cost and at the same time recovering its capital at an accelerated rate.

We cannot allow treatment of acquisition adjustment in this manner. Acquisition adjustment may be allowed in rate base and not amortized, or vice versa. Both, however, may not be allowed.

In our Decision No. 43834, of date December 17, 1954, re Application of Public Service Company of Colorado, we said:

"We have permitted this Company to recoup the amount of money in this account by amortizing it over a period of fifteen years. (In the Matter of the Original Cost Study of Public Service Company of Colorado, Case No. 4693, Decision No. 41682, of December 9, 1953). Applicant will not be penalized by the treatment accorded it herein, but to include it in the rate base would, in our opinion, place an undue burden on the rate payer."

We find that our previous treatment is proper; accordingly, we will disallow the plant acquisition adjustment in rate base, and we will deduct therefrom the sum of \$403,480.00, (Staff Exhibit EE, which is composed of a deduction of \$314,587.00 in the Electric Department, and \$88,893.00 in the Gas Department), which represents the difference between original cost depreciated and the amount paid by the Company.

Working Capital

The Company, in its Exhibit No. 23, has included an amount of \$4,539,000 as cash working capital. This figure was computed by taking the requirements for forty-five days' operating expenses and fifteen days' for gas purchase supply, all less depreciation and taxes.

The Staff has recommended a deduction of \$2,896,664 in this account. The basic theory of the Staff's position is that the funds necessary for working capital are available to the Company from sources other than Company-supplied funds. The principal source of such funds is from an Income Tax fund for payment to the Federal Government.

These taxes are paid partially in a current year, and partially in a subsequent year. Thus, it is the Staff's theory that the Company had the use of certain portions of Federal Income Tax money during the test year. The method employed by the Staff to arrive at the amount it recommended be deducted from rate base was to deduct one-half of the amount of Federal Income Tax. Under present Federal Income Tax law, a certain portion of the taxes is payable in the current year. The Staff calculates, however, that the Company retains 58% of the Federal Income Tax during the current year, and makes its final payment in a subsequent year.

Consideration was not given to the State Taxes, because they are substantially on a current basis, and the Staff gave the Company the benefit of the doubt on Property Taxes, which are not paid for a considerable period after the test year.

The Company asserts that in calculation of its forty-five-day expenses, 100% of the tax accruals and depreciation was deducted and thus the deduction of 50% of the Income Tax accrual constitutes a duplicate deduction. The Company also asserts that bank balances also should be included in Working Capital, but it produced no substantial credible evidence as to what the bank balances were.

The Commission observes that the amount of the Working Capital required was set by the Company and accepted by the Staff. The question before the Commission is the source of the funds for this purpose. The Commission also observes that the Staff does not dispute the fact that tax accruals and depreciation have been deducted. It merely asserts that the Company has Federal Income Tax which it charges as an expense throughout the year, which, in reality, it does not pay beyond 42%.

It is the opinion of the Commission that the position of the Staff is well taken. On this, as on other items, where the source of funds is other than investor capital, furnished by the investors, as distinguished from the mere legal title to the money, we believe that the benefit should redound to the rate payer. Our basic thinking in this respect is that a utility is in the nature of a "cost plus" operation.

We earnestly believe that every utility is entitled, under the law, to receive a fair rate of return that will enable it to perform the high standard of service required by the public, attract capital, service its indebtedness, and pay a reasonable return to its stockholders.

Philosophies have been introduced into the field of regulation that attempt to establish artificial standards -- especially on the matter of investment or expenditures -- which, to our way of thinking, if not actually incurred, provide a wind-fall for the utility, since the utility is allowed a reasonable return, to which we have heretofore alluded. Such a practice is not consistent with our regulatory philosophies.

On the point in issue, therefore, we believe that the source -- or at least a part of the funds -- of Working Capital is other than investor-supplied funds, and therefore the full amount of the funds required should not be allowed as a part of rate base.

We find that the Staff's contentions are correct and should be upheld, and that the sum of \$2,896,664 should be deducted from rate base.

Accelerated Depreciation and Amortization

No other issue in recent years in utility regulation has provoked more impassioned pronouncements and more diversity of opinion among industry, regulators, economists, accountants, legislators, and the general public, than this explosive problem.

Under the terms of Section 167 of the Internal Revenue Code of 1954, a utility (as well as other taxpayers) may elect to employ one of several methods of accelerated depreciation on property used in business -- that is, a taxpayer may charge as expense, for income tax purposes, a rate of depreciation that is higher in the early years of the life of the property, and lower in the later years than would be charged under the "straight line method" which assumes an equal, steady depreciation over the property's life.

Section 168 of the Internal Revenue Code makes provision for the rapid write-off of property certified by the United States Government as an emergency facility over a period of five years.

The Public Service Company was allowed to employ these liberalized methods for tax purposes, only, by our Orders of date January 5, 1956, in Application No. 13856, being Decision No. 45097 (Section 167), and of December 15, 1953, in Application No. 12631, being Decision No. 41748. (Section 168).

The result of the use of these methods that have been allowed to the Company has resulted in the payment of a lower Federal Tax, because of the higher depreciation rate on property acquired in 1954, or thereafter, and because of the higher depreciation rate on emergency facilities. Presumably, in later years, the depreciation on the same property rapidly depreciated under Section 167 will be low, and the Company must pay a higher tax. For accounting purposes, this Commission required the Company to place the difference in taxes paid on property depreciated under the two sections of the Internal Revenue Code permitting accelerated depreciation, as distinguished from straight line depreciation, in a restricted surplus account, to be held for the payment of future taxes that will increase in the later years of the life of the property.

As of the end of the test year, June 30, 1959, there had accumulated in this account the sum of \$10,998,800.

Because the money in this account was not contributed by the investors, either as a direct investment or from earnings, intense controversy has raged as to its proper disposition.

There are several ways the account may be handled for rate purposes.

"Normalization" is the method advocated by the Company in this case. This method would allow the Company, for rate-making purposes, to charge as an expense an amount for Income Taxes that would substantially approximate the amount the Company would have paid if it had used its normal depreciation, which is tantamount to straight line.

This method tends to give the stockholders of the Company the full benefit of the rapid depreciation.

"Flow through" is another method that has been advocated and adopted by a number of states. This method of treatment of rapid depreciation requires a utility to charge to its Operating Expense only the amount of income taxes actually paid. The effect of this treatment tends to give the consumer the maximum advantage.

There are other methods that give benefit to the rate-payer, with some benefit to the Company. Such a result may be achieved by allowing the Company to normalize its Income Tax payment in expenses, crediting the difference thereof from actual taxes paid as a deferred tax increment to the restricted surplus account, and then either deducting the amount of this account from rate base, or adding the amount of the account to the Company's capitalization as cost-free capital, thereby reducing the general rate of return, or crediting to revenue an amount equal to the sum that would be earned on an allowed rate of return on the amount of this account, or crediting to revenue the amount of interest allowed on the amount of the restricted surplus account.

All of these various methods have earnest and able advocates. In our analysis of the reasons advanced on behalf of the several theories on a proper treatment of this subject, we are compelled to the conclusion that insofar as regulated utilities are concerned, there has been an unnecessary confusion and commingling of accounting and tax theories with regulatory philosophies. This inordinate procedure we deem to be inconsistent with a sound, classical approach to regulatory rate-making.

In an attempt to dispel some of this obscurity, we shall endeavor to illustrate the practical effect of each method, and to then apply our regulatory policy to achieve the result we deem dictated by our duties under the law.

If we adopt the Company's position on normalization, under Section 167 of the Internal Revenue Code, we are, in effect, allowing the Company to recover the capital invested in plant since 1954 at an accelerated pace during the approximate first one-half of the life of

the property. This enables the Company to employ the "deferred taxes" as they are called, elsewhere in the Company's operations, and to earn a profit thereon on this cost-free use of funds supposedly earmarked for future taxes. It is tantamount to a cost-free loan from the Government of the United States, and precludes the necessity of a sale of securities by the Company, which would either tend to diminish the common shareholder's equity in the Company by the sale of additional shares, or it would increase the Company's debt ratio by the sale of bonds. All the advantage would redound to the benefit of the Company. The rationale of this doctrine is that the benefit to the Company tends to stabilize its financial integrity, and ultimately is of benefit to the ratepayer. This benefit, however, is indirect and remote. It is the "trickle-down" theory. To paraphrase a now famous saying, it is based upon the doctrine that "what is good for the Company is good for the people."

The other methods which basically allow normalization of taxes in the Company's expense by requiring deduction of an amount equal to the restricted surplus account from rate base does provide benefit both to the rate-payer and to the stockholder. The utility obtains the benefit of the cost-free money. Thus, the stockholders' equity is not diminished, the debt ratio, or ratio between the various types of the Company's securities remains unchanged. The rate-payer benefits because there are no earnings allowed on this added capital, and consequently no charge in the rate therefor.

Under this latter method, however, if the amount of "deferred taxes" annually credited to the restricted surplus account is greater than the return allowed by the Commission on that part of plant equal to the aggregate of the restricted surplus account, the rate-payer does not receive maximum benefit.

For example, assuming the restricted surplus account to be approximately \$11,000,000, and the rate of return allowed thereon by this Commission as high as that requested by the Company, or 6.75%,

the annual savings to the rate-payer would be \$742,500. This amount would vary, depending upon the rate of return allowed by the Commission. If, however, rather than permitting anormalization of taxes under liberalized depreciation, and allowing the Company to charge only those taxes actually paid, the amount of "deferred taxes" formerly credited to the restricted surplus account would all accrue to the benefit of the rate-payer.

According to the evidence of the Company, this amount is in excess of \$1,000,000 annually on accelerated depreciation only, which would accrue as a savings to the rate-payer, rather than the \$742,500 saved under the "deduction from rate base normalized method."

It is patently obvious that the maximum benefit that accrues to the rate-payer may be derived from the "flow through method." We cannot, however, blandly accept and promulgate as policy of this Commission any method that at first would seem to benefit the rate-payer. Rate-making has been described as a practical and pragmatic procedure to achieve stable, continuing utility service by an economically healthy company, at a reasonable rate to the customer. Thus, the economic soundness and the nondiscriminatory aspects of any theory must be examined.

It is to be observed from the evidence that the modified straight line method of depreciation employed by the Company results in a composite depreciation rate in excess of 2.5%, which attributes to the composite property of the Company a life of less than 40 years. Under the liberalized depreciation methods allowed the Company, a double rate would be allowed during the approximate first one-half of the life of the property, and a rate of depreciation of one-half of the normal depreciation would be allowed during the approximate later one-half. It is obvious, therefore, that an increase in taxes actually paid by the Company over normal straight line methods of depreciation will be deferred for a substantial period of time. Thus, the oft-expressed fear that the adoption of the flow through method

would compel an early return by the Company to the Commission for increased rates is tenuous, and of insufficient weight to compel a policy conclusion based upon such apprehension.

It is also observed that the moneys saved from income tax payments are funneled into present plant for the use of present customers, and that such moneys are derived from rates charged to the rate-payers. It is just, therefore, that the present rate-payers should derive the benefit therefrom.

It is true, however, that in the event such an advantage is allowed to accrue to the rate-payer by the "flow through" doctrine, it may compel the Company to seek money for its additions to plant by the sale of its securities. Such a method, we believe, places the financing of additions to plant in their proper perspective, and should be paid for by adopting the classical methods of rate-making.

We have previously stated and we reiterate, that the practice of injecting artificial expenditures and artificial rate base into rate-making procedures replaces sound determinable calculations on Company rate base, expense and revenue requirements with a fictitious and speculative basis on which the Commission may make its future determination. If we do allow the introduction of such fictitious expenditures on rate base into our calculations, we then are faced with a dilemma either of adjusting our calculations on sound classical procedures on cost of money and rate of return, or of allowing a wind-fall to the Company, which is inconsistent with the concept of a utility as a "cost plus" operation.

If any reliance is to be placed upon the tried and time-tested method of looking to the past (that is, a test year), and applying our sound economic judgment thereto, in order to fix rates for the future, we then must reject the policy of inclusion of fictitious expenditures or rate base in our calculations.

It is apparent that the economic impact and implications of applying the doctrine of "flow through" are minimal and to be discounted.

We believe earnestly that the rate-payers in Colorado are possessed of sufficient emotional maturity and intellectual integrity to accept a philosophy that as long as fictitious charges or wind-falls have been eliminated from a utility's accounting, that that utility will be entitled to earn an amount to pay all of its actual expenses, service its indebtedness, and earn a sufficiently substantial amount of money to pay a decent return to its investors, and to expand and provide the type of service required.

On the basis of these conclusions, therefore, we are compelled to adopt the doctrine of "flow through" in the treatment of accelerated depreciation. It has been included in the general discussion under Rate Base because of the major implications that are concerned with rate base at this time. There will be also, however, some adjustments that must be made in the operating expenses of the Company.

In view of our previous orders, for accounting purposes, allowing normalization and the crediting to restricted surplus account all of taxes, both under Sections 167 and 168 of the Internal Revenue Code of 1954, we must make specific adjustments consistent with our opinion expressed herein.

There is a sum of \$7,365,600 accumulated in the restricted surplus account, under certificates for amortization of emergency facilities. No further certificates are being granted by the United States of America, and this fund arising out of Section 168 will steadily decrease. There is not sufficient evidence to enable us to determine with mathematical precision when a reduction shall commence in this fund. It is apparent, however, that since the pay-back has commenced and because of the lack of precise evidence in the record, the application of "flow through" to this aspect of liberalized depreciation is not practical. We therefore feel that the deduction of this amount from rate base is a practical and fair method of maximizing benefit to the rate-payer, eliminating fictitious expenditures, and yet providing a reasonable means for the Company to pay the increased taxes

that will eventually accrue, without severe economic dislocation.

There likewise has been credited to this account a sum of \$2,396,200, accumulated under the use of liberalized depreciation under Section 167 of the Internal Revenue Code, prior to the test year.

It is impractical, if not impossible, at this time to effect a flow through of the tax savings for the prior years. We, therefore, in order to achieve the most practical result and economic benefit to the rate-payer, likewise will deduct this amount from rate base.

There remains in the account the sum of \$1,237,000, credited to it during the test year for deferred income taxes. This amount will not be deducted from rate base, but later in this Order the amount will be credited against the normalized taxes, as an operating expense, and reduce said expenses to that extent. This is the practical application of "flow through."

It is pointed out that the testimony of responsible officials of the Company indicates a substantial and steady expansion in addition of new property over the next ten years, to the extent that the size of the Company may be doubled, or better. With the addition of this new property, and the use of liberalized depreciation during the early life of this property, it is problematical as to whether or not there will be any increase in the tax liability of the Company for a considerable period of time, well beyond the immediate few years we had previously estimated.

It is our sound conclusion, therefore, that our treatment of accelerated depreciation will provide the maximum benefit, both to the rate-payer and ultimately to the Company.

Recapitulation of Rate Base

There are other minor pro forma adjustments that we believe should be considered in rate base. One of these is an amount of \$146,833, which has been added to rate base by the Staff for pre-payments. This, we find meritorious, and should be adopted.

On the basis of observations and findings heretofore made, we find and conclude that the rate base of the Company shall be as follows:

	<u>Exhibit 23</u> <u>Pro Forma</u>	<u>Commission</u> <u>Adjustments</u>	<u>As</u> <u>Adjusted</u>
Utility Plant in Service	\$292,834,950	\$(449,609)	\$292,385,341
Common Plant in Service	9,627,801		9,627,801
Construction Work in Progress	14,457,281		14,457,281
Utility Plant Held for Future Use	197,164		197,164
Utility Plant Acquisition Adjustments	403,480	(403,480)	
Materials and Supplies:			
Fuel Inventory	2,018,510		2,018,510
Utility Materials and supplies	4,805,568		4,805,568
Cash Working Capital	4,539,000	(2,896,664)	1,642,336
Prepayments		146,833	146,833
Contributions in Aid of Construction	(9,781,088)		(9,781,088)
Customers' Advances for Construction		(575,415)	(575,415)
Earned Surplus Restricted:			
Accelerated Amortization on:			
Federal		(7,062,500)	(7,062,500)
State		(303,100)	(303,100)
Accelerated Depreciation:			
Federal *		(2,357,100)	(2,357,100)
State **		(39,100)	(39,100)
Total Invested Combined Departments	\$319,102,666	\$(13,940,135)	\$305,162,531
Reserve for Depreciation and Amortization of Utility Plant	\$ 54,441,273	(271,609)	\$ 54,169,664
End of Period Rate Base -	\$264,661,393	\$(13,668,526)	\$250,992,867
* - \$3,480,500 -- \$1,123,400	\$2,357,100		
** - \$ 152,700 -- \$ 113,600	\$ 39,100		

INCOME AND EXPENSES

The Company keeps its books and records in accordance with the National Association of Railroad and Utilities Commissioners Uniform System of Accounts, as prescribed by this Commission. The Company has also been making annual reports to this Commission since its incorporation in 1924. In addition, the Company also reports to the Securities and Exchange Commission, and has been doing so since 1936. Annual reports for statistical purposes have also been made to the Federal Power Commission since 1937. In addition, the books and financial statement of this Company have been audited and certified to by an independent certified public accountant. The Staff of the Commission has checked the

books of the Company prior to the hearing herein, and there was no question raised as to the authenticity or accuracy of any of the accounts.

For the purpose of this proceeding, the Company has accounted for its revenue and expenses by departments, and has combined them for the total Company. Since the Company keeps its revenue accounts by departments and the direct expenses attributable to these departments, these items are readily ascertainable.

A number of the issues raised by the Staff on Income and Expenses were projections of their position on rate base, which would have resulted in adjustments to expense items. The principal of these is the question of depreciation expense, which would have been reduced if the Commission had allowed the elimination from rate base of Utility Plant Held for Future Use, and Utility Plant Not Used or Useful in the public service.

Few issues were raised by any of the parties on the income and expenses of the Company, other than as to legal or economic theories. This result, after a thorough investigation by the Commission's Staff, is a tribute to the accuracy of the Company's records, and its conservative policy in regard to its expenditures.

A principal issue raised by the Staff relates to net operating earnings before income tax adjustments, concerning bond interest, as reflected upon Staff Exhibit KK. It is the contention of the Staff that the Company, in its Exhibit 19, Page 5, Column 5, did not pro form interest on long-term debt. The sum of \$781,118 interest on bonds dated May 1, 1959, was not included in the pro forma adjustments for the test year. The interest that was included was restricted to approximately eight weeks of the test period. It is the position of the Staff that if a pro forma adjustment is made on the entire amount of the bond interest, there would be a reduction in income tax liability of \$385,872 for Federal Taxes, and \$39,056 for State Taxes.

It is the position of the Company that the \$20,000,000 bond issue, upon which the Staff made the pro forma adjustment for bond interest, was for the purpose of financing new construction, and that no appreciable amount thereof was for the purpose of re-financing old bonded indebtedness. The Company likewise attacks the validity of such a pro forma adjustment, on the grounds that the Staff has not made adjustments in operations that would tend to offset the tax that has not been paid. In effect, it is the position of the Company that if a pro forma adjustment is made on one item of expense, all other pro forma adjustments that would necessarily flow from the inclusion of that item in the test year consideration should be included. It is the position of the Company that under this principle there would have to be included the interest on long-term debt, in order to eliminate distortion in capital structure.

It would likewise require that the construction for which the money was ultimately used would be included in rate base. According to the Company's testimony, which remains unchallenged, the proceeds of this bond issue were not to re-finance a temporary building loan, but instead were placed in short-term Government obligations, and ultimately used for new construction -- long after the test period had closed. If this property were to be included in rate base, it would then require an adjustment in the Depreciation Account for increased depreciation on the new property, and for increase in property taxes.

Although the theory of the Staff in this regard has considerable merit, nevertheless, in the present state of the record, we are unable to find that such a pro forma adjustment is proper and should be made.

It is a sound principle of regulation that when an out-of-period, or pro forma, adjustment is made to any item includable in the test year, then all other pro forma adjustments naturally flowing from the inclusion of that item in the test year -- whether off-setting or otherwise -- should also be included.

In this proceedings, we are unable to effect such inclusions, and we would thereby be departing from the classical method of test-year basis, and adopting a distorted projected test year basis, without sufficient evidence to achieve a firm conclusion. Such a procedure is too highly speculative, and we therefore must find in favor of the Company and the weight of its evidence in respect to this issue.

Other issues have been raised by other parties concerning normalization of gas revenues. This adjustment for average weather conditions when applied to revenues and expenses has the effect of reducing revenues of the gas department in the test year. A considerable portion of the Company's gas sales is for space heating, which will vary from year to year, depending upon the vagaries of the weather. No one person is able to predict with any degree of accuracy the amount of gas that will be required by the Company's customers in any one year. Over longer periods of time, Company history does reflect a certain average usage.

In any one year, the amount of gas sales by customers may be distorted, due to either unusual warmth of the weather during the heating season, or due to unusual cold. By taking an average over a long period of time, the Company may make an adjustment to the test year which, in its opinion and judgment, reasonably reflects an average year for gas sales for space heating purposes.

In this proceedings, the Company has deducted a sum of \$282,400 from the net revenues of the Gas Department, on the basis that the heating season during the test year was unusually cold, and did not reflect the normal consumption.

The methods employed by the Company in making this adjustment are the standard methods, consistent with good practices generally accepted in the industry. It is the opinion of the Commission that this is a sound procedure, and should be allowed, in order to eliminate the possibilities of any distortion, and artificial or fictitious revenue, and we so find.

By reason of our findings above on certain items relating to rate base, certain adjustments must be made on the Income and Expense Statements of the Company.

The Company concedes that the Summit Hydroelectric Plant has been sold to the City and County of Denver, and should be deducted from rate base. Under the system of accounting employed in utilities, the entire amount of the original cost is deducted from gross plant, and that portion which has been depreciated is deducted from the depreciation account. Thus, the rate base is not distorted. It does affect the amount charged as annual depreciation, as an item of expense. On the basis of composite depreciation rate of 2.5%, the total amount of depreciation chargeable annually to the Summit Hydroelectric Plant is \$10,949, which must be deducted from the Depreciation Expense Account. The deduction of this item of expense, however, will increase State and Federal Taxes, at an approximate rate of 54.4%, or \$5,956, which results in an increase in net income of \$4,993, which should be added to the net operating revenues of the Electric Department.

By virtue of the adoption of the "flow through" doctrine of accelerated depreciation, only those taxes actually paid will be allowed as operating revenue deductions.

On Page 1 of Company's Exhibit 19, showing operating revenues and deductions for the Electric Department, we shall deduct the sum of \$836,900, found on Line 23, as normalized taxes under accelerated depreciation, and the sum of \$84,700 as normalized taxes for accelerated depreciation for the State of Colorado.

On Page 2 of Company's Exhibit 19, relating to the Gas Department, there shall be deducted, as normalized taxes not paid to the Federal Government for accelerated depreciation, \$284,100, and the sum of \$28,700 as taxes not paid to the State of Colorado.

On Page 3 of Company's Exhibit 19, relating to the Steam Heating Department, we will likewise deduct \$2,400 from operating revenue deductions for Federal Taxes not paid, and the sum of \$200 for State Taxes not paid.

Thus, the result, and we so find, is that the gross operating revenues for the Electric Department for the test year are \$51,471,102. We find that the operating revenue deductions, after adjustments for depreciation expense of Summit Hydroelectric Plant, and deduction of normalized State and Federal Taxes not actually paid, due to liberalized depreciation, is \$40,702,262, or a net operating revenue of \$10,768,840, which, together with \$890,430 of interest charged to construction, results in net operating earnings for the Electric Department of \$11,659,270.

We find that the gross operating revenues for the Gas Department for the test year are \$45,277,795, and that the total operating revenue deductions, after adjustment for Federal and State Income Tax not paid as a result of normalizing taxes paid under the use of liberalized depreciation are \$42,165,045, producing net operating revenue of \$3,112,750, which, together with interest charged to construction, produces a net operating earnings, before normalization to reflect average temperature conditions, of \$3,145,578, but produces net operating earnings, after deducting \$282,400 normalization to adjust for average temperature conditions of \$2,863,178.

We find that the gross operating revenues for the Steam Department for the test year are \$532,822, and that the operating revenue deductions, after adjustment for Federal and State Taxes not paid, are \$457,397, resulting in a net operating revenue of \$75,425, which, plus interest charged to construction, result in net operating earnings of \$75,656.

Included in the operating revenues of the Gas Department is the sum of \$5,178,569, for Interdepartmental use of gas, which is charged as an operating expense to other departments. Since this is a wash-out item, it is excluded in the total operating revenues, and operating revenue deductions for the combined Company. The result, and we so find, is that the gross operating revenues of the Company for the combined departments is \$92,103,150. Net operating deductions, as a result of Commission adjustments, are \$78,146,135. The net

operating earnings, after adding interest charged to construction and deducting adjustment of net operating earnings to reflect average temperature conditions, results in the sum of \$14,598,104 for the combined Company.

This we find to be the correct income and expense result, after adjustments which the Commission deems meritorious.

On minor issues raised regarding income and expense, we do not believe the evidence warrants or justifies any adjustments or discussion thereon.

COST OF MONEY AND RATE OF RETURN

The Company adduced evidence showing that a reasonable rate of return for the Company is 6.75%, regardless of rate base. This testimony was adduced by M. J. Reis, Financial Expert from New York. It is his basic theory that a fair rate of return must permit the Company to attract capital in the market, in competition with every other enterprise, and on reasonable terms and with reasonable proportions of debt and equity securities, so as to produce a sound financial structure.

In order to achieve such a result, it was the contention of Mr. Reis that the ability to so perform should exist at virtually all times -- not just at particular moments of favorable market conditions -- and that therefore it should be measured over a reasonably representative period of time.

This witness for the Company contended that a fair rate of return meant a return not only fair to capital already employed in the enterprise, but it must be sufficiently adequate to assure confidence in the financial integrity of the Company, in order to attract capital. In calculating such a rate, the Witness Reis took into consideration a rate of earnings that would preserve financial integrity, delay in adjusting rates when earnings lag, attrition on replacement of old facilities, anticipated earnings, competition for money in the financial market with securities of other enterprises that are non-utilities and non-regulated, and the recognition of good managerial ability and performance.

This witness emphasized the fact that the approach to achieve a fair rate of return cannot be calculated and limited to mathematical determinations of cost of capital, but it must include the adjustment of sound judgment, based upon the various other factors which, in the opinion of the witness, were compelling, in order to maintain financial integrity of the Company, and to attract new capital. Thus, it was the opinion of the witness that the cost of capital cannot be determined with mathematical accuracy, since it is not an exact science. His thesis is that objective and comparable data constitute a basis for an informed judgment, nevertheless, informed judgment is the necessary ingredient in the determination of fair rate of return.

Consistent with his theories, Witness Reis compared the capitalization structure and performance of Public Service Company with sixteen other utilities which he deemed comparable. He analyzed the present capital structure and cost of money for the Company, and he presented an analysis of the future capital structure and cost of money, based upon plans of the Company for issuance of new securities. He also applied his "informed judgment" to the future cost of money of these new securities and the other judgment factors which, in his opinion, the Company required in order to maintain its financial integrity, pay a reasonable return to investors, to attract new capital, and at the same time provide a reasonable rate to the rate-payer.

His analysis showed, as of June 30, 1959, total long-term debt of \$140,538,000; Preferred Stock of \$50,000,000, and Common Stock Equity of \$98,289,000, or a total capitalization of \$288,827,000. This produced the following ratios between securities:

Debt	48.7%
Preferred Stock	17.3%
Common Stock Equity	34%.

By means of Schedule 5 of Company's Exhibit 41, the witness estimated the capital corporate structure of the Company from December 31, 1960, through December 31, 1963, for each year. He estimated a total

capitalization for the Company at the end of 1960 of \$303,000,000; at the end of 1961, \$328,000,000; at the end of 1962, \$353,000,000, and at the end of 1963, \$377,000,000.

For purposes of his calculations, the witness, by Schedule 28 of Exhibit 41, averaged the ratios over the periods for which he projected future capitalization, with the result that he assessed the following ratios:

Long Term Debt	47%
Preferred Stock	14.8%
Common Stock and Surplus	38.2%

Mr. Reis then endeavored to assess the cost of each type of capital.

Commencing with the present outstanding long-term indebtedness, the average cost of debt capital was mathematically determined at 3.66%, on the basis of the actual cost of the various issues that the Company now has outstanding. Since, however, the debt had been projected for several years, the witness estimated an increase of .22% in cost of long-term debt in 1962, resulting in a total cost of debt capital of 3.88%.

According to the plans of the Company, it is not anticipated that any additional Preferred Stock will be issued; thus the cost of capital derived from Preferred Stock was mathematically determinable as 4.58%.

In a determination of the cost of Common Equity, the witness relies upon the theory of earnings price ratio, which is the ratio between earnings per share to net price received by the issuing Company, after deducting underwriting discounts and all other expenses.

This would result in the earnings net proceeds ratio. To the earnings net proceeds ratio, the witness asserts there must be included a speculative expectation of investors who buy stock on a basis not only of present earnings, but on a basis of growth and future earnings. Mr. Reis likewise adds 10% for financing expense.

It was his observation that the Public Service Company, although operating in a growth area, and experiencing growth itself, did not have a growth in earnings comparable to other companies. That he illustrates in his Exhibit No. 41.

Consistent with his former theories, the witness advocated a consideration of other factors, because of his opinion that the earnings net proceeds ratio, as conventionally computed, supplies only an estimate of a partial cost of capital, rather than the actual cost, and that investor-anticipation must be considered.

The witness thus gives consideration to the earnings price ratio; earnings net proceeds ratio and investor-anticipation, in order to calculate the cost of Common Equity.

On Schedules 24 and 25 of Exhibit 41, the witness averaged the earnings net proceeds ratio, adjusted 10% for financing costs, for sixteen utility companies which the witness used as a yardstick, from 1948 to 1958, which resulted in an average for these companies of 9.3%. During the same period, the witness analyzed the cost of Common Equity for the Public Service Company, with the resultant cost of 8.9%, unadjusted, however, for distortions that would result by the former ownership of 15% of the Common Stock of Colorado Interstate Gas Company by the Company, which was disposed of in approximately 1956. On the basis of this analysis, it was the witness' opinion that the actual cost of Common Equity was 9.3%. Applying the judgment factor thereto, on investor-anticipation of future earnings, it was the witness' opinion that a cost of 10% to 15% should be added to the 9.3%, which, when averaged, resulted in a cost of Common Equity of 10.5%. This, when applied to the average ratios of the securities and the capital structure of the corporation, had the following results:

<u>Type of Capital</u>	<u>Proportion of Total</u>	<u>Cost of each Type of Capital</u>	<u>Proportionate Cost</u>
Long-Term Debt	47.0%	3.88%	1.82%
Preferred Stock	14.8%	4.58%	.68%
Common Stock and Surplus	38.2%	10.5%	4.01%
Total Cost of Capital -			6.51%

It was the witness' conclusion that 6.5% is a minimum reasonable allowance for the Company's cost of capital, but that it did not take into consideration the costs which were unforeseen. These elements require the application of "informed judgment" based upon objective data, which includes competition in the money market with non-regulated enterprises, lag in adjusting rates, attrition, the fact that the cost of capital has been measured over a period of relatively high business activity and investor confidence, and recognition for good management.

Taking these factors into consideration, the witness applied an additional .25% to achieve what was, in his opinion, a rate of return of 6.75% as a reasonable rate of return for the Company.

Testimony regarding cost of money and fair rate of return on behalf of the Staff of the Commission was supplied by David A. Kosh, Expert, of Washington, D. C. He held the same basic fundamental theories on the necessity for a reasonable rate of return to attract capital as is generally held by all of the experts throughout the country. In his opinion, the fundamental factors that determine the cost of capital -- regardless of its form, whether it be debt or equity -- is essentially determined in principal by considerations of pure rate of interest and the compensation for subjecting one's capital to uncertainty, and that these two components resulted in the cost of capital. It was his theory that the higher the uncertainty, the higher the cost of capital, but that uncertainty is not measurable as such, and that investors do consider and analyze various factors which affect uncertainty that enables them to apply subjective opinion, or informed judgment, as to the relative uncertainty or

potentiality of an investment. It was the approach of Mr. Kosh that there must be a consideration of factors which affect uncertainty, and by qualitative consideration of these factors, determine which companies present an investment opportunity of similar uncertainty or potentiality to that of applicant Company here, in order to arrive at an accurate cost of capital, and thereby a fair rate of return.

In the opinion of Mr. Kosh, the capitalization of the Company is likewise an important factor to be considered, since he deems it desirable to attain a balanced capital structure which will provide debt with adequate protection, and yet will contain sufficient leverage so that equity earnings are sufficient, but not so volatile as to become speculative gambles.

Therefore, in his opinion, in determining the costs of debt and equity, he advocates that we must be mindful of the capital structure with which those costs are to be used, and that the cost rates of debt and equity must be consistent with capital structure.

In the opinion of Mr. Kosh, cost of capital includes not only the "bare bones" cost with which to service the various types of securities issued by the Company, but it must provide a sufficient margin of safety so as to constitute a fair rate of return in order to enable the Company to meet the cost of maintaining existing capital committed to the enterprise, to obtain additional capital in the competitive money markets on reasonable terms, and to maintain the credit and financial integrity of the Company. He emphasized that the resulting fair rate of return be determined consistent with the type of rate base, that is original cost, etc.

It was the ultimate conclusion of Mr. Kosh that in the matter of determining a fair rate of return, attempts must be made to measure, insofar as possible, verification of each theoretical hypothesis, and in the over-all picture, to be fully cognizant of the applicable virtues and limitations of available measurements and data.

In his analysis of the cost of capital at the end of the test year, Mr. Kosh calculated that there was \$135,000,000 in various issues of outstanding debt, at a cost of 3.53%, excluding imbedded costs. He refers to the imbedded costs as the unamortized cost of bonds no longer outstanding. Including imbedded cost, he finds a cost of debt of 3.66%, or the same as the present cost of debt found by Mr. Reis, witness for the Company, but excluding the .22% cost of future debt included by Mr. Reis.

On Preferred Stock, Mr. Kosh concluded that the present amount outstanding of \$50,000,000 carried a cost of 4.50%, excluding imbedded costs.

With reference to the cost of Common Equity, Mr. Kosh made a detailed analysis of sixteen comparable electric operating companies and eleven comparable gas distribution companies, and made an exhaustive analysis of price earnings ratio, the ratio of market price to book value, and dividend pay-out ratio. After all of this analysis, and adding pressure factors, including imbedded costs, it was Mr. Kosh's conclusion that the cost of Common Equity to the Company was 8.75%.

With reference to the imbedded costs, Mr. Kosh is of the opinion these costs may be handled in one of two ways. One is to allow a cost rate of debt in excess of actual interest cost -- that is, using the cost of debt of 3.66%, rather than 3.53%. An alternative way to cover the imbedded cost is to allow a higher rate of equity earnings and higher retention of these earnings, via a lower dividend pay-out. Thus, while Mr. Kosh made no adjustment to the cost of Preferred Stock, his opinion as to cost of Common Equity was approximately 7.7%, but by making the adjustments for imbedded costs, he arrived at a cost of Common Equity of 8.75%.

Calculating the capital structure on an average between the years 1960 to 1962, at a debt ratio of 50%, a Preferred Stock ratio of 15% and Common Equity ratio of 35%, Mr. Kosh calculated the following results:

<u>Type of Capital</u>	<u>Capital Structure</u>	<u>Cost Rate</u>	<u>Pro Rata Cost</u>
Debt	50%	3.93%	1.97%
Preferred	15%	4.50%	.68%
Equity	35%	8.75%	3.06%
Total -			5.71%

It was the conclusion of Mr. Kosh that on the basis of this cost of capital, a fair rate of return on original cost would be 5.75%.

The Commission likewise had the advantage of hearing testimony from James K. McIntosh, an employee of the United States of America, who used the same ratios of securities and capital structure that existed at the end of the test period, and it was his conclusion that the cost of Common Equity for the Company was 8.58%; that the cost of Preferred Stock and debt was approximately the same as that found by Mr. Kosh and Mr. Reis, exclusive of imbedded costs, which resulted in a cost of capital of 5.43%. The United States of America, however, declined to render an opinion on reasonable rate of return.

We do not deem it incumbent upon this Commission to accept or reject the painstakingly thorough, exhaustive analysis, financial theories or conclusions of any of the very able expert witnesses who presented their testimony to the Commission.

There is a basic and patently manifest conclusion that we draw from the testimony of all of these witnesses -- regardless of how it may have been expressed. To this Commission, it is apparent that it is possible to determine actual costs in the past -- that is, on a test-year basis -- but that the future is uncertain, and that an informed judgment must be applied thereto, in order to estimate the future. Another fact that is equally apparent, however, is that no person is able to predict even general trends beyond the immediate future, let alone to mathematically and accurately determine what the result will be.

Suffice it to say that the Commission is given the choice, on the basis of the admissions of these experts who apply judgment factors themselves, of selecting a cost of Common Equity somewhere between 8.58% and 10.5%; of either including or excluding imbedded costs on debt and Preferred Stock, and of calculating a fair rate of return somewhere between 5.75% and 6.75%.

The use of a test period as a guide for determining future rates has been well accepted and followed in the United States. It is true that an "informed judgment" must be applied to make adjustments to the results of a test period study to achieve an equitable "end result" but we believe that the validity of the test period is a sound basis and starting point.

The informed judgment which we are to apply to the future, we feel deals primarily with the attrition and erosion factors, which are intangible and unpredictable with certainty, but we are of the opinion that they are of sufficient importance to warrant separate discussion hereinafter.

In order to arrive at a fair rate of return which we shall allow to the Company, we shall take the conditions as they existed at the end of the test year, as to capital structure, and as to cost of capital. The result thereof will be the fair rate of return we are allowing to the Company. We may make additional allowances for attrition, but in so doing, we are not specifying that these additional allowances are imbedded in the fair rate of return; rather, we are of the opinion that the additional allowances will be necessary in order to enable the Company to achieve the fair rate of return which we will now find.

Adopting this procedure, therefore, we find that at the end of the test year, the Company's consolidated capital structure was as follows:

<u>Type of Capital</u>	<u>Proportion of Total</u>	<u>Cost of each Type of Capital</u>	<u>Proportionate Cost</u>
Long-term Debt	48.7%	3.66%	1.782%
Preferred Stock	17.3%	4.58%	.792%
Common Equity	34%	10.50%	3.570%
Total -			6.144%

It will be observed from our proportionate cost of the respective types of capital in the above analysis that we are using substantially all of the costs as found by Mr. Reis, the expert witness for the Company, and we have included in the cost of debt, and of Preferred Stock, the imbedded costs which were used by Mr. Reis, and which were approved as one method by Mr. Kosh. We have eliminated from the cost of debt as found by Mr. Reis, .22% as future cost of debt as being inconsistent with our basic principle of determining the actual cost of capital as it existed at the end of the test period, and on the basis of ratios of the various securities in the capitalization of the Company.

It will be observed that as a result of our calculations, we find that this results in a total rate of return of 6.15%.

Being cognizant of the fact that the pure mathematical determination of cost of money does not necessarily represent the fair rate of return, we have analyzed the annual statements of the Company as to the amount of money required to service all of the long-term indebtedness outstanding as of the end of the test year, to pay interest on Preferred Stock, and to allow the Company a continued earnings of a minimum of \$2.61 per share of Common Stock, not including the earnings the Company would realize on subsidiaries, and we conclude that the total cost of capital to the Company, as of the end of the test year, amounted to \$15,416,192.

We have previously found that rate base of the Company amounted to \$250,992,867. Applying a rate of return of 6.15% to this rate base, we find that the revenue produced is \$15,436,061,

which is slightly in excess of the amount required by the Company, as of the end of the test period, to service its indebtedness, pay Preferred dividends, and maintain earnings on Common Equity in excess of (when subsidiary profits are considered), its earnings as of the end of 1959, which, incidentally, were the second highest in the period from the year 1950 to the year 1959. On the basis of this, employing the calculations of the Company's own expert, we are compelled to the conclusion that a rate of return of 6.15% on a rate base of \$250,992,867 is a fair rate of return for the Company, and that the Company should be allowed to charge rates that will produce revenues resulting in this rate of return.

Attrition and Erosion Factors

As we have previously indicated, we deem the use of the test-year basis as a sound foundation to determine a fair rate of return. We are not unmindful, however, of the fact that there are attrition and erosion factors which operate upon the earnings and cost of money that tend to reduce the fair rate of return. In other words, because of these factors, the rate of return would immediately tend to drop below the 6.15% which we have found as a reasonable rate.

The factors that are involved, in our opinion, are delay in effecting a rate increase from the time of the filing of the application by the Company, increasing costs of money and of other operating expenses, and attrition. By "attrition," this Commission means the effect of the increased costs of installing new plant, which has the effect of increasing the rate base in the future, but without the corresponding effect of producing revenue equal to that produced per dollars expended in plant installed in the past. In effect, when a company installs new plant, it must invest more dollars to produce the same number of dollars of revenue that would have been produced by a similar plant several years before at less cost.

All of these factors taken together necessarily have an impact upon the Company. If the economy continues to become inflated,

operating costs, among other things, continue to mount and profits decline. We deem it our duty to endeavor to keep this slippage from becoming so pronounced that it results in deterioration in the over-all financial condition of the utility company. It is inevitable that in a situation where this slippage persists, the public interest must suffer, because the company is then sent into the money market in a disadvantageous position. We must give proper effect to current economic conditions.

Analyzing the situation of the Company, it is to be noted from testimony throughout the record -- both from evidence adduced by Mr. Virtue, of the Company, and from evidence introduced by the Commission's staff -- that the Company experienced a "slippage," or an attrition or an erosion factor equal to two-tenths of 1% of rate base. This was the very minimum.

It must be observed that this attrition rate obtained, despite the fact that the Company had year-end rate base, and included in its rate base the amount in the Restricted Surplus Account which we have deducted.

We also observe that the Company had, at the end of the test year in this case, \$20,000,000 of newly-issued debt securities. It charged to cost of capital but seven or eight weeks of the annual interest on this indebtedness. Since the end of the test year to date, the Company has incurred an additional expense in cost of capital, by way of interest on these bonds, of some \$356,190, after making allowances for savings in Income Tax by virtue of this increased interest payment. This is just one of the factors of attrition and erosion that may have occurred during the so-called "lag period," from the time the Company first filed for its rate increase. Thus, using the classical tests, it is apparent to the Commission that attrition and erosion factors are in operation on this company, and will continue because of the necessary expansion of the company. Thus, it is our firm conclusion that if we do not make some allowance for this attrition, the Company cannot earn the 6.15% we have found to be a reasonable rate of return.

In order to obviate the effects of this attrition and erosion, and in order to allow the Company to earn the 6.15% as a reasonable rate of return, we shall make certain adjustments as attrition and erosion factors warrant. These adjustments will have the effect of increasing rate base and increasing rate of return. It is emphasized, however, that these adjustments are solely for the purpose of attrition and erosion, and in no way constitute the finding of this Commission as to a fair rate of return and as to the rate base that we have previously found in our discussion above.

We believe that the most appropriate procedure to adjust for attrition and erosion is to reconstruct the situation as it was during the test year and to then apply a correction for attrition factor, which we find is .2 of 1%, which correction we find to be reasonable.

Giving consideration to the fact that attrition and erosion occurred, despite the inclusion in rate base of accumulations in the Restricted Surplus Account, for purpose of correcting for attrition and erosion, only, and not for rate base purposes, we shall add the sum of \$7,365,600, previously deducted from rate base as a result of amortization of emergency facilities, and we shall add for the same purposes the sum of \$2,396,200, previously deducted from rate base as a result of accumulations in the Restricted Surplus Account by the use of liberalized depreciation. This results in a rate base of \$260,754,667, which is adjusted for attrition factors, only. We again reiterate that this is not the rate base determined by the Commission for purposes of determining a reasonable rate of return, but only for the purpose of correcting for attrition.

Accepting and finding that attrition and erosion factors have and will continue to affect the Company at the rate of two-tenths of 1% of rate of return, on rate base, we accordingly will make an adjustment in rate of return to the extent of two-tenths of 1% and add it to rate of return of 6.15% which we have previously found to be reasonable, and allow a rate of return of 6.35% on the adjusted

rate base of \$260,754,667. This will result in a return of \$16,557,921, which we believe will be sufficiently reasonable to compensate for the various attrition and erosion factors that we have enumerated, and which we believe in the reasonably foreseeable future will produce a rate of return of 6.15%.

In order to achieve net earnings of \$16,557,921, we must make allowances for Income Tax which must be paid, and which will thereby increase the operating revenue deductions.

Since the adjusted net operating earnings of the Company, as found by the Commission at the end of the test year, amounted to \$14,598,104, the increase allowed by the Commission for fair rate of return, and to compensate for attrition and erosion, including future cost of money and increased regulatory expense, results in an increase of \$1,959,817. Giving consideration to the increased revenue deductions that the Company will incur by reason of this increase in net revenues as a result of Income Taxes, our calculations result in a net increase in revenues of \$4,389,139 required by the Company to produce \$16,557,921 as net operating earnings, which, after giving effect to attrition, will produce a fair rate of return of 6.15%. In other words, because of taxes the Company must increase its operating revenues \$4,389,139 to obtain an increase for itself of \$1,959,817.

In reaching the conclusions above, we believe that we are proceeding on a more determinable basis than advocated by many of the witnesses. We have, at the same time, taken into consideration all factors presented to us by the Company as compelling justification of an increase in revenues in excess of \$10,000,000. For the reasons mentioned, we believe that a \$10,000,000 increase in revenues for the Company is not justified.

In view of the specific Findings we have made on each principal issue, and the general finding as to rate base, operating revenues, operating revenue deductions, fair rate of return and additional revenues required by the Company, we see no purpose in repeating these Findings specifically.

It will be necessary, however, to assign a specific rate base and adjusted net operating revenues for each department, in order that the Company may file appropriate rates consistent with our opinion herein.

On the basis of our Findings, on a rate base of \$260,754,667, adjusted for attrition and erosion, and excluding the Steam Department which is not involved in this hearing, we find a rate base of \$206,274,987 for the Electric Department; \$53,466,959 for the Gas Department. The Electric Department should be allowed to file rates producing gross revenues of \$54,671,366, which reflects a rate of return on adjusted rate base of 6.35%, allowing to this Department additional gross revenues of \$3,200,264.

The Gas Department shall be allowed to file rates that will produce gross revenues of \$41,288,101, which excludes \$5,178,569 of interdepartmental revenues, which will result in an increase in their present gross revenues of \$1,188,875, on the basis of 6.35% rate of return on rate base, adjusted for attrition.

O R D E R

THE COMMISSION ORDERS:

That the above stated Statement and Findings be, and they hereby are, adopted as the Findings of The Public Utilities Commission of the State of Colorado in the above-entitled action.

That Public Service Company of Colorado be, and it hereby is, ordered to file a new schedule of rates within thirty (30) days from the effective date of this Order for its Electric and Gas Departments, to produce the revenues for said departments, as set forth in the above Findings.

This Order shall become final twenty (20) days hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 27th day of May, 1960.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PHYLLIS I. LUNN, EXECUTRIX OF THE)
ESTATE OF RAYMOND H. LUNN, JR.,)
DOING BUSINESS AS "RAY'S ASH AND)
TRASH SERVICE," 241 RIVERSIDE DRIVE,) APPLICATION NO. 17743-Transfer
LITTLETON, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 3906 TO G. K.)
LENDERINK, DOING BUSINESS AS "RAY'S)
ASH AND TRASH COMPANY," 1770 SOUTH)
WASHINGTON STREET, DENVER, COLORADO.)

May 25, 1960

Appearances:: John Shafroth, Esq., Denver,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Phyllis I. Lunn, Executrix of the Estate of Raymond H. Lunn,
Deceased, doing business as "Ray's Ash and Trash Service," Littleton,
Colorado, is the owner and operator of PUC No. 3906, authorizing:

transportation of ashes, trash, and other
waste materials, between points within the
City of Englewood, Colorado, and from
points within the City of Englewood, Colo-
rado, to regularly-designated and approved
dumps and disposal places;

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

By the instant application, said certificate-holder seeks
authority to transfer said PUC No. 3906 to G. K. Lenderink, doing
business as "Ray's Ash and Trash 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, May 12, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Phyllis I. Lunn, Executrix of the Estate of Raymond H. Lunn, Jr., Deceased, testified in support of the application in her representative capacity as Executrix. The sale was approved by the Court. There are no debts against the certificate or operation thereunder.

G. K. Lenderink, the transferee, also testified in support of the application as to his experience in the trucking business.

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 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 Phyllis I. Lunn, Executrix of the Estate of Raymond H. Lunn, Jr., Deceased, doing business as "Ray's Ash and Trash Service," Littleton, Colorado, be, and she hereby is, authorized to transfer all right, title and interest in and to PUC No. 3906 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to G. K. Lenderink, doing business as "Ray's Ash and Trash 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,

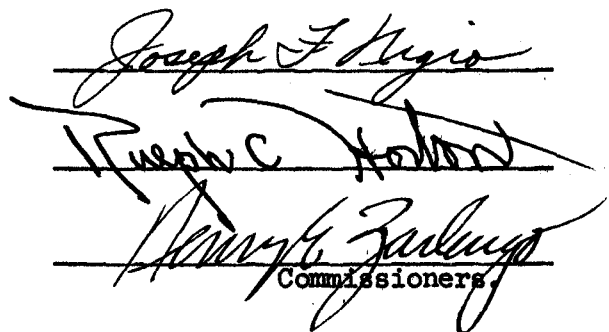
but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. 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 25th day of May, 1960.

mls

original

(Decision No. 54369)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE WITHDRAWAL OF)	
THE RAILWAY EXPRESS AGENT AT)	INVESTIGATION AND SUSPENSION
MERINO, COLORADO.)	<u>DOCKET NO. 419</u>
-----)	

May 26, 1960

S T A T E M E N T

By the Commission:

On July 8, 1959, under Decision No. 52646, the Commission authorized Chicago, Burlington and Quincy Railroad Company and Union Pacific Railroad Company to withdraw the agent from the station of Merino, Logan 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. L. A. Hardman, Superintendent, Railway Express Agency, Incorporated, Omaha, Nebraska, for authority to correct its tariffs, by showing the Merino Agency closed and express for that point waybilling to Atwood, Colorado.

In support of the request the following reasons are submitted:

"The Railway Express Agency office at Merino has been joint with the C.B. & Q. and U. P. Railroads, their Agent serving as Agent for Railway Express and payment also being made on a commission basis at the rate of 10% of the gross express revenue which is in accordance with the Standard Express Operations Agreement between the Railway Express Agency and the Railroads.

"Since the date the Railroad Agent was withdrawn, Railway Express has been without an Agent at Merino, due to the fact we have been unsuccessful in securing anyone to serve as Agent. Since July 28, 1959, it has been necessary for Railway Express to embargo shipments destined to Merino and during that time we have not received any complaints from the customers previously served at Merino."

F I N D I N G S

THE COMMISSION FINDS:

The above Statement is hereby made a part hereof by reference.

That all of the applicable tariffs of the Railway Express

Agency, Incorporated, should be corrected, showing the Merino Agency closed and express for that point waybilling to Atwood, Colorado.

That said changes should be made effective June 15, 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:

The changes in the applicable tariffs referred to in our Findings shall be made effective June 15, 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.

In making the necessary changes in the tariffs reference shall be made to this decision as authority for such action.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Ralph C. Horton
Samuel E. Zaidenko
Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1960.

ea

original.

(Decision No. 54370)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 17472

May 26, 1960

S T A T E M E N T

By the Commission:

On January 27, 1960, under Decision No. 53791, the Commission authorized Union Pacific Railroad Company to withdraw its agent from the station at Iliff, Logan 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. L. A. Hardman, Superintendent, Railway Express Agency, Incorporated, Omaha, Nebraska, for authority to correct its tariffs, by showing the Iliff Agency closed and express for that point waybilling to Sterling, Colorado. In support of the request the following reasons are submitted:

"The Railway Express Agency office at Iliff has been joint with the U. P. Railroad, their Agent serving as Agent for Railway Express and compensation for express work has been made on a commission basis at the rate of 10% of the gross express revenue which is in accordance with the Standard Express Operations Agreement between the Railway Express Agency and the Railroad.

"Since the date the Railroad Agent was withdrawn, Railway Express has been without an Agent at Iliff due to the fact we have been unsuccessful in securing anyone to serve as Agent. Since January 31st it has been necessary for Railway Express to embargo shipments destined to Iliff and during that time we have not received any complaints from the customers previously served at Iliff."

F I N D I N G S

THE COMMISSION FINDS:

The above Statement is hereby made a part hereof by reference.

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

That said changes should be made effective June 15, 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:

The changes in the applicable tariffs referred to in our Findings shall be made effective June 15, 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.

In making the necessary changes in the tariffs reference shall be made to this decision, as authority for such action.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Holton
Amos E. Zallinger
Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK W. HARRINGTON, J. L. HARRING-)
TON, M. F. HARRINGTON, AND C. M.)
HARRINGTON, CO-PARTNERS, DOING BUSI-)
NESS AS "J. J. HARRINGTON SONS,")
P. O. BOX 534, PHILLIPS, TEXAS, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO MERLE F. HAR-)
RINGTON AND CLAUDE M. HARRINGTON,)
CO-PARTNERS, DOING BUSINESS AS "J.)
J. HARRINGTON SONS," P. O. BOX 1230,)
BORGER, TEXAS.)

PUC NO. 1793-I-Transfer

May 25, 1960

S T A T E M E N T

By the Commission:

Heretofore, Frank W. Harrington, J. L. Harrington, M. F. Harrington, and C. M. Harrington, co-partners, doing business as "J. J. Harrington Sons," Phillips, Texas, were 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 high-ways cross the same,

said operating rights being known as "PUC No. 1793-I."

Said certificate-holders now seek authority to transfer said operating rights to Merle F. Harrington and Claude M. Harrington, co-partners, doing business as "J. J. Harrington Sons," Borger, Texas.

The records and files of the Commission fail to disclose any reason why said request 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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Frank W. Harrington, J. L. Harrington, M. F. Harrington, and C. M. Harrington, co-partners, doing business as "J. J. Harrington Sons," Phillips, Texas, be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 1793-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Merle F. Harrington and Claude M. Harrington, co-partners, doing business as "J. J. Harrington Sons," Borger, 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
Joseph C. Holmes
Henry E. Zuluaga
Commissioners

Dated at Denver, Colorado,
this 25th day of May, 1960.

mls

original

(Decision No. 54372)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JESS EDWARDS, INC., P. O. BOX 2287,)	
CORPUS CHRISTI, TEXAS, FOR AUTHOR-)	
ITY TO TRANSFER PERMITS NOS. B-4563)	APPLICATION NO. 17717-PP-Transfer
AND B-4563-I TO PRICHARD TRANSFER,)	
INC., PRICE, UTAH.)	

May 25, 1960

Appearances: John H. Lewis, Esq., Denver,
Colorado, and
Fred L. Finlinson, Esq.,
Salt Lake City, Utah, for
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Jess Edwards, Inc., Corpus Christi, Texas, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, in interstate and intrastate commerce, of:

machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and other products and by-products; also machinery, materials, equipment and supplies used in connection with construction, operations, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe; between points, and from point to point, within a radius of eighty miles from the intersection of U. S. Highway No. 550, with the Colorado-New Mexico State Line, interstate operating rights being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended,

said operating rights being known as "Permits Nos. B-4563 and B-4563-I."

Said certificate-holder now seeks authority to transfer said Permits Nos. B-4563 and B-4563-I to Prichard Transfer, Inc., Price, Utah.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, April 27, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Loring Brown, Traffic Manager of transferor herein, appeared and testified in support of the application, stating transferor has been continuously operating under Permits Nos. B-4563 and B-4563-I since granted by the Commission; that the consideration for transfer of said operating rights is the sum of \$1,100; that there are no outstanding unpaid operating obligations against said permits.

Report of said Examiner further states that Bert L. Prichard, President and General Manager of Prichard Transfer, Inc., transferee herein, also appeared at the hearing and testified in support of the instant application, stating transferee has been in the trucking business since 1947; that transferee has ample and suitable equipment, as shown by Exhibit No. 1, and sufficient net worth, as shown by Exhibit No. 2, to carry on operations under said permits. He identified and offered in evidence certified copy of Articles of Incorporation of Transferee.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

That Jess Edwards, Inc., Corpus Christi, Texas, be, and hereby is, authorized to transfer all right, title, and interest in and to Permits Nos. B-4563 and B-4563-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Prichard Transfer, Inc., Price, Utah, 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 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 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 Com-

mission, 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 up to the time of transfer of said permits.

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

That transfer of interstate operating rights hereun authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph G. Hoban
Blaise E. Zalusko
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1960.

mls

original

(Decision No. 54373)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAILWAY EXPRESS AGENCY, INCORPORATED,)
EXPRESS ANNEX, UNION TERMINAL BUILD-)
ING, DENVER, COLORADO, TO WITHDRAW)
ITS AGENCY AT SILT, COLORADO.)
- - - - -)

APPLICATION NO. 16906

- - - - -
May 26, 1960
- - - - -

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 6 of this Commission's "Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado," Railway Express Agency, Inc., by Oren F. Lewis, Superintendent, filed its Petition requesting authority to permanently close the Railway Express Agency office in the Town of Silt, Garfield County, Colorado, and to handle future express service from the Agency office at Rifle, Colorado.

Silt is on the main line of The Denver & Rio Grande Western Railroad Company, serving from Denver through Glenwood Springs, to Grand Junction, Colorado, and is located seven miles easterly from Rifle, Colorado.

Applicant reports that in recent years there have been changes in the methods of merchandising and distribution that have seriously reduced the volume of express handled over its whole system. The necessity for system-wide economies has called for a closer examination of the activities of all stations. During the year 1958, Total Revenue at the Silt station was \$220.22, of which 10%, or \$22.02, was paid to the local agent as commission. Number of shipments averaged five per month for the year.

Investigation by the Commission has confirmed the low volume of business. It appears that since closing of the Rio Grande station

at Silt (Decision No. 49770, March 6, 1958), the Express business has been handled by Mr. L. C. Peyton, as a local Merchant Agent. Mr. Peyton operates a local garage and repair shop. He reported there is no need for an agent service and that it is necessary for him to contact the agent at Rifle when any inquiries are made to him. Service is offered by Rio Grande Motor Way, Inc., trucks on a route operating between Glenwood Springs and Grand Junction, Colorado.

The Rio Grande trucks operate as a supplementary rail service between open stations and those areas where no rail stops are made. In this case, the nearest station will be at Rifle where an agent is on duty seven days per week from 8:30 A. M. to 4:30 P. M., and from 8:30 P. M. to 4:30 A. M.

After a consideration of the facts concerning the instant request, it appears that Railway Express is desirous to maintain a delivery service into Silt according to its customary P.O.O.R. (Put Off at Owner's Risk) practice when handled on prepaid basis, but that economies of operation can be developed by handling tariffs and reports from the rail station at Rifle. It appears that the proposed change has received public notice in the area. Since no protests have been forwarded to this agency, 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 the Commission is informed in the instant matter.

That the foregoing Statement be made a part hereof.

That there is not sufficient necessity to maintain an independent Express Agency Office at Silt, Colorado.

That transfer of the office services from Silt to Rifle, Colorado, is compatible with the public convenience and necessity of the area.

That enroute delivery service of express shipments be provided on the standard basis of "Put Off at Owner's Risk."

O R D E R

THE COMMISSION ORDERS:

That Railway Express Agency, Inc., Denver, Colorado, be,
and it hereby is, authorized to close its Agency Office at Silt,
Colorado, and to thereafter offer service from Rifle, Colorado, in
accordance with appropriate tariff postings:

Silt, Colorado - Office Closed,
Waybill to Rifle, Colorado,

and reference shall be made to this decision as authority therefor.

That the change in service shall be made effective on notice
to this Commission and the general public by not less than one (1)
day's filing and posting of new schedules in the customary manner.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Harold C. Nolan
Henry E. Zank
Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1960.

ea

original

(Decision No. 54374)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 16908</u>
RAILWAY EXPRESS AGENCY, INCORPORATED,		
EXPRESS ANNEX, UNION TERMINAL BUILD-		
ING, DENVER, COLORADO, TO WITHDRAW		
ITS AGENCY AT DEBEQUE, COLORADO.		

May 26, 1960

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado, Railway Express Agency, Inc., by Oren F. Lewis, Superintendent, filed its Petition requesting authority to permanently close the Railway Express Agency office in the Town of DeBeque, Mesa County, Colorado, and to handle future express service from the Agency office at Palisade, Colorado.

DeBeque is on the main line of The Denver & Rio Grande Western Railroad Company, serving from Denver through Glenwood Springs to Grand Junction, Colorado, and is located twenty miles easterly from Palisade, Colorado.

Applicant reports that in recent years there have been changes in the methods of merchandising and distribution that have seriously reduced the volume of express handled over its whole system. The necessity for system-wide economies has called for a closer examination of the activities of all stations. During the year 1958, Total Revenue at the DeBeque station was \$170.11, of which 10%, or \$17.02 was paid to the local agent as commission. Number of shipments averaged two per month for the year.

Investigation has confirmed the low volume of business. It appears that since closing of the Rio Grande Station at DeBeque,

(Decision No. 49768, March 5, 1958) the Express business has been handled by Mr. S. E. Wilbur, as a local Merchant Agent. Mr. Wilbur operates the local Drug Store. He reported the express business is for his store and there is no need for an agent service at DeBeque. Service is offered by Rio Grande Motor Way, Inc. trucks on a route operating between Glenwood Springs and Grand Junction, Colorado; the westbound stop is made between 3:00 and 4:00 P. M., and east bound at 8:00 A. M.

The Rio Grande trucks operate as a supplementary rail service between open stations and those areas where no rail stops are made. In this case, the nearest station will be at Palisade, with truck handling from the Grand Junction terminal.

After a consideration of the facts concerning the instant request, it appears that Railway Express is desirous to maintain a delivery service into DeBeque according to its customary P.O. O.R. Practice (put off at owner's risk) when handled on prepaid basis, but that economies of operation can be developed by handling tariffs and reports from another rail office. It appears that the proposed change has received public notice in the area. Since no protests have been forwarded to this agency, 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 the Commission is informed in the instant matter.

That there is not sufficient necessity to maintain an independent Express Agency Office at DeBeque, Colorado.

That transfer of the office services to another rail office is compatible with the public convenience and necessity of the area.

That en-route delivery service of express shipments will be provided on the standard basis of "Put Off at Owners Risk" by Rio Grande Motorway Service operating to and from the Grand Junction

terminal.

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

O R D E R

THE COMMISSION ORDERS:

That Railway Express Agency, Inc., Denver, Colorado, be, and it hereby is, authorized to close its Agency Office at DeBeque, Colorado, and to thereafter offer delivery service from Grand Junction, Colorado, in accordance with appropriate tariff postings:

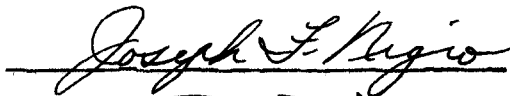
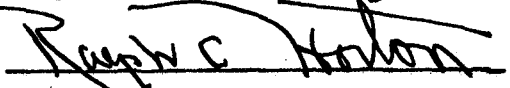
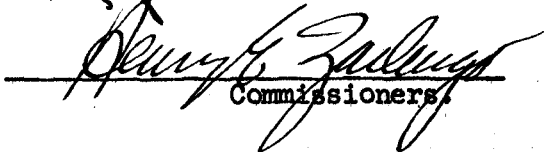
DeBeque, Colorado - Office Closed,
Waybill to Grand Junction, Colorado,

and reference shall be made to this decision as authority therefor.

That the change in service shall be made effective on notice to this Commission and the general public by not less than one (1) day's filing and posting of new schedules in the customary manner.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1960.

ea.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. H. BOWMAN AND FLOYD BOWMAN,)
DOING BUSINESS AS, "BOWMAN)
BROTHERS", 3413 ARTHUR STREET,)
WICHITA FALLS, TEXAS.)

PUC NO. 3765-I

June 8, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from D. H. Bowman and
Floyd Bowman, doing business as, "Bowman Brothers", Wichita Falls, Texas

requesting that Certificate of Public Convenience and Necessity No. 3765-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. 3765-I heretofore issued to D. H. Bowman
and Floyd Bowman, doing business as, "Bowman Brothers", Wichita Falls, Texas

be, and the same is hereby, declared cancelled effective May 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Roden
Henry E. Zullinger
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SUCCESS MINING AND EXPLORATION COM-)
PANY, INCORPORATED, P. O. BOX 15,)
IDAHO SPRINGS, COLORADO.)
-----)

PERMIT NO. M-15008

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Success Mining and
Exploration Company, Inc., Idaho Springs, Colorado
requesting that Permit No. M-15008 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15008, heretofore issued to Success Mining and
Exploration Company, Inc., Idaho Springs, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zwick
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT J. THOMPSON, DOING BUSINESS)
AS, "WORTH AA EGG FARM", 4242 BROAD-)
WAY, BOULDER, COLORADO.)
-----)

PERMIT NO. M-12794

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert J. Thompson,
doing business as, "Worth AA Egg Farm", Boulder, Colorado
requesting that Permit No. M-12794 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12794, heretofore issued to Robert J. Thompson,
doing business as, "Worth AA Egg Farm", Boulder, Colorado be,
and the same is hereby, declared cancelled effective April 4, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Negro
Charles C. Roden
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GENE CRUTCHER AND RAY BURKE, DOING)
BUSINESS AS, "BURKE AND CRUTCHER",)
1114 SOUTH OCHOA STREET, EL PASO,)
TEXAS.)
-----)

PERMIT NO. M-10015

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gene Crutcher and
Ray Burke, doing business as, "Burke & Crutcher", El Paso, Texas
requesting that Permit No. M-10015 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10015, heretofore issued to Gene Crutcher and Ray
Burke, doing business as, "Burke & Crutcher", El Paso, Texas be,
and the same is hereby, declared cancelled effective May 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm. E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT B. SIMPSON, JR., ROUTE 1 BOX)
193, FLORENCE, COLORADO.)

PERMIT NO. M-9993

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert B. Simpson, Jr.,
Florence, Colorado

requesting that Permit No. M-9993 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9993, heretofore issued to Robert B. Simpson, Jr.,
Florence, Colorado be.

and the same is hereby, declared cancelled effective January 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Tigro
 Ralph C. Horton
 Henry E. Zalusky
 Commissioners

Dated at Denver, Colorado,

this 8th day of June, 19~~5~~60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE R. PARKER, SIBYL I. AND LELAND)
O. SHAFFER, DOING BUSINESS AS,)
"DAIRY GOLD FOODS COMPANY", 222)
LA PORTE, FORT COLLINS, COLORADO.)
-----)

PERMIT NO. M-6774

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Claude R. Parker,
Sibyl I. and Leland O. Shaffer, dba "Dairy Gold Foods Company", Fort Collins, Colorado
requesting that Permit No. M-6774 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6774, heretofore issued to Claude R. Parker, Sibyl I.
and Leland O. Shaffer, dba "Dairy Gold Foods Company", Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Negro
Joseph C. Hobson
Henry L. Zuehlke
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CECIL STEELE, HOLBROOK,)
NEBRASKA.)

PUC NO. 3457-I

June 8, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Cecil Steele,
Holbrook, Nebraska
requesting that Certificate of Public Convenience and Necessity No. 3457-I
be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3457-I heretofore issued to Cecil Steele,
Holbrook, Nebraska

be, and the same is hereby, declared cancelled effective April 16, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,

this 8th day of June, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
F. C. AYRES MILLING AND GRAIN COM-)
PANY, P. O. BOX 5006, TERMINAL ANNEX,)
DENVER 17, COLORADO.)
-----)

PERMIT NO. M-2625

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from F. C. Ayres Milling
& Grain Company, Denver 17, Colorado

requesting that Permit No. M-2625 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2625, heretofore issued to F. C. Ayres Milling &
Grain Company, Denver 17, Colorado be,
and the same is hereby, declared cancelled effective May 2, 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 8th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. C. AYRES MILLING AND GRAIN)
COMPANY, P. O. BOX 5006,)
TERMINAL ANNEX, DENVER 17,)
COLORADO.)

PUC NO. 3864-I

June 8, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. C. Ayres Milling
Grain Company, Denver 17, Colorado

requesting that Certificate of Public Convenience and Necessity No. 3864-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. 3864-I heretofore issued to F. C. Ayres
Milling & Grain Company, Denver 17, Colorado

be, and the same is hereby, declared cancelled effective May 2, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Negro
Joseph C. Hobart
Henry L. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 8th day of June, 19 60.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54384)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAMUEL J. AND VERA B. SHAW,)
SOUTH FORK, COLORADO.)

PERMIT NO. B-5648-I

June 8, 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-5648-I 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 Samuel J. and Vera B. Shaw, South Fork, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5648-I 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 J. Negro
Commissioners

Dated at Denver, Colorado,
this 8th day of June, 19 60.

hc

original

(Decision No. 54385)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. C. WILLIAMS, INC., RUSSELL,)	
KANSAS, FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY, AUTHOR-)	APPLICATION NO. 17748-Extension
IZING EXTENSION OF OPERATIONS UNDER)	
PUC NO. 1454 AND PUC NO. 1454-I.)	

May 26, 1960

Appearances: James J. Delaney, Esq.,
Denver, Colorado, for
Applicant;
Marion F. Jones, Esq.,
Denver, Colorado, for
B. F. Walker, Inc.,
Neff Trucking Co.,
Inc., Cornelius Trans-
fer, and Stanton
Transportation Company;
Barry and Boyle, Esqs.,
Denver, Colorado, for
Turner Trucking Company,
and L. C. Jones Trucking
Company;
Truman A. Stockton, Jr.,
Esq., Denver, Colorado,
for H. J. Jeffries Truck
Line.

S T A T E M E N T

By the Commission:

R. C. Williams, Inc., Russell, Kansas, the applicant herein,
is the owner of Certificate of Public Convenience and Necessity No.
1454 and No. 1454-I, which generally authorizes the following:

transportation of machinery, equipment, ma-
terials, and supplies used in, or in connec-
tion with, the discovery, development, pro-
duction, refining, manufacture, processing,
storage, transmission and distribution of
natural gas and petroleum and their products,
and machinery, materials, equipment and
supplies used in, or in connection with the
construction, operation, repair, servicing,
maintenance, and dismantling of gathering or
field lines, only, including the stringing

and picking up thereof, over irregular routes, between points and places in Baca County, Colorado; 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.

On February 23, 1960, the applicant herein filed an application with this Commission for the extension of his territory in intrastate commerce to include the Counties of Bent, Cheyenne, Kiowa, Las Animas, Otero and Prowers, all Counties being in the State of Colorado.

The above application was regularly set for hearing, and heard, on Monday, May 16, 1960, at 532 State Services Building, 1525 Sherman Street, Denver, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has had many calls and requests to perform oil field hauling services by motor transport in the oil fields of southeastern Colorado, since applicant is presently serving oil field operators and drillers immediately east of said territory, in eastern Kansas. As a result of said requests, Mr. Williams, the applicant's witness, testified his company filed the present application. The witness states it is the purpose of his company to engage in transportation of oil field commodities and equipment over irregular routes on call and demand, and at such times as may be required by the public. A list of applicant's equipment to be used in serving the area was set out by Witness Williams. A financial statement is on file with the Commission, which statement shows adequate resources and the financial ability of applicant to serve properly the area named in his application. It further appears that applicant does not intend to maintain an office or to base equipment in Colorado, but will operate out of Liberal, Kansas.

Several witnesses appeared in support of the application, stating they had used applicant's services in Kansas; that he was an excellent operator with adequate equipment. The witnesses who appeared are presently drilling or have drilled within the past eighteen months in the area asked for in the application. They testified they had used the services of Cornelius Transfer, a locally-based carrier at La Junta. From the testimony given, it appears to the Commission that the service offered by Cornelius has not been too good. The drilling company's criticism of Cornelius Transfer is due, principally, to the inadequacy of the equipment and the "know-how" of Cornelius' employees. The witnesses on behalf of applicant stated they felt they were entitled to a better and more complete service and were asking that the instant application be granted as applicant is, from their experience, a very competent carrier.

Several witnesses appeared protesting the granting of the application, among whom were C. R. Cornelius, of Cornelius Transfer, J. D. Brougham, of Neff Trucking Company, George Ocey, Jr., of B. F. Walker, Inc., and N. D. Noland, Colorado Manager of L. C. Jones Trucking Company. All of these witnesses testified as to the equipment owned by their respective companies, and their operating authority. They all agreed and so testified that any additional authority to haul oil field equipment in Colorado would jeopardize their intrastate certificates. It appears that Cornelius Transfer has been handling a major portion of the intrastate moves in the area asked for in the application. The record discloses that Cornelius Transfer is a locally-based carrier at La Junta, having general authority in Colorado, and who has some interstate authority hauling oil field equipment. Some few years ago, it appears that Cornelius entered the oil field transportation with small and limited equipment and has had some trouble in handling oil field hauls. It does appear, however,

that within the last year Cornelius has purchased additional equipment, thereby we hope improving his service, and as none of the witnesses appearing in support of application had used the service of Cornelius in the last year, we are not in a position to say that Cornelius had not improved his service. Other witnesses representing certificated carriers who appeared protesting were either domiciled at Sterling, Colorado, or Cortez, Colorado, with the exception of two carriers based at Pueblo. The two carriers based at Sterling and Cortez are not readily available for business in southeastern Colorado, and the carriers who have bases located at Pueblo are not actively in the business of hauling general oil field equipment in southeastern Colorado although authorized so to do, but are hauling pipe from the Colorado Fuel and Iron Corporation, in both intrastate and interstate commerce.

After listening to the evidence and examining the exhibits, it appears to the Commission that the oil drilling business is at a low ebb in Colorado and that carriers who have interstate authority have moved or are moving their equipment out of the State and do not have general equipment based in the State to take care of intrastate oil field needs. In the instant case, we do have a local carrier with equipment based at La Junta. The evidence indicates that this carrier has received many complaints as to his service, but for the volume of business that is available, it would appear that we have sufficient certificated carriers to take care of present needs for oil field drillers in southeastern Colorado, and we cannot see that the granting of authority to another carrier domiciled outside the State of Colorado, who will not have equipment based in Colorado, would improve the transportation situation in southeast Colorado.

In considering the application, it appears to us that our Decision No. 6846, in Application No. 2621, dated November 26, 1935, in re H. P. Lahs, is applicable here:

"The Commission on a number of occasions has held that an applicant, in order to secure a certificate of public convenience and necessity, must affirmatively show that the public convenience and necessity, as distinguished from his personal desires, requires his proposed operation, and that before a certificate of public convenience and necessity will issue for an operation which will virtually parallel existing common carrier service, a clear and affirmative showing must be made that the existing transportation facilities are inadequate or unsatisfactory, and that there is no prospect of such service being made better under the orders of the Commission.

.

"It is elementary that before the Commission will issue a certificate authorizing rendition of any given service, public convenience and necessity must be proved. The rule is less elastic where the service proposed to be rendered is a duplication of service already authorized, unless it is shown that said service is inadequate and that the carrier is not in a position to, or will not make it adequate."

After considering all of the evidence and examining the records, it appears to us that applicant has failed to show a definite need for his service and that the instant application should be denied.

F I N D I N G S

THE COMMISSION FINDS:

1. That there are duly certificated carriers now available in the area for the transportation of oil field equipment whose service although unsatisfactory is not inadequate to the degree that a new carrier should be allowed in the area.
2. That the service offered by existing common carriers could be and should be improved, as it is the opinion of the Commission that said service is not up to the standard to which the public is entitled.
3. That applicant has failed to prove public convenience and necessity and that if said application were granted, another out of State domiciled carrier would be authorized which would not parti-

cularly improve oil field carrier service in southeastern Colorado, but tend to aggravate the already depressed transportation business.

4. That the application should be denied for the reasons heretofore set forth.

O R D E R

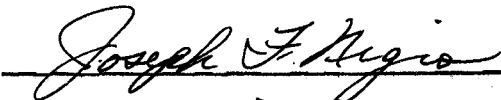
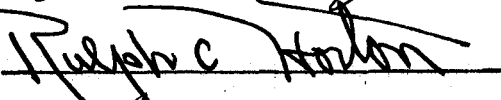

THE COMMISSION ORDERS:

1. That the instant application should be, and is hereby, denied.

2. That the oil field carriers now authorized to serve southeastern Colorado improve their service so that the public may have a complete, dependable, and adequate common carrier service for the transportation of oil field equipment.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT A. STONE AND CLARENCE E. STONE)
DOING BUSINESS AS "STONE BROTHERS",)
CENTER, COLORADO.)
_____)

PERMIT NO. M-2107

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert A. Stone & Clarence E. Stone, doing business as, "Stone Brothers", Center, Colorado requesting that Permit No. M-2107 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2107, heretofore issued to Robert A. Stone & Clarence E. Stone, doing business as, "Stone Brothers", Center, Colorado be, and the same is hereby, declared cancelled effective April 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SHERMAN DALE LITTLE, P. O. BOX 546,)
DELTA, COLORADO.)
)
)
)
-----)

PERMIT NO. M-11567

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Sherman Dale Little,
Delta, Colorado
requesting that Permit No. M-11567 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11567, heretofore issued to Sherman Dale Little,
Delta, Colorado be,
and the same is hereby, declared cancelled effective May 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 8th day of June, 1960.

original

(Decision No. 54388)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RICARDO FRESQUEZ, R. F. D. ROUTE 1,
DEL NORTE, COLORADO, FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE CAR-
RIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 17700-PP

May 26, 1960

Appearances: Richard E. Conour, Esq.,
Del Norte, 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 potatoes, hay, grain, and other farm produce, excluding livestock, from point to point within a radius of fifteen miles of Del Norte, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that Ricardo Fresquez, applicant herein, appeared at the hearing and testified in support of his

application, stating he is the owner of a 1951 Chevrolet two-ton truck, with which he proposes to conduct his operations; that he has sufficient net worth to carry on said operations; that he has had operating experience; that he has received numerous requests for his proposed service.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Ricardo Fresquez, Del Norte, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes, hay, grain, and other farm produce, excluding livestock, from point to point within a radius of fifteen miles of Del Norte, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amend-

ments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Legio
Reuben C. Horton
Henry G. Zuley
Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1960.

mls

original

(Decision No. 54389)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
FRANK J. GALLEGOS, ROUTE 2, BOX 27, }
DEL NORTE, COLORADO, FOR A CLASS "B" }
PERMIT TO OPERATE AS A PRIVATE CAR- }
RIER BY MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 17701-PP

May 26, 1960

Appearances: Richard E. Conour, Esq.,
Del Norte, 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 potatoes and hay, from point to point within a radius of twenty-five miles of Monte Vista, Colorado, except in that portion thereof lying west of a line drawn north and south seven miles east of Del Norte, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating he has sufficient equipment with which to conduct his proposed operations; that he has sufficient net worth and operating experience; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed service.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Frank J. Gallegos, Del Norte, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes and hay, from point to point within a radius of twenty-five miles of Monte

Vista, Colorado, except in that portion thereof lying west of a line drawn north and south seven miles east of Del Norte, 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
Joseph C. Horton
Alvin E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 26th day of May, 1960.

mls

original

(Decision No. 54390)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT G. RAE, DOING BUSINESS AS)
"STAR MILK LINES," 9125 WEST 35TH)
AVENUE, WHEATRIDGE, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 328)
TO BRUSH MILK LINES CO., A CORPOR-)
ATION (CHANGED TO STAR MILK LINES)
COMPANY), 812 WARNER, FORT MORGAN,)
COLORADO.)

APPLICATION NO. 17738-Transfer

IN THE MATTER OF THE APPLICATION OF)
ROBERT G. RAE, DOING BUSINESS AS)
"STAR MILK LINES," 9125 WEST 35TH)
AVENUE, WHEATRIDGE, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 2948)
TO BRUSH MILK LINES CO., A CORPOR-)
ATION (CHANGED TO STAR MILK LINES)
COMPANY), 812 WARNER, FORT MORGAN,)
COLORADO.)

APPLICATION NO. 17739-Transfer

SUPPLEMENTAL ORDER

May 31, 1960

Appearances: Robert G. Rae, Wheatridge,
Colorado, pro se, and for
transferee corporation.

S T A T E M E N T

By the Commission:

By Decision No. 54329, of date May 19, 1960, the Commission authorized Robert G. Rae, doing business as "Star Milk Lines," to transfer PUC No. 328 to Brush Milk Lines Co., a corporation, in Application No. 17738, and authorized the same transferor to transfer PUC No. 2948 to Brush Milk Lines Co., a corporation, in Application No. 17739.

The Commission has now been informed that it was the intention of the transferor to transfer both certificates to Brush Milk

Lines Co., but that the name of said transferee would be changed to Star Milk Lines Company, a corporation, which has now been done.

It appears to the Commission that this error should be corrected so that the two certificates shall stand in the name of "Star Milk Lines Co.," a corporation.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 54329, dated May 19, 1960, should be amended, as provided in the Order following.

O R D E R

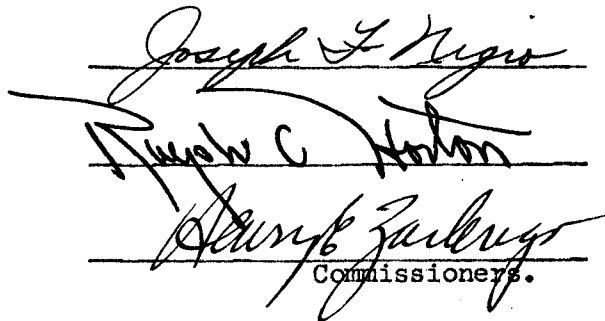
THE COMMISSION ORDERS:

That Decision No. 54329, dated May 19, 1960, be, and the same is hereby, amended, nunc pro tunc, as of said 19th day of May, 1960, by striking the name of the transferee in the Order and substituting in lieu thereof the name "Star Milk Lines Co.," so that the first paragraph of the Order shall read as follows:

"That Robert G. Rae, doing business as 'Star Milk Lines,' Wheatridge, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 328 and PUC No. 2948 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Star Milk Lines Co., a corporation, Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured."

That, except as herein amended, said Decision No. 54329 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

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

original

(Decision No. 54391)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SUNFLOWER TELEPHONE COMPANY, INC.,)
P. O. BOX 351, DODGE CITY, KANSAS,)
FOR AUTHORITY TO ACQUIRE FACILITIES)
AND SUCH RIGHTS NOW HELD BY HARTMAN)
TELEPHONE COMPANY, HARTMAN, COLO-)
RADO, AND FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
PROVIDE TELEPHONE SERVICE.)
-----)

APPLICATION NO. 17711

May 31, 1960

Appearances: Douglas B. Myers, Esq.,
Dodge City, Kansas,
for Applicant;
P. M. Brown, Denver,
Colorado, and
E. R. Thompson, Denver,
Colorado, for the
Staff of the Commission.

S T A T E M E N T

By the Commission:

This is an application by Sunflower Telephone Company, Inc. (hereinafter sometimes referred to as "Sunflower" or "Applicant"), Dodge City, Kansas, for a certificate of public convenience and necessity to render telephone service in certain areas in Cheyenne, Prowers and Kiowa Counties, Colorado, and for a transfer to Applicant of such rights, including "grandfather rights" as now held by Hartman Telephone Company, Hartman, Prowers County, Colorado.

The matter was set for hearing and was heard in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, at ten o'clock A. M., May 17, 1960, after due notice to all interested parties. At the conclusion thereof, the matter was taken under advisement.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing to protest the granting of the authority sought in this application.

Applicant is a Kansas corporation, qualified to do business in the State of Colorado, and in support thereof supplied Exhibit "A", its Articles of Incorporation, and Exhibit "B", its certificate empowering it to transact business in the State of Colorado. Applicant has, since 1954, been in the business of furnishing telephone service in Wichita, Greeley, Wallace, Ford, and Logan Counties, Kansas, which areas are east of and contiguous to the areas in Colorado for which Sunflower now seeks a certificate of public convenience and necessity.

Applicant's principal business office is Dodge City, Kansas, and the principal telephone office is at Leoti, Kansas.

Previously, Sunflower has negotiated with Robert O. Marston, Chloe Ernestine Marston, Walter L. Marston, and Ruth Elaine Marston, doing business as "Hartman Telephone Company," for the sale by the Marstons and purchase by Sunflower of the Hartman Telephone Company and its certificate of public convenience and necessity for a purchase price of \$4,500.00. Said sale, among other things, is contingent upon the approval of this Commission.

The Hartman Telephone Company serves the Town of Hartman, Colorado, and areas adjacent thereto substantially in a northerly direction from the Town of Hartman. Agreement of Sale is identified as Exhibit "D".

In determining whether or not service should be supplied in the area sought in this application, Sunflower made a complete canvass of potential subscribers to determine if there is a demand for telephone service. Two public meetings were held to further determine the attitude of the public toward the establishment of telephone service. The telephone service proposal met with acceptance and 348 subscribers have been signed to take modern automatic dial service as soon as such service is available. The long-range estimate of subscribers that may be connected to this system in Colorado indicates a maximum potential of 383.

Prior to 1954, Applicant was operated by individuals. In 1954, these individuals incorporated to form the Sunflower Telephone Company, Inc. After said incorporation, negotiations with the Rural Electrification Administration (hereinafter sometimes referred to as REA), were conducted to obtain loans to finance modern dial telephone service in the counties of Wichita, Greeley, Wallace, Ford, and Logan, in the State of Kansas. An additional loan of \$260,000 has been negotiated by Sunflower with REA to provide funds for the construction contemplated in this application. Exhibits "G" and "H" were forms of a mortgage note and a mortgage to be given by Sunflower to REA to secure repayment of the loans.

A detailed description of the area coverage study, design and construction costs were presented and are shown in Exhibit "K". The total estimated cost of the construction is \$326,000. The difference between the amount to be borrowed as shown above and the construction cost will be provided from construction funds already allocated to Sunflower by REA which remain as excess funds from prior construction. Construction will begin after Applicant receives approval from this Commission for the authority sought in this application. It is estimated it will require six to eight months to complete construction.

Approximately 280 miles of pole lines will be required to serve signed subscribers. The total area sought in this certificate, as shown on Exhibits C-1 through C-7, will be divided into three exchange areas styled as and located at Hartman, Sheridan Lake and Towner. Applicant was granted permission to substitute a corrected map, Exhibit C-7, and to make a correction by interlineation on Exhibit C-1, Page 2, the last line correcting the figure "11" to "6".

The rates proposed to be placed into effect on the beginning of the operation of the system are as follows:

Business, one party, per month	\$9.00
Business, Rural	8.00
Residential, one party, per month	6.00
Four party, Residence, per month	5.00
Rural Residence, per month	6.50

Studies made by Applicant indicate that under the above proposed rates and under the estimated expenses, a rate of return of 3.1% will be attained by the operation approximately one year after its cut-over.

The three exchanges will be interconnected with toll facilities of Mountain States Telephone and Telegraph Company at Lamar, Colorado. There now exist in the proposed area three toll stations served by Mountain States Telephone and Telegraph Company, which company will remove these facilities upon the beginning of service by Sunflower.

Two witnesses for Applicant testified that the public convenience and necessity require and will require the granting to Sunflower the authority sought in this application. They also stated their neighbors hold the same opinion. One witness has no service of any kind and in order to obtain the use of a telephone must drive a distance of 18 miles to Cheyenne Wells, Colorado. The other witness has at his business location in Sheridan Lake, one of the toll stations above referred to, but has no local service available. Upon the availability of the facilities proposed by Sunflower, the witness would discontinue the use of the toll station and thereafter take his telephone service, both local and toll, from Sunflower. Except for the above-mentioned toll stations, which will be removed upon completion of Applicant's facilities, and the service now supplied by the Hartman Telephone Company, there is no telephone service available from any other telephone utility in the area sought herein.

Mr. Robert O. Marston of the Hartman Telephone Company, stated the Marstons would continue the operation of the Hartman exchange until such time as Sunflower is ready to cut over. At this time, they will cease their operations and will make a final report to this Commission on its operations for the calendar year to the date its operations are terminated.

F I N D I N G S

THE COMMISSION FINDS:

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

That the Commission is fully advised in the premises.

That the Commission has jurisdiction over the transferors, Robert O. Marston, Chloe Ernestine Marston, Walter L. Marston and Ruth Elaine Marston, doing business as "Hartman Telephone Company."

That Applicant, Sunflower Telephone Company, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and this Commission has jurisdiction of said Applicant and of the subject matter of the instant application.

That the transfer of the Hartman Telephone Company to Sunflower Telephone Company, Inc. is in the public interest, and the approval should be granted.

That public convenience and necessity require the granting by this Commission of a certificate of public convenience and necessity as requested herein.

O R D E R

THE COMMISSION ORDERS:

That the transfer by the Hartman Telephone Company to Sunflower Telephone Company, Inc. of any certificate of public convenience and necessity now held by it, and any so-called "Grandfather Rights" be, and it hereby is, approved.

That the public convenience and necessity requires and will require the furnishing of telephone service by Sunflower Telephone Company, Inc., in the additional area sought in this application, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity for the total area described as follows:

Beginning at a point, which point lies at the Southeast corner Section 36, Township 22-South, Range 43-West; thence proceeding northerly a distance of approximately 10½ miles to the

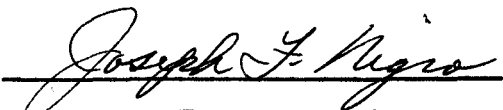
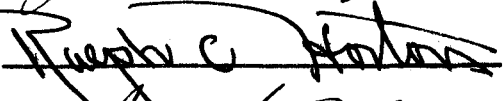
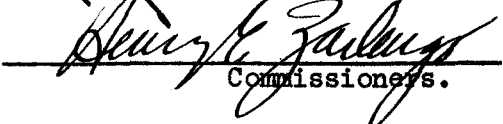
East $\frac{1}{4}$ corner Section 12, Township 21-South, Range 43-West; thence easterly a distance of approximately 8 miles to the East $\frac{1}{4}$ corner Section 8, Township 21-South, Range 41-West; thence northerly a distance of approximately $25\frac{1}{2}$ miles to the Northeast corner Section 6, Township 17-South, Range 41-West; thence westerly approximately 5 miles; thence southerly approximately 6 miles; thence westerly approximately 5 miles; thence northerly approximately 6 miles; thence westerly approximately 2 miles; thence northerly approximately 5 miles to the Northeast corner, Section 7, Township 16-South, Range 43-West; thence westerly approximately 19 miles to the Northwest corner Section 7, Township 16-South, Range 46-West; thence southerly approximately 5 miles; thence westerly approximately 3 miles; thence southerly approximately 23 miles to the Southwest corner, Section 27, Township 20-South, Range 47-West; thence easterly approximately 16 miles; thence southerly 1 mile; thence easterly approximately 6 miles to the Northwest corner, Section 4, Township 21-South, Range 43-West; thence southerly approximately 12 miles; thence easterly approximately 4 miles to the point of beginning.

That Sunflower shall set up its books of account in accordance with the Uniform System of Accounts as prescribed by this Commission for its operations within the State of Colorado, and shall so maintain its records to show its revenues and expenses within the State of Colorado separately from revenues and expenses in the remainder of its telephone system.

That not less than thirty (30) days prior to the date it expects to establish telephone service in the area heretofore described, it will file with this Commission its Tariff, Colorado P.U.C. No. 1, setting forth therein the rates, rules, regulations and extension policy under which it proposes to render service in the State of Colorado.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DRISCOLL TRUCKLINE, INC., BRUSH,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 17678-PP

May 31, 1960

Appearances: Raymond B. Danks, Esq., Den-
ver, Colorado, for Appli-
cant;
Stockton, Linville and Lewis,
Esqs., Denver, Colorado,
for Yockey Trucking Co.,
Inc., and Livestock Trans-
port, Inc.;
John P. Thompson, Esq., Den-
ver, Colorado, for Blakley
Livestock Trucking Co.,
Inc., Stockyards Livestock
Hauling Company and Dewey
Bibbey;
Edward T. Lyons, Jr., Esq.,
Denver, Colorado, For
Sorenson Truck Service.

S T A T E M E N T

By the Commission:

On February 26, 1960, Driscoll Truck Line, Inc., a Colorado corporation, filed its application for authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of livestock from points and places in the State of Colorado, to packing houses in Denver, Colorado, and feed lots near Brighton, Colorado, for National Food Stores, Inc., only.

The above application was regularly set for hearing, and heard, at the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, on April 26, 1960, at ten o'clock A. M., and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is presently the owner of Certificate of Public Convenience and Necessity No. 620, and Private Carrier Permit No. A-18, and has had approximately twenty years of experience in the hauling of livestock. The evidence further indicates that applicant is presently leasing to Kendall Transport two trucks, that is, two tractors and two trailers, which Kendall is now using to transport livestock for National Food Stores, Inc.

The record discloses that National Food Stores, Inc., is a large chain food store that operates in several states; that in its business it also operates feeding lots near Brighton, Colorado, and the meat packing plant in Denver. It appears that up to four or five years ago they used common carrier livestock carriers in transporting livestock to and from their feed lots and packing house from points and places in Colorado. The greater portion of the movement comes from northern and northeastern Colorado, but they have on occasion shipped livestock from southern Colorado.

The evidence discloses that some four or five years ago the National Food Stores, Inc., needed a type of service where the equipment was dedicated to their exclusive use, and as a result, purchased their own equipment and operated their own equipment for approximately two years. They then sold their equipment to the applicant herein, who leased the equipment to Kendall Transport, a private carrier, who stationed this equipment in Denver for the exclusive use of National Food Stores, Inc. It appears they still want an exclusive carrier and the evidence indicates they contacted the applicant herein who agreed to station three pieces of equipment in Denver to take care of their needs, and as a result, the instant application was filed.

Exhibit No. 1 discloses that applicant is the owner of some fourteen pieces of equipment, that is, tractors and trailers, and Witness Driscoll testified that he will station three outfits in Denver

if said permit is granted for the exclusive use of his only customer under his proposed authority, the National Food Stores, Inc.

Exhibit No. 2 is a financial statement of the applicant.

Witness Donaldson is a cattle buyer who is also in charge of transportation for the National Food Stores, Inc., located in Denver, who testified as to his company's need for an exclusive service. He states his company needs this type of service and will not settle for any other type of service, and if this permit is not granted, his company will have to purchase their own equipment and haul their own cattle.

Witness Boxer, a cattle feeder in Brush, Colorado, testified as to applicant's fitness and financial responsibility.

Several witnesses appeared and testified, and as to other protestants, it was stipulated as to what their evidence would be and it appears that all protestants are common carriers and have authority to haul livestock to and from Denver and the feed lot owned by National Food Stores, Inc., located near Brighton. The evidence also indicates that their equipment for hauling livestock is not busy all the time.

In determining an application for a private carrier permit, it is well to review our statutory authority. Colorado Revised Statutes, 1953, Chapter 115-11-3, provides:

"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."

From the above, it would appear that the Act makes it incumbent upon the Commission to make two primary findings of fact before a permit can be granted. It would seem that the first is a de-

termination that there are no duly "authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes." We, heretofore, have taken the view that if this negative fact can be established, then the question of impairment does not arise, but if the territory is being adequately served, then it becomes necessary, in order to sustain the granting of a permit, that the Commission secondly find that the proposed operation by any such private carrier will (not) impair the efficient public service of any authorized motor vehicle carrier or carriers then adequately serving the territory in which the applicant seeks to serve.

In the matter before us, we find a carrier who serves in a different category from those who serve the general public as common carriers and who will confine his service to one particular shipper, that is, National Food Stores, Inc., who makes with applicant a special or individual contract. This authority is recognized by our Private Carrier Act and to a certain extent protected by the Act, and the fact that the advantages of their operation do not accrue to the general public cannot, therefore, be taken as establishing that such operations are not in the public interest.

It therefore appears that National Food Stores, Inc., desires and needs the services of applicant as proposed in his application. They, at first, entered into a contract; they sent their employee charged with transportation to appear and testify in support of the application. National Food Stores, Inc., in our judgment, does not find common carrier service adequate to meet its needs as the witness stated they would have to put on their own equipment to haul their livestock if this application is denied.

In considering our second test, we cannot find from the record before us where the service of common livestock carriers now serving the area will be impaired by the granting of the application as hereinafter

limited. All protestants presently are not serving National Food Stores, Inc., nor have they served them for approximately five years. How can their service be impaired when they are not now rendering that service? We appreciate that the granting of a private carrier permit permits the hauling of commodities which, if there were no commercial carriers or private carriers available, would take business away from the common carrier, but Colorado, by legislative act and mandate, has recognized and provided for private or contract carriage, and the Commission, in our judgment, has no other alternative under the record here made than to grant the application as we interpret the Private Carrier Act.

F I N D I N G S

THE COMMISSION FINDS:

1. That applicant is qualified, both by experience and financial responsibility, to operate as a private carrier by motor vehicle for hire, for the transportation of livestock.
2. That the livestock transportation offered by the livestock common carriers who are or might be competitive with the applicant, is not adequate to take care of the needs of National Food Stores, Inc.
3. That after careful consideration of the evidence and the record, we are of the opinion and so find as a fact that the service authorized hereinafter will not impair the efficient public service of any of the protesting common carriers appearing at the hearing. It is our best judgment and opinion and we so find, as a matter of fact, that the services hereinafter authorized will not impair the efficient public service of any authorized motor vehicle common carrier or carriers of livestock adequately or inadequately serving the same territory over the same general highway route or routes.
4. That applicant is fit, willing and able to perform the aforesaid transportation service properly and to conform to the pro-

visions of the Private Carrier Act and the rules and regulations thereunder.

5. That the application for a private carrier permit should be granted for the additional findings of fact heretofore set forth in our Statement, which, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That Driscoll Truck Line, Inc., a Colorado corporation, of Brush, Colorado, be, and it is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of livestock from points within the State of Colorado to packing houses in Denver, Colorado, and to feed lots near Brighton, Colorado, for National Food Stores, Inc., only.

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

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of its 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 its compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Harry E. Zalko
Commissioners

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

original

(Decision No. 54393)

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 MODIFY AN EXISTING)
GRADE CROSSING TO PROVIDE FOR ONE-)
WAY TRAFFIC AND TO PROTECT SAME)
WITH ONE FLASHING LIGHT SIGNAL AND)
TO CONSTRUCT NEW GRADE CROSSING FOR)
TWO-WAY TRAFFIC, AND TO PROTECT)
SAME WITH FLASHING LIGHTS, ON STATE)
HIGHWAY NO. 119 ACROSS THE MAIN)
LINE TRACK OF THE COLORADO AND)
SOUTHERN RAILWAY COMPANY, 2904.1)
FEET AND 2800.7 FEET, RESPECTIVELY,)
NORTHEASTERLY OF MILEPOST 42, IN)
BOULDER COUNTY, COLORADO.)

APPLICATIONS NOS. 17481,
17481-Amended

June 1, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Adolph Zulian, Engineer of Surveys and Plans, Colorado Department of Highways, requesting dismissal of the above-styled matters, inasmuch as it is the intent of the Applicant herein to file a new application, covering the matters and things involved in the above-styled matters.

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 Applications Nos. 17481 and 17481-Amended be, and the same hereby are, 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. Negro
Joseph C. Horton
Samuel J. Zuckerman
Commissioners.

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

mls

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54394)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM R. DE QUASIE, 151)
SCENIC DRIVE, GRAND JUNCTION,)
COLORADO.)

PERMIT NO. B-5601

June 8, 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-5601 be suspended for six months from March 17, 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 William R. De Quasie, Grand Junction, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5601 until September 17, 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
Frank C. Horton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 8th day of June, 19 60.

hc

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NIEL GIBBS, GENERAL DELIVERY, FORT)	
GARLAND, COLORADO, FOR A CLASS "B")	APPLICATION NO. 17702-PP
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

June 1, 1960

Appearances: J. E. Pound, Esq.,
Alamosa, 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 forest products in Costilla County, Colorado, from forests to mill in Fort Garland, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein appeared in support of his application, testifying that he owns sufficient equipment with which to conduct his proposed operations; that he has had operating experience; that he has a net

worth of \$35,000; that he has received numerous requests for the service herein proposed.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Niel Gibbs, Fort Garland, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest products between points within Costilla County, Colorado, from forests to mills in Fort Garland, 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
Henry E. Zarlengo
Commissioners.

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

ea

reginald

(Decision No. 54396)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. J. HULSE, 310 EAST 37TH STREET,)
DURANGO, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 17712-PP-Extension
EXTEND OPERATIONS UNDER PERMIT NO.)
B-5650.)
-----)

June 1, 1960

Appearances: A. J. Hulse, Durango,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein is the owner and operator of Permit No.
B-5650, authorizing operation as a private carrier by motor vehicle
for hire, for the transportation of:

logs, from point to point within a radius of
twenty-five miles of South Fork, Colorado.

By the above-styled application, said permit-holder seeks
authority to extend operations under said Permit No. B-5650, to
include the right to transport logs, from point to point within a
radius of one hundred miles of South Fork, Colorado.

Said application was regularly set for hearing before the
Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at
ten o'clock A. M., due notice thereof being forwarded to all parties
in interest.

On April 18, 1960, the Commission, as provided by law,
designated Edwin R. Lundborg, an employee of this Commission, to
conduct the hearing on said application.

Said hearing was held at the time and place designated in the
Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the
hearing, he thereafter submitting a report of said proceedings to the
Commission.

Report of said Examiner states that applicant herein appeared at the hearing and testified in support of his application, stating he is presently operating his proposed extended service under Temporary Authority issued by this Commission; that he is the owner of sufficient equipment with which to conduct his extended operations herein requested; that he has a net worth of approximately \$8,000; that he has had operating experience; that he has received many requests for his proposed extended service.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That applicant herein should be authorized to extend operations under Permit No. B-5650, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That A. J. Hulse, Durango, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-5650, to include the right to transport logs, from point to point within a radius of one hundred miles of South Fork, Colorado.

That this Order is made part of the permit granted to appli-

cant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nease
Ralph C. Horton
Samuel Zarlingo
Commissioners.

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

ea

original

(Decision No. 54397)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE COLORADO AND SOUTHERN RAILWAY)	
COMPANY FOR AUTHORITY TO REMOVE)	
CERTAIN RAILROAD TRACKS NOT USED)	<u>APPLICATION NO. 17735</u>
AND USEFUL WITHIN THE CITY OF BOULDER,)	
COLORADO.)	
-----)	

June 1, 1960

S T A T E M E N T

By the Commission:

On April 11, 1960, The Colorado and Southern Railway Company, by its General Attorney, J. C. Street, filed with this Commission its application for authority to remove certain trackage within the City of Boulder; for the reason that new and alternate facilities have been placed in service and the instant trackage is now outmoded and a more beneficial public use is contemplated for the affected land and right-of-way area.

It appears that over the past years there has been a continuing growth in and around the City of Boulder whereby former industrial areas within the central business core of the City have been gradually displaced by new office buildings, commercial enterprises, the municipal building and a bank.

By Decision No. 48228, dated June 27, 1957, in Application No. 15348, this Commission authorized Colorado and Southern Railway Company to move its station and certain other railroad facilities from downtown Boulder locations to what was then known as Ara; Ara being a point just east of the Boulder City limits where the branch line serving downtown Boulder made its connection via Union Pacific trackage with the Colorado and Southern main line between Denver and Cheyenne, Wyoming. Since that time, the location name of

Ara has been changed to Boulder; a new combination station building has been built offering modern passenger waiting room, agents office and L.C.L. storage space; the Boulder City Limits have been extended and areas annexed to the City to include the new depot, the new Colorado and Southern team tracks and adjacent area served by the connecting branch line of Union Pacific Railroad Company.

In view of the demonstrated adequacy of the alternate facilities as authorized above, and in response to the urgent growth plans for the Boulder business area, Colorado and Southern now submits the instant application for track removal within the City. Track involved extends eastward from a terminal in Water Street between 13th Street and Broadway, a distance of 1.21 miles. Exhibits as submitted in the application and explanatory notes are as follows:

Exhibit A: Colorado and Southern Railway
Company map showing area served
by local rail lines and proposed
track removal:
Main line of C & S Red
Boulder Branch Line of UP Green
C & S Branch line to be
removed Yellow

Exhibit B: Copy of letter by railroad patron,
Boise Cascade Corp. to Colorado and
Southern, indicating agreement that
Boulder in-town tracks be withdrawn.

Exhibit C: Copy of letter by Union Pacific to
Colorado and Southern to show con-
currence in proposed track removal
by C & S.

Applicant has further stated that in its reporting to the Interstate Commerce Commission, the affected trackage has been classified by the Railway Company as 'Yard tracks' and are in the nature of "spur, industrial, team, switching or side tracks." Such trackage is described in Section 1 (2) of the Interstate Commerce Commission Act and is exempted from the jurisdiction of that agency.

In further investigation by this Commission, it has been determined that non-use of the affected tracks has practically become a reality and other data verified, as follows:

A. Patrons have either moved away from downtown Boulder or adjusted their marketing practices to meet the change of land use from industrial to business.

B. Planning of the Colorado Department of Highways has been confirmed in correspondence stating in part:

"This Department has been studying locations for an east-west route through the City of Boulder for some years. We now believe the most feasible possibility is construction of an alternate one-way system which would be routed westbound along Water Street from 28th to the mouth of Boulder Canyon. The eastbound traffic would be routed along present Arapahoe from the mouth of Boulder Canyon to 28th. At present the Department has a limited budget for purchase of right-of-way along the Water Street route. The plan has been predicated from the beginning on the possible abandonment of the C & S Railway along Water Street.

"Removal of the track will also eliminate several existing grade crossings in the city.

"We feel the need for an east-west route is readily apparent in view of the congested condition which presently exists. The route selected appears to be the most feasible, both as to traffic service and economy of cost."

C. Public agreement is demonstrated by Resolution (Series of 1960) adopted by Boulder City Council on March 1, 1960 and forwarded to this Commission by City Manager E. Robert Turner, wherein the following is noted:

"NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

"Section 1. That the City Council of the City of Boulder, Colorado, does hereby find and determine that neither public convenience nor necessity requires, nor will require, that said tracks be maintained in the City and that for the reasons hereinbefore stated it is in the best interest of the City and the public that said tracks be removed."

D. Other commercial approval is noted in a Resolution dated March 8, 1960, by the local Chamber of Commerce as follows:

"THEREFORE BE IT RESOLVED by the Board of Directors of the Boulder Chamber of Commerce that this body respectfully requests the Public Utilities Commission to grant permission to the Colorado and Southern Railroad to remove its tracks along Water Street from Broadway to 24th, and it is further respectfully requested that favorable action on this request be taken at the earliest possible moment."

E. Alternate service is to be available over tracks of the Union Pacific in accordance with past agreements. In this manner, Colorado & Southern will be able to serve patrons westward from its new station and along the U. P. team track and sidings paralleling Pearl Street to 21st Street.

In view of the very limited public interest in this matter and the rather complete agreement of opinion that has been noted above, it appears that no further purpose will be served by a hearing or taking of additional testimony. The public is being served by new and more appropriately located facilities. Municipal development and increasing economic demands now require the highest and best use be made of all land in the business core of the City. Neither passenger nor freight service as provided by the Railway Company will be affected; removal of the tracks will eliminate the hazard of rail traffic over numerous city streets and intersections; some savings will develop in the maintenance of lesser trackage and some salvage material can be reclaimed for more productive use elsewhere on the railroad. Hence, since it appears that the instant proposal is in the public interest and since no protests appear in the Commission 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 the foregoing Statement, by reference, is made a part of these Findings.

That the public convenience and necessity in and around the City of Boulder, can, and is being adequately served by other new and existing station facilities and storage tracks.

That safe and economical railroad service does not require operation or maintenance of the instant yard trackage.

That public safety and community development can be promoted by the proposed track removal.

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 Colorado and Southern Railway Company is hereby granted a certificate of public convenience and necessity to authorize removal of its Yard Track No. 2 and related sidings as now located in the City of Boulder, Colorado, and extending from a switch connection with Union Pacific Branch line near 27th and Pearl Street, thence southwesterly for a distance of 1.21 miles to the end of the track in Water Street between 13th Street and Broadway.

That reference shall be made to this decision in the affected tariffs as required to show the track removals and as authority for said action.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hontela
Amory E. Zuckers
Commissioners.

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

ea

original

(Decision No. 54398)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE C. MORTENSEN AND CLYDE H. MORT-)
ENSEN, CO-PARTNERS, SANFORD, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 17707-PP
SUPPLEMENTAL ORDER

May 27, 1960

Appearances: Moses and DeSouchet, Esqs.,
Alamosa, Colorado,
for Applicants;
Conour and Conour, Esqs.,
Del Norte, Colorado,
for copy of Order.

S T A T E M E N T

By the Commission:

By Decision No. 54365, of date May 25, 1960, in Application No. 17707-PP, Joe C. Mortensen and Clyde H. Mortensen, co-partners, Sanford, Colorado, were authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, including baled hay and potatoes, but excluding livestock, fertilizer, crop dusts, and insecticides, from point to point within a radius of thirty-five miles of La Jara, Colorado, with no town-to-town service.

It was the intention of applicant herein, as well as that of the Commission, not to exclude the transportation of fertilizer, crop dusts, and insecticides, but only to exclude transportation of livestock.

Inasmuch as the authority was not clearly stated in said Order, it appears that it should be clarified.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 54365 should be amended, as provided in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54365, dated May 25, 1960, should be, and the same is hereby, amended, nunc pro tunc, as of said 25th day of May, 1960, by striking the ~~second~~ paragraph of the Order contained in said decision on page 2 thereof, so that the 2nd paragraph of said Order, ~~as amended~~, shall read:

"That Joe C. Mortensen and Clyde H. Mortensen, co-partners, Sanford, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ~~farm~~ produce, fertilizer, crop dusts and insecticides (excluding livestock), from point to point within a radius of thirty-five miles of La Jara, Colorado, with no town-to-town service."

That, except ~~as herein amended~~, said Decision No. 54365 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Harold O. Anderson
Henry E. Zarling
Commissioners

Dated at Denver, Colorado,
this 27th day of May, 1960.

ea

original

(Decision No. 54399)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF)
TEMPORARY RIDER, ORIGINAL SHEETS)
NOS. 34 AND 34-A, OF PUC TARIFF) INVESTIGATION AND SUSPENSION
NO. 3-GAS, OF PUBLIC SERVICE COM-) DOCKET NO. 361
PANY OF COLORADO, 900 FIFTEENTH)
STREET, DENVER, COLORADO.)
-----)

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
900 FIFTEENTH STREET, DENVER, COLO-) APPLICATION NO. 13235
RADO, FOR AN ORDER AUTHORIZING IT)
TO PUT INTO EFFECT A TEMPORARY GAS)
RATE ADJUSTMENT.)
-----)

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
900 FIFTEENTH STREET, DENVER, COLO-)
RADO, FOR AN ORDER AUTHORIZING IT) APPLICATION NO. 15406
TO PUT INTO EFFECT A TEMPORARY GAS)
RATE ADJUSTMENT.)
-----)

SUPPLEMENTAL ORDER

June 2, 1960

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., Denver,
Colorado, by
Robert F. Thompson, Esq., and
Edgar A. Stansfield, Esq., for
Public Service Company of
Colorado;
John C. Banks, Esq., Denver,
Colorado, for the City and
County of Denver;
Sanford Coleman, Esq., Boulder,
Colorado, for the City of
Boulder, Colorado;
Oral Daniels, Esq., Brighton,
Colorado, for the Cities of
Thornton, Brighton, and Commerce-
town, Colorado;
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. 51992, of April 1, 1959, under the above-

entitled matters this Commission approved a refund plan as submitted by the Public Service Company of Colorado, whereby said Company proposed to refund to its customers certain monies received from the Colorado Interstate Gas Company and the Colorado-Wyoming Gas Company as a result of a settlement of rate increase applications filed before the Federal Power Commission. In its order, this Commission directed the Public Service Company to accept claims from former customers for a period of one hundred eighty days (180) after the date of mailing of final refund checks in this matter. As a result of this order, the deadline date was established as February 10, 1960.

Public Service Company of Colorado filed a Petition with this Commission on May 20, 1960, seeking authority to extend for an indefinite period of time the period within which claims for refunds can be made by those former customers not receiving a refund check under the Refund Plan as approved by the Commission. The Company states that subsequent to the deadline date of February 10, 1960, additional requests had been received from former customers that would be entitled to a refund if said deadline date could be extended.

The Company in its Petition also states that to date it has not paid any refunds to those customers entitled to said refunds by the filing of claims as provided in the "Refund Plan" since it seeks by the instant Petition to have the Commission authorize these refunds. As of February 10, 1960, the Company had received and verified as valid 1,285 gas refund claims from customers who had received and paid for gas service from the Company during a portion, or portions, of the period covered by the Refund Plan, but who were not connected gas users during the particular "Final Revenue Month" of one or more of the Closed Periods as defined in the Refund Plan, and therefore could not receive a gas refund check. The Company has designated these claims "Non-Revenue Month User Claims." During the period from February 11, 1960, to and including May 17, 1960, the Company has received and verified as being correct an additional 24 Non-Revenue Month User Claims.

The Company now seeks approval to pay the Non-Revenue Month User Claims on the same basis as if the respective claimants had been connected and received service at the same address from the Company during the Final Revenue Month governing or controlling the particular period during which such claimants received and paid for gas service at such address. In order to pay, upon the foregoing basis, all Non-Revenue Month User Claims which were received by the Company on or before February 10, 1960, and verified by the Company as valid, the Company would be required to pay from the balance of the refund moneys remaining in the Company's possession the sum of \$19,122.61. In order to pay, on the same basis, all Non-Revenue Month User Claims which have been received by the Company during the period from February 11, 1960, to and including May 17, 1960, and which the Company has verified to be correct, the Company would be required to pay from the balance of the refund moneys remaining in its possession the sum of \$799.49. The Company also requests that it be authorized and directed to pay from the balance of the refund moneys remaining in its possession any and all Non-Revenue Month User Claims verified by the Company as valid which it has received or which it may receive subsequent to May 17, 1960, and so long as the refunding operation remains open.

At the hearing wherein the Refund Plan was approved by the Commission, the Company estimated the total cost of making the refund to be \$258,475.00, and said amount was set aside by the Company to defray the cost of the refund. As of April 30, 1960, the Company has incurred and paid expenses in connection with the Refund Plan an amount of \$182,467.65.

By prior authority of this Commission, the Company has been reimbursed for said expenditure in the amount of \$145,058.39, and, therefore, an amount of \$37,409.26 is still owing to it. The Company also seeks approval from the Commission at this time for the reimbursement to it of this sum. In addition to the amount set aside by the Company to defray the cost of refund, as set forth above, the Company

has on hand an unrefunded amount of \$404,213.67, which amount is subject to final audit.

The Company is still receiving claims for the amounts of refund checks originally issued which were lost or misplaced, requests for refunds evidenced by refund checks payable to former gas customers in the armed services who because of numerous service transfers, did not receive their refund checks until after the expiration of the 90-day period within which such checks could be negotiated, claims from gas customers entitled to a refund under the Refund Plan whose signatures on gas refund checks made payable to such customers were forged, and claims from former customers who, through inadvertence or otherwise, did not cash their respective refund checks within said 90-day period.

Because of the foregoing and substantially similar situations which have prevented former customers from receiving the gas refund to which they are entitled under the Refund Plan or under claims filed pursuant to such Plan which have been verified by the Company as valid, the Company requests that it be permitted additional time in which to attempt to complete the payment of gas refunds to the groups of former gas customers specified above, and to other former customers who are entitled to a gas refund but who have not received the same.

The Commission in its Order of April 1, 1959, retained jurisdiction in these matters to enter such further Order, or Orders, as it might deem necessary and proper in the premises.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Public Service Company of Colorado and of the subject matters treated herein.

That the Commission is fully advised in the premises.

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

That the Public Service Company of Colorado should be authorized to extend the time for the refund under its Refund Plan from February 10, 1960, until further order of this Commission.

That the Public Service Company of Colorado should be authorized during the period the refund operation remains open, to issue checks to pay all Non-Revenue Month User Claims, in accordance with our order herein.

That the Public Service Company of Colorado should be authorized, during the period the refund operation remains open, to continue to validate or otherwise extend the expiration of the date by which gas refund checks previously issued may be negotiated in accordance with our order herein.

That Public Service Company of Colorado should be authorized, during the period the period the refund operation remains open to re-issue gas refund checks where its records establish that the original check has not been cashed in accordance with our order herein.

That Public Service Company of Colorado should be authorized to reimburse itself in the sum of \$37,409.26 for authorized expenses which it has incurred in connection with refund operations through April 30, 1960.

ORDER

THE COMMISSION ORDERS:

That Public Service Company of Colorado be, and it hereby is, authorized to extend the time for the refund under its Refund Plan from February 10, 1960, until further order of this Commission.

That Public Service Company of Colorado be, and it hereby is, authorized during the period the refund operation remains open, to issue checks to pay all Non-Revenue Month User Claims, which the Company has verified and found to be correct, on the same basis as if the respective claimants had been connected and received service at the same address from the Company during the Final Revenue Month of the particular period during which such claimant received and paid the Company for gas service at such address.

That Public Service Company of Colorado be, and it hereby is, authorized during the period the refund operation remains open, to continue to validate or otherwise extend the expiration of the date by which gas refund checks previously issued may be negotiated, provided, the Company is satisfied that the claimant presenting such refund check for payment is entitled to the gas refund evidenced by such check.

That Public Service Company of Colorado be, and it hereby is, authorized, during the period the refund operation remains open, to reissue gas refund checks where its records establish that the original check has not been cashed upon receipt of evidence satisfactory to the Company that the original gas refund check has been lost or misplaced.

That Public Service Company of Colorado be, and it hereby is, authorized to reimburse itself in the amount of \$37,409.26 for authorized expenses which it has incurred in connection with the refund operation through April 30, 1960.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Robert C. Horton
Henry E. Zuleygo
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) JIMMY SANCHEZ, 517 SIXTH STREET,) ALAMOSA, COLORADO, FOR AUTHORITY TO) TRANSFER PUC NO. 3699 TO GILBERT E.) VIGIL, DOING BUSINESS AS "ALAMOSA) SANITATION SERVICE," 829 SAN JUAN,) ALAMOSA, COLORADO.)	<u>APPLICATION NO. 17698-Transfer</u>
--	---------------------------------------

June 2, 1960

Appearances: Moses and DeSouchet, Esqs.,
Alamosa, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Jimmy Sanchez, Alamosa, Colorado, was granted a certificate of public convenience and necessity (PUC No. 3699), authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

ashes, trash, and garbage, between points in Alamosa, Colorado, and a radius of ten miles thereof.

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 3699 to Gilbert E. Vigil, doing business as "Alamosa Sanitation Service," Alamosa, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the

hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that transferee herein appeared at the hearing and testified in support of the application, stating he has entered into an agreement to purchase PUC No. 3699 and certain equipment from Jimmy Sanchez, a copy of Contract of Sale being on file with the Commission; that transferor has been continuously operating under said certificate since it was granted by the Commission; that there is no outstanding unpaid indebtedness against said certificate; that the consideration for transfer is \$2,500; that he has ample and suitable equipment with which to carry on operations under PUC No. 3699; that he has had operating experience; that he has sufficient net worth, financial statement being on file with the Commission.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

That Jimmy Sanchez, Alamosa, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3699 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Gilbert E. Vigil, doing business as "Alamosa Sanitation Service," Alamosa, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

Dated at Denver, Colorado,
this 2nd day of June, 1960.
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPHINE MAJOR, INDIVIDUALLY, AND)
AS ADMINISTRATRIX OF THE ESTATE OF)
RONALD A. MAJOR, DECEASED, DOING)
BUSINESS AS "MAJOR TRANSFER AND)
STORAGE," 218 ADAMS STREET, MONTE)
VISTA, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 1192 TO RALPH E.)
ADDINGTON AND SHIRLEY ANN ADDINGTON,)
NOT AS TENANTS IN COMMON, BUT AS)
JOINT TENANTS, DOING BUSINESS AS)
"MAJOR TRANSFER AND STORAGE," MONTE)
VISTA, COLORADO.)

APPLICATION NO. 17699-Transfer

June 2, 1960

Appearances: Claude W. Corlett, Esq.,
Monte Vista, Colorado,
and
Herbert W. Martin, Esq.,
Monte Vista, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Josephine Major and Ronald A. Major, co-partners,
doing business as "Major Transfer and Storage," Monte Vista, Colorado,
were granted a certificate of public convenience and necessity (PUC No.
1192), authorizing operation as a common carrier by motor vehicle for
hire, on call and demand, for the transportation of:

used household goods, office equipment and
store equipment and fixtures, trunks, and
baggage, into, out of, and between points
in Rio Grande County, and Center, Colorado;

transportation service, not on schedule,
with office at Monte Vista, Colorado, only,
for the solicitation of business, with au-
thority to transport used household goods,
office and store equipment and fixtures,
trunks and baggage, between points in Rio
Grande and Mineral Counties and points with-
in a ten-mile radius of Center, Colorado,

and from points within said above-described area, to points and places within the State of Colorado, and from points and places within the State of Colorado, to points within said above-described area, said area being more particularly described as points within the Counties of Rio Grande and Mineral and points within a ten-mile radius of Center, Colorado;

commodities, generally, for the general public, from point to point within the corporate limits of the City of Monte Vista, Colorado.

Said Ronald A. Major has now departed this life, and by the above-styled application, Josephine Major, individually, and as Administratrix of the Estate of said Ronald A. Major, Deceased, doing business as "Major Transfer and Storage," seeks authority to transfer PUC No. 1192 to Ralph E. Addington and Shirley Ann Addington, not in tenancy in common, but in joint tenancy, doing business as "Major Transfer and Storage," Monte Vista, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Josephine Major, transferor herein, appeared and testified in support of the application, stating that the consideration for transfer of PUC No. 1192 is the sum of \$9,000, of which \$4,000 has been paid; that she and her deceased husband had

operated under said PUC No. 1192 since granted by the Commission; that there are no outstanding unpaid operating obligations against said certificate. During the course of her testimony she identified and offered into evidence an executed Contract of Sale and Order of Court authorizing said sale (Exhibit No. 1), and Letters of Administration issued to her (Exhibit No. 2).

Ralph E. Addington, one of transferees herein, also appeared at the hearing and testified in support of the instant application, stating that he and his wife have ample and suitable equipment and sufficient experience to continue operations under PUC No. 1192; that they have a net worth of approximately \$5,000.

Application herein indicated that PUC No. 1192 should be transferred to transferees, not as tenants in common, but as joint tenants. No evidence was adduced on behalf of said transferees to base any Findings why an Order to this effect should be granted.

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

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

Report of the Examiner recommends that transfer herein sought should be authorized; that to authorize transferees to own and operate PUC No. 1192 as joint tenants would not be in the public interest, and would contravene the intent and spirit of Rule No. 5 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle.

F I N D I N G S

THE COMMISSION FINDS:

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

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

That request of transferees to own and operate said PUC No. 1192 as joint tenants is not in the public interest, and should be denied.

O R D E R

THE COMMISSION ORDERS:

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

That Josephine Major, individually, and as Administratrix of the Estate of Ronald A. Major, Deceased, doing business as "Major Transfer and Storage," Monte Vista, Colorado, be, and she hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1192 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Ralph E. Addington and Shirley Ann Addington, doing business as "Major Transfer & Storage," Monte Vista, Colorado, subject to payments of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the request of transferees herein to own and operate said PUC No. 1192 as joint tenants be, and the same hereby is, denied.

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 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 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. Regis
Ralph C. Horton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

mls

original

(Decision No. 54402)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GEORGE W. SMITH, JR., CORTEZ, COLO-)	
RADO, FOR AUTHORITY TO TRANSFER)	
PERMITS NOS. B-4022 AND B-4022-I TO)	<u>APPLICATION NO. 17716-PP-Transfer</u>
GEORGE SMITH, JR., INC., CORTEZ,)	
COLORADO.)	

June 2, 1960

Appearances: George W. Smith, Jr., Cortez,
Colorado, pro se;
O. Russell Jones, Esq., Santa
Fe, New Mexico, for copy of
Order.

S T A T E M E N T

By the Commission:

By the above-styled application, George W. Smith, Jr., Cortez,
Colorado, owner and operator of Permits Nos. B-4022 and B-4022-I, seeks
authority to transfer said operating rights to George Smith, Jr., Inc.,
Cortez, Colorado, said Permits Nos. B-4022 and B-4022-I being the right
to operate as a private carrier by motor vehicle for hire, for the trans-
portion of:

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

vanadium ore, from all points in the following
Counties: LaPlata, Montezuma, Dolores, San
Miguel, and Montrose, to Vanadium mills located
at Grand Junction, Durango, Naturita, and Rifle,
Colorado;

uranium and vanadium-bearing ores, from points
in Mesa, Delta, Ouray, San Juan, Garfield, Rio
Blanco, and Moffat Counties, to mills at Uravan,
Bedrock, and Slickrock, Colorado.

Said application was regularly set for hearing before the Com-

mission, at the Court House, Durango, Colorado, April 27, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, transferor appeared and testified in support of the application, stating he is President and Director of transferee corporation; that he has been operating under said operating rights as an individual; that he has formed a corporation for operating convenience and tax-saving purposes; that Articles of Incorporation of transferee are on file with the Commission; that the consideration for transfer of said operating rights is all capital stock of said corporation; that said corporation has ample and suitable equipment with which to carry on operations under said permits, and is financially able to do so; that he will continue in active management and operation of said corporation; that there are no outstanding unpaid operating obligations against said operating rights.

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

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

Report of the Examiner recommends that said transfer be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a

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

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

O R D E R

THE COMMISSION ORDERS:

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

That George W. Smith, Jr., Cortez, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permits N s. B-4022 and B-4022-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to George Smith, Jr., Inc., Cortez, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, interstate operating rights to be subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said 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 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 permits up to the time of transfer of said permits.

This Order is made a part of the permits 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. Nigro
Ralph C. Horton
Henry E. Zedler
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MELVIN KIMMEL, ROUTE 2, LA JUNTA,)
COLORADO.)

PERMIT NO. M-5422

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Melvin Kimmel,
La Junta, Colorado
requesting that Permit No. M-5422 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5422, heretofore issued to Melvin Kimmel,
La Junta, Colorado be,
and the same is hereby, declared cancelled effective May 2, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1957 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BERT GARNELL, 1919 KENTON STREET,)
AURORA 8, COLORADO.)

PERMIT NO. B-3009

June 8, 1960

S T A T E M E N T

By the Commission:

On December 15, 1959, the Commission authorized Bert Garnell, to suspend operations under his Permit No. B-3009, until June 8, 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-3009, should be, and the same hereby is, reinstated as of May 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Gordon
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,
this 8th of June, 1960.

hc

original

(Decision No. 54405)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEAN RESLER, HAXTUN, COLORADO, FOR)
AMENDMENT OF AUTHORITY UNDER PERMIT) APPLICATION NO. 17620-PP-Extension
NO. A-587.)

June 1, 1960

Appearances: Robert D. Means, Esq., Denver,
Colorado, for Applicant;
John P. Thompson, Esq., Denver,
Colorado, for North Eastern
Motor Freight, Inc.

S T A T E M E N T

By the Commission:

On May 18, 1960, by Decision No. 54340, the Commission
amended the authority of Dean Resler, Haxtun, Colorado, under Permit
No. A-587, by deleting the following restriction:

"That permittee shall have only one office
for operation and solicitation of business
under Permit No. A-587, said office to be
in Haxtun, Colorado."

On May 24, 1960, "Application for Rehearing" was filed by
North Eastern Motor Freight, Inc., by John P. Thompson, Esq., Denver,
Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That said Application for Rehearing should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing filed herein by North Eastern

Motor Freight, Inc., by John P. Thompson, Esq., Denver, Colorado, on May 24, 1960, should be, and the same is, granted, said Application No. 17620-Extension to be set for re-hearing at a future date to be determined by the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Walter C. Hobart
Henry E. Zuleygo
Commissioners.

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

mls

original

(Decision No. 54406)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE H. DENBY AND ELMER FERANDO, CO-PARTNERS, DOING BUSINESS AS "DOLORES TRUCK LINE," DOLORES, COLO- RADO, FOR AUTHORITY TO TRANSFER PUC NO. 1038 AND PUC NO. 1038-I TO NORTHCOTT, INC., CORTEZ, COLORADO.	}	<u>APPLICATION NO. 17715-Transfer</u>
--	---	---------------------------------------

June 2, 1960

Appearances: Milenski and Parga, Esqs.,
Cortez, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, George H. Denby and Elmer Ferando, co-partners, doing business as "Dolores Truck Line," Dolores, Colorado, owners and operators of PUC No. 1038 and PUC No. 1038-I seek authority to transfer said operating rights to Northcott, Inc., Cortez, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, April 27, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 25, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Elmer Ferando, one of transferors herein, appeared and testified in support of the application, stating the consideration for transfer of said operating rights, plus equipment, is the sum of \$55,000, copy of Contract of Sale being on file with the Commission; that there are no outstanding unpaid operating obligations against said certificate.

Odis Northcott, President of transferee corporation, appeared at the hearing, and also testified in support of the application, stating that copy of Articles of Incorporation of transferee is on file with the Commission; that transferee has had operating experience; that said corporation has ample and suitable equipment with which to carry on operations under said operating rights; that financial statement of transferee is on file with the Commission; that transferee is presently operating under said certificates under Temporary Authority issued by this Commission.

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

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

Report of the Examiner recommends that said transfer be authorized.

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

That George H. Denby and Elmer Ferando, co-partners, doing business as "Dolores Truck Line," Dolores, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1038 and PUC No. 1038-I to Northcott, Inc., Cortez, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 2nd day of June, 1960.

mls

original

(Decision No. 54407)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN NATURAL GAS COMPANY,)	
INC., 301 ZOOK BUILDING, DENVER,)	
COLORADO, RE: REFUNDS IN APPLICA-)	APPLICATIONS NOS. 13309
TIONS NOS. 13309 AND 15582.)	<u>15582</u>
-----)	

SUPPLEMENTAL ORDER

June 2, 1960

Appearances: Grant E. McGee, Esq., Denver,
Colorado,
Edna R. Knutsen, Denver,
Colorado,
Orville M. Schockley, Denver,
Colorado, and
Ernest C. Porter, Denver,
Colorado, for Applicant;
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 Commission, by Decision No. 52000, under date of April 1, 1959, approved a Refund Plan of Rocky Mountain Natural Gas Company, Inc., whereby said company proposed to return to its customers certain monies which it had received from its wholesale supplier, Colorado-Wyoming Gas Company as a result of a settlement of certain pending rate cases before the Federal Power Commission. The Refund Plan as submitted by Rocky Mountain was approved with the exception that Rocky Mountain was to stand the cost of refund rather than to defray its cost from the amount to be refunded.

Rocky Mountain was further ordered by the Commission to report after the refund was completed as to the amount of money and the number of customers it was unable to contact with the request to the Commission for disposition of the unrefunded money.

The company has reported to the Commission that it has completed its refund and that it has been unable to contact five customers that formerly resided in the Town of Wellington for a total refund in the amount of \$8.32. It has been unable to contact one former customer in the Town of Nunn, said refund amounting to \$1.12, the total amount of money unable to be refunded being \$9.44. The company did refund \$4,945.78 to customers in Nunn and Wellington entitled to receive said refund.

It appears that Rocky Mountain Natural Gas Company has carried out its refund plan as amended, and no further purpose would be served by keeping the refund period open since it is unable to locate the six remaining customers who would be entitled to a refund. The company having complied with the Commission's Order now requests that this Commission make disposition of the unrefunded amount and authorize the company to consider the refund matter closed. The Commission is satisfied that Rocky Mountain has made a reasonable effort to locate the former customers who are entitled to this unclaimed balance, and therefore, this matter should be concluded.

Pursuant to the provisions of Article VIII, 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. Accordingly, Rocky Mountain should distribute the unclaimed and undistributed gas refund monies pursuant to said law in the amount of \$1.12 to the Town of Nunn, and \$8.32 to the Town of Wellington.

As soon as Applicant has mailed checks in the amounts stated to the above towns, it should notify this Commission in writing that it has done so.

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 the final report of Rocky Mountain Natural Gas Company, Inc., as shown by its filing with the Commission received April 27 and May 7, 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 Rocky Mountain Natural Gas Company, Inc., as amended, and as ordered by the Commission.

That Rocky Mountain should distribute the unclaimed and undistributed gas refund monies pursuant to Article VIII, Chapter 115, CRS 1953, as amended, to the municipalities and in the amounts as set forth in our Order herein.

That upon payment of said amounts to the municipalities involved, Rocky Mountain should report within fifteen (15) days of the making of said payments to this Commission the amount remitted to each municipality.

O R D E R

THE COMMISSION ORDERS:

That the final report of Rocky Mountain Natural Gas Company, Inc. of the completion of the refunding operations under its plan of refund, as amended, in accordance with Decision No. 52000, of April 1, 1960, be, and the same hereby is, acknowledged and approved.

That the Commission hereby approves and acknowledges the completion of the refunding operation in accordance with the Refund Plan of Rocky Mountain Natural Gas Company as amended, as heretofore ordered by the Commission.

That pursuant to the provisions of Article VIII, Chapter 115, CRS 1953, as amended, Rocky Mountain Natural Gas be, and hereby is, authorized and directed to pay to the Town of Wellington \$8.32 and to the Town of Nunn, \$1.12, being the undistributed and unclaimed

refund monies remaining in its possession at the conclusion of its refunding operation.

That within fifteen (15) days after the making of said payment to said municipalities, Rocky Mountain shall report to this Commission in writing, the amount of undistributed balance turned over to each such municipality. Upon the filing of this report to the Commission, Rocky Mountain shall be discharged and released from any and all further obligations or liabilities in any way related to the gas refund monies received by Rocky Mountain from its wholesale supplier, Colorado-Wyoming Gas Company, as a result of overcharges made by Colorado-Wyoming under rates found to be excessive by the Federal Power Commission in FPC Docket Nos. G-2261, G-2720 and G-11848; and all proceedings related thereto involving Rocky Mountain Natural Gas Company, Inc., shall thereupon be terminated and concluded.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regis
Robert C. Horvath
Henry E. Zalusky
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

original

(Decision No. 54408)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAILWAY EXPRESS AGENCY, INCORPORATED,)	
EXPRESS ANNEX, UNION TERMINAL BUILD-)	APPLICATION NO. 16905
ING, DENVER, COLORADO, TO WITHDRAW)	
ITS AGENCY AT LAZEAR, COLORADO.)	
-----)	

June 2, 1960

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 6 of this Commission's "Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado," Railway Express Agency, Inc., by Oren F. Lewis, Superintendent, filed its Petition requesting authority to close its Railway Express Agency office in the Town of Lazear, Delta County, Colorado, and to handle future express service from the Agency office at Hotchkiss, Colorado.

Lazear is located four miles east of Hotchkiss and one mile south of Colorado Highway No. 92; the highway generally parallels the North Fork Branch of Rio Grande Railroad extending between Delta and the Paonia-Somerset area. L. C. L. Freight and Express service into Lazear has been offered by Rio Grande Motor Way in substituted rail service. A branch express office has been maintained by Applicant in the R. G. Girling General Store, with Mr. R. G. Girling acting as the Express Agent.

Applicant reports that improved highways, increased competition, and other factors have contributed to a continued decline in traffic at Lazear, Colorado, and that during the Year of 1958, the Railway Express Agency has handled a monthly average of one and one-half shipments with revenue of \$5.21, of which 10%, or 52 cents per month, was paid to Mr. Girling as commission.

Investigation by the Commission has confirmed the low volume of business which is further explained by Applicant in the fact that Lazear is located in a very sparsely populated area where residents are now handling their own needs from the larger trade areas of Delta and Hotchkiss.

The Rio Grande Motor Way trucks operate daily through the territory and make a stop at Lazear as needed for pickup or delivery service. According to Agent Girling, there will be no objection to removal of the Lazear office and future handling by the Railroad agent at Hotchkiss, but that the truck service must remain for local delivery of prepaid express which is handled on the basis of P.O.O.R. (Put off at Owner's Risk).

After a consideration of the facts concerning the instant request, it appears that Railway Express is desirous to maintain a delivery service into Lazear, but that economies of operation can be developed by handling from the rail station office at Hotchkiss. It appears that the proposed change has received public notice in the area. Since no protests have been forwarded to this agency, 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 the Commission is informed in the instant matter.

That there is not sufficient public necessity to maintain an independent Express Agency Office at Lazear, Colorado.

That transfer of the office services from Lazear to Hotchkiss, Colorado, is compatible with the public convenience and necessity of the area.

That enroute delivery service of express shipments be provided on the standard basis of "Put Off at Owner's Risk."

O R D E R

THE COMMISSION ORDERS:

That the foregoing Statement and Findings be made a part hereof.

That Railway Express Agency, Inc., Denver, Colorado, be,
and it hereby is, authorized to close its Agency Office at Lazear,
Colorado, and to thereafter offer service from Hotchkiss, Colorado,
in accordance with appropriate tariff postings:

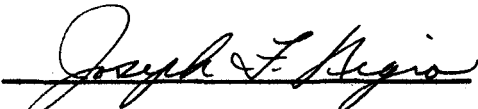
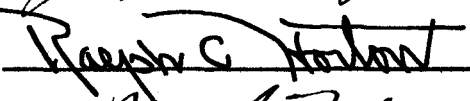

Lazear, Colorado - Office Closed
Waybill to Hotchkiss, Colorado,

and reference shall be made to this decision as authority therefor.

That the change in service shall be made effective on notice
to this Commission and the general public by not less than one (1)
day's filing and posting of new schedules in the customary manner.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

original

(Decision No. 54409)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAILWAY EXPRESS AGENCY, INCORPORATED,)	
EXPRESS ANNEX, UNION TERMINAL BUILD-)	APPLICATION NO. 16907
ING, DENVER, COLORADO, TO WITHDRAW)	
ITS AGENCY AT CARR, COLORADO.)	
-----)	

June 2, 1960

S T A T E M E N T

By the Commission:

Pursuant to Rule 6 of this Commission's "Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado," Railway Express Agency, Inc., by Oren F. Lewis, Superintendent, filed its Petition requesting authority to permanently close the Railway Express Agency office in the Town of Carr, Weld County, Colorado, and to handle future express service from the Agency office at Nunn, Colorado.

Carr is a Train Order station on the Union Pacific, Wyoming Division, serving north from Denver through Greeley to a connection with the transcontinental main line west of Cheyenne, Wyoming. Population is 75 persons in a small settlement located in an isolated area some 18 miles north from Nunn and midway between the two highways U. S. 87 and U. S. 85, or about five miles off the main roads.

Applicant reports that in recent years there have been changes in the methods of merchandising and distribution that seriously reduced the volume of express handled over its whole system. The necessity for system-wide economies has called for a closer examination of the activities of all stations. During the Year 1958, Total Revenue at the Carr station was \$184.77, of which 10%, or \$18.51, was paid to the local agent as commission. Number of shipments averaged six per month.

Investigation by the Commission has confirmed the low volume of business, no trains stop at the station, all Express and L. C. L. freight move by truck in substituted rail service provided by Union Pacific Motor-freight. Nearest open rail station is at Pierce on the Union Pacific and Highway No. 85, 23 miles to the southeast. Public shipments amount to one per month consisting of household goods or ranch supplies; remaining five shipments, or about a shipment per week, consist of bread from Greeley. The local storekeeper, Mr. Chadwick, reported he was now buying his groceries at Cheyenne and hauling them in his own truck to Carr; also, that he intended to change to the Cheyenne Bakery and bring in his bread. It was his belief there was no need for agent service at Carr, but that the truck service must remain for the other L. C. L. freight, milk and cream movement and express delivery or pickup.

After a consideration of the facts concerning the instant request, it appears that Railway Express is desirous to maintain a prepaid delivery service into Carr according to its customary P.O.O.R. (Put Off at Owner's Risk) practice, but that economies of operation can be developed by handling tariffs and reports from another rail office. It appears that the proposed change has received public notice in the area and since no protests have been forwarded to this agency, 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 the Commission is informed in the instant matter.

That there is not sufficient necessity to maintain an independent Express Agency Office at Carr, Colorado.

That transfer of the office services from Carr to the open station at Pierce, Colorado, is compatible with the public convenience and necessity of the area.

That enroute delivery service of express shipments be provided on the standard basis of "Put Off at Owner's Risk."

O R D E R

THE COMMISSION ORDERS:

That the foregoing Statement and Findings be made a part hereof.

That Railway Express Agency, Inc., Denver, Colorado, be, and it hereby is, authorized to close its Agency Office at Carr, Colorado, and to thereafter offer service from Pierce, Colorado, in accordance with appropriate tariff postings:

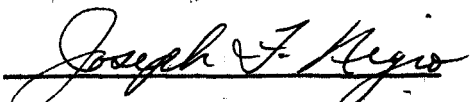
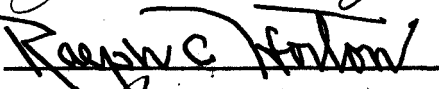

Carr, Colorado - Office Close,
Waybill to Pierce, Colorado,

and reference shall be made to this decision as authority therefor.

That the change in service shall be made effective on notice to this Commission and the general public by not less than one (1) day's filing and posting of new schedules in the customary manner.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE RAILWAY EXPRESS AGENCY, INCOR-)	
PORATED, TO WITHDRAW ITS AGENCY AT)	APPLICATION NO. 17744
LITTLETON, COLORADO, AND EXTEND)	
DENVER SERVICE.)	
-----)	

June 2, 1960

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 6 of this Commission's "Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado," Railway Express Agency, Inc., by E. W. Brown, Superintendent, filed its Petition requesting authority to close its Railway Express Agency office in the Town of Littleton, Arapahoe County, Colorado, and to therewith extend pickup and delivery service from its main office in Denver, Colorado.

In support of the instant request, Applicant states that for a long period of time it has operated on the lines of the Denver and Rio Grande Western Railroad in the State of Colorado, running between Denver, Colorado, and Pueblo, Colorado; that Express traffic has been handled for several years by Denver and Rio Grande Western Railroad; and that an office is located in the Rio Grande Depot, and that Mr. R. C. Gallatin acts as Exclusive Commission Express Agent.

Applicant proposes that the adjoining pickup and delivery area of the City of Denver be extended in order to offer Denver service in the following area:

Beginning at the intersection of West Bellevue Road and South Santa Fe Drive; south along South Santa Fe Drive to Ridge Road; south and east along Ridge Road to South Broadway; south on South Broadway to 7400 Block (Ohio Oil Co.); north on South Broadway to Noble's Road; east on Noble's Road to South Clarkson Street; north along South Clarkson Street to Bellevue Road; west on Bellevue Road to South Santa Fe Drive, point of beginning.

Applicant states that the above extension of the Denver service is needed to meet area growth, as well as expedite service to eight (8) principal users of Railway Express Agency service representing ninety per cent of the total traffic handled through the Littleton, Colorado agency. Toll-free telephone service will be provided customers in Littleton, Colorado, permitting them to call the main office in Denver, Colorado, for pickup of an outgoing shipment, delivery of an inbound shipment, or for rates and other information.

Appropriate posting and public notice was given in Littleton of the proposed service change. One complaint was received by the Commission. We are now informed by Railway Express that the needs of the patron will be met by delivery of merchandise to a suitable destination during the time he is not at home for actual receipt of a shipment.

Commission investigation in the area reveals that the proposed extension of Denver service will actually result in a further expansion of the area now being served from the Littleton office; it appears that a more flexible pattern of distribution by truck can be developed from the Denver terminal where all shipments arrive rather than sorting and transfer for continued movement into Littleton by rail; in like manner a pickup schedule can be devised whereby outgoing shipments can be dispatched over a wider choice of routes or make air connections from Denver.

Applicant contemplates that with the proposed change, it can make more productive use of its manpower and equipment, some expense savings can be made, and a service more in keeping with changing needs of the area can be offered.

After a consideration of the instant proposal and recognizing the competitive elements inherent in modern transportation, it appears the instant proposal represents a progressive action on the part of Applicant to keep its facilities and service readily available to the public and should therefore be approved.

It appears the proposed change has received public notice in the area; one protest of a minor nature was received by the Commission and corrected by Applicant; hence, the Commission determined to hear, and has heard, said matter forthwith, without further notice upon the record and files herein.

F I N D I N G S

THE COMMISSION FINDS:

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

That public convenience and necessity in the rapidly expanding Littleton area now justify the proposed extension of service.

That transfer of the office services from Littleton to Denver is now in keeping with the expenaded needs of the area.

That extension of Denver pickup and delivery service into the proposed area offers a greater diversity of carrier connections from the Denver Terminal.

O R D E R

THE COMMISSION ORDERS:

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

That Railway Express Agency, Inc., Denver, Colorado, be, and hereby is, authorized to:

(a) Withdraw its agent service from the Town of Littleton, Colorado, and thereafter offer service from the Denver office by and through an extension of the Denver pickup and delivery service area.

(b) Extend the Denver pickup and delivery service area as follows:

Beginning at the intersection of West Belleview Road and South Santa Fe Drive; south along South

Santa Fe Drive to Ridge Road; south and east along Ridge Road to South Broadway; south on South Broadway to 7400 Block (Ohio Oil Co.); north on South Broadway to Noble's Road; east on Noble's Road to South Clarkson Street; north along South Clarkson Street to Bellevue Road; west on Bellevue Road to South Santa Fe Drive, point of beginning.

That appropriate tariff corrections be made to show:

Littleton, Colorado,
Delivers from Denver, Colorado.

That the change in service shall be made effective on notice to this Commission and the general public by not less than one (1) day's filing and posting of new schedules in the customary manner.

That the Commission shall retain jurisdiction that it may make such further order, or orders, as may become necessary in the matter.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Frank C. Horton
Harry E. Zaidinger
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

(Decision No. 54411)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
O. K. LONDBERG, ROUTE 1, BOX 323,
MONTROSE, COLORADO, FOR AUTHORITY
TO EXTEND OPERATIONS UNDER PERMIT
NO. B-5837.

APPLICATION NO. 17705-PP-Extension

June 2, 1960

S T A T E M E N T

By the Commission:

Applicant herein is presently the owner and operator of Permit No. B-5837, authorizing operation as a private carrier by motor vehicle for hire, for the transportation of:

forest and sawmill products, consisting of logs and rough lumber, from and to forests and railroad loading points and places of storage within a radius of one hundred miles of Montrose, Colorado, excluding service east of a line drawn north and south parallel to the Continental Divide at Leadville, Colorado, and specifically excluding the right to load on U. S. Highways Nos. 50 and 550.

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-5837, to include the right to transport forest products within Costilla County, from forests to mill in Fort Garland, Colorado, and finished wood products to points within a radius of ten miles of Fort Garland, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, May 2, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 18, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said

proceedings to the Commission.

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

There being no protestants present at the hearing, the files were made a part of the record and the matter was taken under advisement.

The files disclose that applicant is the owner and operator of Permit No. B-5837; that he is qualified, financially and by experience, to conduct his proposed extended operations; that he has on file with the Commission a Certificate of Insurance covering his motor vehicle operations.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above

O R D E R

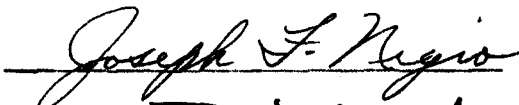
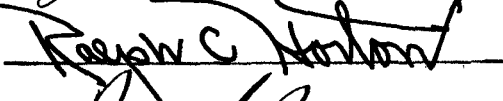

THE COMMISSION ORDERS:

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

That Robert Jack Hicks, Cedaredge, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-4769, to include the right to transport forest products within Costilla County, Colorado, from forests to mills in Fort Garland, Colorado; finished wood products to points within a radius of ten miles of Fort Garland, 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




Commissioners

Dated at Denver, Colorado,
this 2nd day of June, 1960.

mls

(Decision No. 54414)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM BROCKMAN, BENNETT, COLORADO.)

PERMIT NO. B-5714
CASE NO. 231-INS.

June 2, 1960

S T A T E M E N T

By the Commission:

On April 7, 1960, in Case No. 231-Ins., the Commission entered an order revoking Permit No. B-5714, for failure to keep on file effective insurance.

On April 7, 1960, within the five day period of grace, Mr. Brockman requested that said Permit No. B-5714 be suspended for six months. Therefore, said Order of Revocation should be set aside.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status, as of April 7, 1960.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-5714 should be, and hereby is, reinstated, as of April 7, 1960, revocation order entered by the Commission on said date, in Case No. 231-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hartman
Henry G. Zuckerman
Commissioners.

Dated at Denver, Colorado
this 2nd day of June, 1960.

mls

original

(Decision No. 54415)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BERKELEY MOVING & STORAGE COMPANY,)
A COLORADO CORPORATION, 4515 WEST)
38TH AVENUE, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY, AUTHORIZING EXTEN-)
SION OF OPERATIONS UNDER PUC NO.)
1366.)
-----)

APPLICATION NO. 17746-Extension

June 2, 1960

Appearances: Bernerd E. Schilt, Esq.,
Denver, Colorado,
for Applicant;
Raymond B. Danks, Esq.,
Denver, Colorado, for
Colorado Transfer and
Warehousemen's Associa-
tion; Weicker Transfer
& Storage Company;
E. B. Evans, Esq., Denver,
Colorado, for Tiller's.

S T A T E M E N T

By the Commission:

By the above-styled application, Berkeley Moving &
Storage Company, Denver, Colorado, sought authority to extend
operations under PUC No. 1366.

Said application was regularly set for hearing before
the Commission, at the Hearing Room of the Commission, 532 State
Services Building, Denver, Colorado, May 13, 1960, at 9:30 o'clock
A. M., due notice thereof being forwarded to all parties in interest.

On May 11, 1960, the Commission, as provided by law,
designated Louis J. Carter, an employee of this Commission, to
conduct the hearing on said application, he thereafter to submit
a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place
designated for hearing, it appeared that said application did not
set out the exact authority sought by applicant, and that applicant

herein wishes to file an Amended Application. Protestants herein offered no objection.

Report of said Examiner recommends that said matter be continued, in order to permit Applicant herein to file an Amended Application, and that said matter be then re-set for hearing.

F I N D I N G S

THE COMMISSION FINDS:

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

That the above-styled application should be continued, to be re-set for hearing before the Commission pursuant to filing Amended Application by Applicant herein.

O R D E R

THE COMMISSION ORDERS:

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

That Application No. 17746 be, and the same hereby is, continued, to be later re-set for hearing before the Commission, with notice to all parties in interest, upon filing of Amended Application by 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. Myers
Joseph C. Horton
Henry J. Zuley
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CABS, INC., DOING BUSINESS AS)
"DOLLAR CAB LINE," OPERATING ZONE)
CABS, 2254 LAFAYETTE STREET, DENVER,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY, AU-)
THORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 1221.)
-----)

APPLICATION NO. 17747-Extension

June 2, 1960

Appearances: John F. Mueller, Esq.,
Denver, Colorado,
for Applicant;
R. B. Danks, Esq.,
Denver, Colorado,
for Package Delivery
Service Company.

S T A T E M E N T

By the Commission:

By its application filed March 18, 1960, the applicant, who holds Certificate of Public Convenience and Necessity No. 1221, seeks to have its certificate extended to include the transportation of packages, parcels, baggage, messages, letters, papers and documents, from points within a radius of sixteen miles from 16th and Champa Streets, in Denver, Colorado, and from and to points within said radius to and from the area in Jefferson County known as Rocky Flats, and to and from the plant of the Martin Company near Waterton, Colorado; provided, however, that such transportation shall be performed in taxicabs, only, and that no individual items so transported shall exceed fifty pounds in weight, and provided that each delivery from one origin to one destination shall be charged as though the applicant had transported one passenger from that origin to that point of delivery, in addition to any extra charge made for leaving the vehicle to pick up or deliver such item.

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, on Friday, May 13, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The record discloses that applicant has been conducting a taxicab business as a motor vehicle common carrier in the City and County of Denver and within a sixteen-mile radius thereof continuously for a period of many years last past. It also appears from the record and the evidence that applicant, in common with all other taxicab companies operating in the Denver area, has been engaged in the business of transporting packages, baggage, messages, etc., and that such lanes of activity are traditional for taxicab companies, and that the public demands and uses said service. Applicant contends that they were under the belief that they had authority to engage in said transportation. It appears that they were advised by the Enforcement Division of the Commission that said transportation service is not authorized under applicant's certificate of public convenience and necessity.

Several witnesses appeared in support of the application as to the operations of applicant in transporting packages, etc., during the past few years. The Commission said, in Decision No. 50912, the following, which we believe to be applicable in the instant case:

"The situation presented here is somewhat unusual in several respects. The applicant has been operating evidently illegally, hauling packages without the transportation of a passenger for many year. However, this situation is not of the sort often mentioned in decisions, where the illegal operation is entered upon for the purpose of establishing some service which is later sought to be ratified at the expense of existing carriers. It appears that this applicant's predecessors were operating in this business before any of the present protestants.

"On the evidence in this case, we would clearly not be authorized in law to grant authority for the indiscriminate transportation of packages of any size by the applicant. Our Order to follow is intended to conform to the evidence, which requires that we rather severely restrict the operation. The evidence supported a grant only of

authority to carry packages in ordinary passenger vehicles commonly known as and equipped as taxicabs. The vehicles to be used are the vehicles then in service as taxicabs, but temporarily unoccupied while awaiting the next call for passenger duty. It is expressly intended by the applicant that such vehicles be on the street at the time they are called, and that the Company shall not maintain any vehicles segregated for use as package delivery vehicles. The evidence does not support a grant of authority under which the applicant might be permitted to pick up several packages at one time in one vehicle and deliver the packages to several destinations; nor for authority to collect packages from several points of origin for delivery to a single point of delivery. The evidence does not warrant the conclusion that the applicant should be authorized in terms or by implication to enter into any effective competition with any existing common carrier of packages; rather, the only conclusion we can fairly draw from the evidence is that the service needed is service of an emergency nature, at premium prices justified by the emergency, and requiring the use of radio dispatched passenger vehicles constantly stationed throughout the City.

"By no means or device, therefore, can the applicant be authorized to decrease the unit charge applicable to transportation by charging a single passenger fare for several packages carried in one vehicle but having either different origins or different destinations.

"In actual effect, we recognize that our Order to follow may not effectively prohibit the applicant from actually carrying several items in one cab at one time. Our purpose will be to require the Company, if it does so, to charge the customer as though the customer had ordered a separate taxicab for each separate routing."

The attorney representing Package Delivery Service Company -- the only protestant appearing at the hearing -- stated his company had no objection to the granting of the extension if said authority were to be confined and restricted the same as Yellow Cab, Inc., in Decision No. 50912.

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 applicant should be authorized to carry packages in taxicabs at premium rates only in accordance with the foregoing explanation.

That public convenience and necessity demand the granting of the instant application for the reason that this is a specialized

emergency service available twenty-four hours a day at premium rates.

O R D E R

THE COMMISSION ORDERS:

That the above and foregoing Statement is hereby incorporated and made a part of this Order, by reference.

That Cabs, Inc., doing business as "Dollar Cab Line," operating Zone Cabs, 2254 Lafayette Street, Denver, Colorado, be, and it is hereby, authorized to extend operations under PUC No. 1221, so as to authorize the applicant to engage as a motor vehicle common carrier in the transportation of packages, parcels, baggage, messages, letters, papers and documents, from point to point within a radius of sixteen miles from 16th and Champa Streets, in Denver, Colorado, and from and to points within said radius, to and from the area in Jefferson County known as Rocky Flats, and to and from the plant of the Martin Company, near Waterton, Colorado; PROVIDED, HOWEVER, that such transportation shall be performed in taxicabs, only; and that no individual items so transported shall exceed fifty pounds in weight; and PROVIDED that each delivery from one origin to one destination shall be charged as though the applicant had transported one passenger from that origin to that point of delivery, in addition to any extra charge made for leaving the vehicle to pick up or deliver such item.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nye
Joseph C. Norton
Henry J. Zuley
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.
ea

original

(Decision No. 54417)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHERN UNION GAS COMPANY, FIDELITY)
UNION TOWER, 1507 PACIFIC AVENUE,)
DALLAS 1, TEXAS, AND DURANGO, COLO-)
RADO, FOR AUTHORITY TO ISSUE AND)
SELL \$12,000,000, PRINCIPAL AMOUNT)
OF 25 YEAR SINKING FUND DEBENTURES)
AT NOT LESS THAN 98% OF PRINCIPAL)
AMOUNT AND WITH AN INTEREST RATE NOT)
GREATER THAN 6% PER ANNUM.)

APPLICATION NO. 17776-Securities

June 2, 1960

Appearances: A. S. Grenier, Esq., Dallas,
Texas, and
John R. Barry, Esq., Denver,
Colorado, for Applicant;
J. M. McNulty, Denver, Colo-
rado, and
E. R. Thompson, Denver,
Colorado, for the Commis-
sion.

S T A T E M E N T

By the Commission:

This application was filed May 18, 1960, set for hearing on May 31, 1960, at 10:00 o'clock A. M., at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and at that time and place was heard and taken under advisement by the Commission.

Southern Union Gas Company, the Applicant herein, seeks authority of the Commission to issue and sell \$12,000,000.00 principal amount of its sinking fund Debentures, to be dated on or about June 1, 1960, and to be due on or about June 1, 1985, for cash at a price of not less than 98% of principal amount plus interest accrued from the date borne by the Debentures, such Debentures to bear interest at a rate of not to exceed 6% per annum, and the application of

the proceeds from said sale to the purposes herein specified.

Applicant is a corporation, organized, created and existing under the laws of the State of Delaware, and is now lawfully transacting a public utility business in the State of Colorado, owning and operating a gas transportation and distribution system, serving Durango and vicinity. It is also extensively engaged in the operation of natural gas properties located in Texas, New Mexico, and Arizona. The percentage of natural gas plant and other physical property located in Colorado in relation to that of the total Company was 3.52% as of December 31, 1959. This percentage applied to the new debt authorized in the Order to follow herein is the basis for determining the fee for the issuance of this Order.

The evidence shows that, subject to obtaining necessary regulatory authorizations, Applicant proposes to issue and sell \$12,000,000 in principal amount of its sinking fund debentures to be due on or about June 1, 1985; that the debentures will be sold at a price of not less than 98% of their principal amount, plus interest accrued from the date to be borne by the debentures, on or about June 1, 1960. The Indenture providing for the new debentures is expected to be entered into with The Northern Trust Company (Chicago), serving as Trustee, under date on or about June 1, 1960. Such Indenture will conform to requirements of the Federal Trust Indenture Act. It will provide, among other things, for a sinking fund designed to retire the entire issue of the debentures within their 25-year term. The Applicant has filed with the Commission, to become a part of its record in this proceeding, a copy of the proposed text of the debenture Indenture in form as initially filed with the Securities and Exchange Commission as a part of Applicant's registration statement under the Securities Act of 1933, as amended.

The coupon interest rate of the new debentures has not yet been finally determined nor become capable of exact ascertainment

according to the evidence, as of the date of the hearing herein. It is anticipated by Applicant, however, that the interest rate for the new debentures will not be in excess of 6% per annum. A commission will be paid by Applicant for sale of the debentures which, although not yet determined, is not to exceed an amount reasonable and customary in similar transactions under prevailing conditions.

The proceeds from issue and sale of the debentures, as proposed by Applicant, will be initially added to its general funds and later expended to discharge bank loans in aggregate amount of \$4,000,000. The remainder of such proceeds will be expended for the acquisition of property or the construction, completion, extension or improvement of Applicant's facilities and service in Colorado and in the other States in which the Applicant is now operating, and for reimbursement of its treasury for a portion of the moneys actually expended for the same purposes from income of Applicant or from other moneys in its treasury not secured by or obtained from the issue, assumption or guarantee of securities within five years prior to filing of the application.

The Applicant's capital structure is as follows:

	<u>December 31, 1959</u>	<u>% of Total</u>	<u>Pro-forma After Transactions Herein Proposed</u>	<u>% of Total</u>
<u>EQUITY CAPITAL</u>				
Common Stock	\$27,821,732.24	28.10%	\$ 27,821,732.24	26.00%
Second Preferred Stock	11,068,275.00	11.18%	11,068,275.00	10.34%
Preferred Stock	<u>19,478,300.00</u>	<u>19.67%</u>	<u>19,478,300.00</u>	<u>18.20%</u>
TOTAL	\$58,368,307.24	58.95%	\$ 58,368,307.24	54.54%
Long-Term Debt	<u>40,645,471.08</u>	<u>41.05%</u>	<u>48,645,471.08</u>	<u>45.46%</u>
Total Capital	<u>\$99,013,778.32</u>	<u>100.00%</u>	<u>\$107,013,778.32</u>	<u>100.00%</u>

F I N D I N G S

After careful consideration of the evidence adduced, and of the files, records and proceedings herein, the Commission is of the opinion and finds:

That the Commission has jurisdiction over and with respect to Southern Union Gas Company, in certain of its operations, and that its interest and the interests of its consumers will not be adversely affected by the proposed transactions, or any of them; that the proposed transactions, and the purposes for which the securities referred to are to be issued, are consistent with and permitted by the provisions of the 1953 Colorado Revised Statutes, 115-1-4, and are consistent with the public interest; and that the application to be made of such securities, or the proceeds thereof, is permitted by applicable laws of Colorado.

That the foregoing Statement is made a part of these Findings herein, and by reference, is incorporated in these Findings.

O R D E R

THE COMMISSION ORDERS:

To the full extent that its approval and authorization are required by the laws of Colorado, Southern Union Gas Company be, and it hereby is, authorized to issue and sell \$12,000,000 principal amount of its sinking fund debentures, to be dated on or about June 1, 1960, and to be due on or about June 1, 1985, for cash at a price of not less than 98% of principal amount, plus interest accrued from the date borne by the debentures, such debentures to bear interest at a rate of not to exceed 6% per annum, and to apply the proceeds from the sale thereof all in the manner specified.

That Southern Union Gas Company shall not pay underwriting fees and commissions in excess of one and twenty-five hundredths per cent (1.25%) of the par value of the debentures sold.

That Southern Union Gas Company be, and it is hereby, authorized to take such further steps and actions as may, in conformity with applicable law and regulations, be necessary, incident, or appropriate to the full accomplishment of the transactions, or any of them, hereinabove approved and authorized.

That within ninety (90) days from and after the consummation of the issuance of the debentures herein authorized, and in any event, on or before October 1, 1960, Southern Union Gas Company shall file its report with the Commission, showing confirmation of such transaction, together with an itemized statement of the expenses incurred in said issuance.

That within ninety (90) days from and after the consummation of the issuance of the debentures herein authorized, Southern Union Gas Company shall file as a late filed exhibit a conformed executed copy of the indenture, a proof copy of which is introduced herein as Exhibit A.

That each of the debentures initially issued by Applicant, pursuant to the authority granted herein, shall be identified by a legend appearing thereon, as follows: "Colo. PUC No. 17776."

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, any of the aforesaid securities or the payments of dividends thereon, on the part of the State of Colorado.

Authority herein granted shall be effective and exercisable from and after this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Ralph C. Horton
Henry E. Ziegler
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.
mls

original

(Decision No. 54418)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
WARREN E. GRESHAM, ELBERT, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 17772-PP-Transfer
B-5493 TO STANLEY TRUEBLOOD, BOX 67,)
LARKSPUR, COLORADO.)

June 2, 1960

Appearances: Warren E. Gresham, Elbert,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Warren E. Gresham, Elbert, Colorado, is the owner and oper-
ator of Permit No. B-5493, which authorizes the transportation of:

milk and cream, and other dairy products,
in containers, only, from points within a
radius of forty miles of Ramah, Colorado,
to the Sinton Dairy, IXL Creamery, Nevada
or Frink Creamery, and Beatrice, in Colo-
rado Springs, Colorado, and Frink Creamery
in Larkspur, Colorado, with return of
empty containers and dairy supplies; milk
and dairy products, over a route within
the following-described area, to-wit:

beginning at a point on U. S. Highway No.
85, one mile north of Larkspur, Colorado;
thence east seven miles to the southeast
corner of Section 21, Township 9-South,
Range 66-West; thence north nine miles to
the southeast corner of Section 4, Town-
ship 8-South, Range 66-West; thence west
to Castle Rock, Colorado; thence south
along U. S. Highway No. 85 to place of be-
ginning, to Larkspur, Colorado, with back-
haul of small lots of feed and grain, only,
to milk customers; milk and cream, to Lark-
spur, from farms in the area described as:
from Larkspur east to a point about five
miles north of Elbert, on Colorado Highway
No. 157; thence south along said highway
to Elbert, Colorado; thence in a southeast-
erly direction over country roads through
Bijou Basin to Peyton, Colorado; thence

westerly along Colorado Highway No. 50 to Monument, Colorado; thence north along U. S. Highway No. 85 to Larkspur, Colorado; transportation of authorized commodities to include service to shippers on State Highway No. 83, where it intersects Section 5, Township 9-South, Range 65-West; and to include Section 26, Township 7-South, Range 66-West; and from Highway No. 83, via Colorado No. 87, from Franktown to Castle Rock, Colorado, also on U. S. Highway No. 85, from Castle Rock to Section 27, Township 7-South, Range 67-West; thence via U. S. Highway No. 85 to Larkspur, Colorado.

By the instant application, said permit-holder seeks authority from this Commission to transfer said operating rights to Stanley Trueblood, Box 67, Larkspur, Colorado.

The application was regularly set for hearing, and heard, after appropriate notice to all interested parties, at 532 State Services Building, Denver, Colorado, at ten o'clock A. M., on May 27, 1960, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the transferor appeared in support of the application to transfer, stating that the consideration for the transfer of the operating rights under Permit No. B-5493 was the sum of \$3,400, and that there is no indebtedness outstanding against the permit, the transferee being agreeable to assuming the payments to Ludvik Hladik, the former owner, totaling \$1,332.45, at the rate of \$125.00 per month, and the sum of \$2,000.00 to the transferor, at the rate of \$175.00 per month. The net worth of transferee is approximately \$3,500, and he has ample equipment with which to carry on the operations.

No one appeared in opposition to the granting of the instant application for 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:

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 Warren E. Gresham, Elbert, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5493 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Stanley Trueblood, Box 67, Larkspur, 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 remove 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. Nigro
Ralph C. Norton
Henry E. Jenkins
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

mls

original

(Decision No. 54419)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROSS B. SMERNOFF, DOING BUSINESS AS)
"ROSS' FLORAL SERVICE," 685 SOUTH)
DECATUR STREET, DENVER, COLORADO,)
FOR REINSTATEMENT OF PUC NO. 3941,) APPLICATION NO. 17768-Transfer
AND FOR AUTHORITY TO TRANSFER SAID)
CERTIFICATE TO HOWARD H. HALL, DOING)
BUSINESS AS "FLORAL DELIVERY SERVICE,")
3445 CHERRY STREET, DENVER, COLORADO.)

June 2, 1960

Appearances: Ross B. Smernoff, Denver,
Colorado, pro se;
Howard H. Hall, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Ross B. Smernoff, doing business as "Ross' Floral Service,"
Denver, Colorado, is the owner and operator of PUC No. 3941, author-
izing:

floral delivery service, from point to
point in an area within a radius of
twenty-five miles of the City and County
of Denver.

By the instant application, said certificate-holder seeks
authority to transfer said certificate to Howard H. Hall, doing busi-
ness as "Floral Delivery Service," Denver, Colorado. On April 21,
1960, PUC No. 3941 was suspended for six months, or until September
21, 1960, and the certificate-holder wishes to have the certificate
reinstated and then transferred to said transferee.

After appropriate notice to all interested parties, the
application was regularly set for hearing, and heard, at 532 State
Services Building, Denver, Colorado, at ten o'clock A. M., on May

27, 1960, and at the conclusion thereof, the matter was taken under advisement.

The transferor and transferee both appeared at the hearing. The evidence disclosed that the consideration for the transfer is the sum of \$1,300.00, and that there is no outstanding indebtedness against the operations under PUC No. 3941.

The evidence disclosed that the net worth of transferee is \$7,000, and that he has ample equipment with which to carry on the proposed operations.

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, and it appears that the certificate should be reinstated and transferred as requested.

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. 3941 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. 3941 be, and is hereby, reinstated.

That Ross B. Smernoff, doing business as "Ross' Floral Service," Denver, Colorado, be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 3941 --

with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Howard H. Hall, doing business as "Floral Delivery 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 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

Joseph F. Nigro
Ralph C. Hinton
Henry Zailenko
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEON GOLDFOGEL, 935 WEST 45TH)
AVENUE, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 17112-PP-Amended
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

June 2, 1960

Appearances: Barry and Boyle, Esqs.,
Denver, Colorado,
for Applicant;
R. B. Danks, Esq., Denver,
Colorado, for Colorado
Transfer and Warehouse-
men's Association, and
Weicker Transfer and
Storage Company;
E. B. Evans, Esq., Denver,
Colorado, for Denver-
Boulder Truck Line,
Denver-Brighton Truck
Line, Overland Motor
Express, and Westway
Motor Freight.

S T A T E M E N T

By the Commission:

On April 25, 1960, Leon Goldfogel, Denver, Colorado, the applicant herein, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of general freight, for customers warehousing commodities at applicant's warehouse, located at 935 West 45th Avenue, Denver, Colorado, to and from said warehouse, from and to points within the City and County of Denver, and points within a radius of twenty-five miles thereof.

The above matter was regularly set for hearing, and heard, May 11, 1960, at 532 State Services Building, 1525 Sherman Street, Denver, Colorado, and at the conclusion thereof, the matter was taken under advisement.

Before the taking of evidence, applicant asked to amend his application by substituting a radius of five miles of the City and County of Denver in lieu of the twenty-five-mile radius. After this amendment, the attorneys for Denver-Boulder Truck Line, Denver-Brighton Truck Line, Overland Motor Express, and Westway Motor Freight, withdrew their protests.

Leon Goldfogel, the applicant herein, testified that he desires to engage in the business of transporting general commodities for companies warehousing their commodities at his warehouse, located at 935 West 45th Avenue, Denver, Colorado, under contract with said companies, from and to all points within the City and County of Denver and a radius of five miles thereof. The witness identified Exhibit No. 1, which sets out the equipment he proposes to use. Exhibit No. 2 is a statement of his financial condition.

The evidence discloses that applicant and his father were, up to a short time ago, engaged in the wholesale grocery business and were able to make their own deliveries under a commercial carrier permit. The applicant indicated that they were compelled to go out of the wholesale grocery business due to the growth of the large super markets, and the elimination of the small neighborhood grocery; that some time ago the applicant determined to change his business to warehousing grocery products for factory representatives and food brokers; that he continued to make deliveries in Denver as he had previously done under his commercial carrier permit. It appears that he was contacted by the Enforcement Division of this Commission and advised that if he were to continue his deliveries he needed a private carrier permit. He, immediately thereafter, filed the instant application.

Several witnesses who designated themselves as food brokers and manufacturer representatives, appeared and testified they were presently warehousing their products in applicant's warehouse; that they needed a specialized immediate delivery service available to

them at all times for delivery of their products to the several grocery stores and super markets in the Denver area; that many of these deliveries will be made on Saturdays and Sundays, and on a few minutes' notice, and it was important to them that they have a delivery service available at all times. It further appears from their testimony that none of the specialized deliveries were outside a five-mile radius of Denver, and virtually all of the witnesses testified they used common carrier service to points in Colorado and interstate motor vehicle common carriers to points outside the Denver Metropolitan Area in Colorado. All witnesses appeared satisfied with that service but contended they needed a personalized immediate delivery service for Metropolitan Denver.

Only one witness appeared formally protesting the granting of the application and that was Hubert Work, Vice-President and Treasurer of Weicker Transfer and Storage Company. His company operates a general transfer, warehouse and storage business in the City and County of Denver, and holds Certificate of Public Convenience and Necessity No. 341, which authorizes, generally, the transportation of all commodities, not only in the City and County of Denver but also the entire State of Colorado. It is evident from the record that the Weicker Company reported applicant's operation under his commercial permit to the Enforcement Department of the Commission, as is clearly demonstrated by Exhibits Nos. 7 and 8. Witness Work called the attention of the Commission to the fact that he has equipment available, and stated they desired the business of applicant's customers.

In considering the application, we must bear in mind that Weicker Transfer is also a competitor in warehousing, which is clearly, in the opinion of the Commission, the attractive business. While many state commissions have jurisdiction over warehousing, the Colorado Commission does not, and we have the feeling that the Weicker Company is more perturbed over the loss of the warehousing accounts than of the delivery service from and to the warehouse.

However, this is an application for a private carrier permit, and our statutory authority governing us in determining this application is as follows:

"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."

From this, it would appear that the Act makes it incumbent upon the Commission to make two primary Findings of Fact before a permit can be granted. It would also seem that the first is the determination that there are no duly authorized motor vehicle common carriers then adequately serving the same territory in the type of business asked for in the application. We, heretofore, have taken the view that if this negative fact can be established, then the question of impairment does not arise. But if the territory and the type of customers here appearing are being adequately served, then it becomes necessary, in order to sustain the granting of a permit, that the Commission find (secondly) that the proposed operation of any such private carrier will (not) impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the territory in which the applicant seeks to operate.

F I N D I N G S

THE COMMISSION FINDS:

1. That applicant is well qualified financially and by experience, and has adequate equipment to operate under his proposed permit.
2. That after a careful review of the record and the evidence submitted at the hearing, the Commission is of the opinion, and so finds, that the service rendered by common carriers engaged in

making pickup deliveries in Metropolitan Denver is not adequate to take care of applicant's customers' needs as they need an emergency service not presently offered by common carriers.

3. If we concede that the service offered by common carriers in the Denver Metropolitan Area is adequate, still, Weicker Transfer and Storage Company, in the opinion of the Commission, failed to show that the efficiency of their respective services to the public under Certificate of Public Convenience and Necessity No. 341 will be impaired if the proposed permit, as herein-after restricted, is authorized. We further find that some fifteen or twenty common carriers authorized to render this service failed to appear and testify, recognizing, in our opinion, that the authority asked for in the application is in the nature of private carriage.

4. That the instant application should be granted for the reasons heretofore set forth in this decision.

O R D E R

THE COMMISSION ORDERS:

That Leon Goldfogel, 935 West 45th Avenue, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of general commodities stored or to be stored in his warehouse, or delivery from storage in his warehouse, for companies only warehousing their commodities in his warehouse under contract with said companies, from and to said warehouse within the City and County of Denver, State of Colorado, and a radius of five miles of the City Limits thereof.

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

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

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

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 E. Zalusky
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

original

(Decision No. 54421)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. C. STALLSWORTH, DOING BUSINESS AS)
"ALL-CITY HAULERS," 2345 WEST 33RD,)
DENVER, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 17769-Transfer
TRANSFER PUC NO. 3634 TO STANLEY E.)
RHODUS AND ROBERT R. LITCHFIELD,)
DOING BUSINESS AS "ALL-CITY HAULERS,")
3443 BRYANT STREET, DENVER, COLORADO.)

June 2, 1960

Appearances: Joe R. Atencio, Esq., Engle-
wood, Colorado, for Trans-
feror and Transferee.

S T A T E M E N T

By the Commission:

E. C. Stallsworth, doing business as "All-City Haulers,"
Denver, Colorado, is the owner and operator of PUC No. 3634, author-
izing:

transportation of ashes, trash and other
waste materials, between points within
the City and County of Denver, and from
points within the City and County of Den-
ver, to regularly-designated and approved
dumps and disposal places in the Counties
of Adams, Arapahoe and Jefferson, State
of Colorado.

By the instant application, said certificate-holder seeks
authority to transfer said operating rights to Stanley E. Rhodus and
Robert R. Litchfield, doing business as "All-City Haulers," Denver,
Colorado.

At the hearing, the evidence disclosed that the considera-
tion for the transfer of the certificate is the sum of \$2,500.00, a
mortgage therefor being given on real estate, but not on the certifi-
cate, the Receipt and Option being on file with the Commission.

The evidence further disclosed that the net worth of transferees is the sum of \$16,000, and they have ample equipment with which to carry on the proposed operations.

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.

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 E. C. Stallsworth, doing business as "All-City Haulers," Denver, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3634 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Stanley E. Rhodus and Robert R. Litchfield, doing business as "All-City Haulers," 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 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. Horton
Henry B. Zalkin
Commissioners

Dated at Denver, Colorado,
this 2nd day of June, 1960.

mls

original

(Decision No. 54422)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. STRICKER, A. STRICKER, JR., AND)
J. P. GERRINGER, CO-PARTNERS, DOING)
BUSINESS AS "A. STRICKER AND SONS,")
4414 DELAWARE STREET, DENVER, COLO-)
RADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 17771-PP-Transfer
PERMIT NO. B-4834 TO A. STRICKER,)
JR., J. P. GERRINGER, AND RICHARD L.)
STRICKER, CO-PARTNERS, DOING BUSI-)
NESS AS "A. STRICKER AND SONS," 4866)
BENTON STREET, DENVER, COLORADO.)
-----)

June 2, 1960

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Transferors and Trans-
ferees.

S T A T E M E N T

By the Commission:

The transferors herein are the owners and operators of
Permit No. B-4834, authorizing:

- (a) Transportation of drugs and sundries (those items usually sold by wholesale and retail drug stores), between the warehouse of McKesson and Robbins, Inc., in Denver, Colorado, on the one hand, and retail drug stores located within seventy-five miles of Denver, Colorado, on the other hand, including point to point service within the City and County of Denver, Colorado; all for McKesson and Robbins, Inc. only;
- (b) transportation of drugs and sundries (those items usually sold by wholesale and retail drug stores), between warehouses of the Republic Drug Company and William W. Myer Drug Stores Company, on the one hand, and warehouses of the retail drug stores of the respective companies, located within 16 miles of the intersection of Colfax Avenue and Broadway in Denver, Colorado, on the other hand; including point to point service within the corporate limits of the City and County of Denver, Colorado; all for Republic Drug Company and William W. Myer Drug Stores Company,

only; provided, however, that no service is authorized under this paragraph west of Simms Street in Jefferson County, Colorado; (c) applicants shall not perform service for any customers not hereinabove specifically named without having first obtained authority from this Commission so to do.

Extended to include the right to transport miscellaneous general commodities sold, or to be sold, by Associated Traders, Inc. for that company, only, between points within the City of Denver, Colorado, and within sixteen miles of the intersection of Colfax and Broadway, in Denver, Colorado, but excluding service west of Simms Street, in Jefferson County, Colorado, and to include authority to serve Republic Drug Company, so as to permit service to a new Republic Drug Store, at 20th and Youngfield Streets, in Jefferson County, Colorado.

By the instant application, said permit-holders seek authority to transfer the operating rights under Permit No. B-4834 to A. Stricker, Jr., J. P. Gerringer and Richard L. Stricker, co-partners, doing business as "A. Stricker and Sons," 4860 Benton Street, Denver, Colorado.

The application was regularly set for hearing, and heard, at 532 State Services Building, Denver, Colorado, at ten o'clock A. M., on May 27, 1960, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that an Agreement has been entered into between A. Stricker, Sr. and his grandson, Richard L. Stricker, wherein it is agreed by the latter to buy the interest of the former in the co-partnership of A. Stricker, A. Stricker, Jr., and J. P. Gerringer, said Richard L. Stricker having given his grandfather a promissory note for \$6,000 in payment therefor, the Agreement and note being on file with the Commission. The other members of the partnership have consented to this arrangement, and it appears that the transfer is in the public interest.

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

The operating experience and financial responsibility of transferee Richard L. Stricker 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 A. Stricker, A. Stricker, Jr., and J. P. Gerringer, co-partners, doing business as "A. Stricker and Sons," Denver, Colorado, be, and they are hereby, authorized to transfer all their right, title and interest in and to Permit No. B-4834 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to A. Stricker, Jr., J. P. Gerringer and Richard L. Stricker, co-partners, doing business as "A. Stricker and Sons," 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 transferees, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under

said permit up to time of transfer of said permit.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hegin
Joseph C. Hinton
Henry E. Zalusky
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD D. SHAULIS, 1518 SANTIAGO,)
FARMINGTON, NEW MEXICO.)
-----)

PERMIT NO. B-2977 & I

June 8, 1960

S T A T E M E N T

By the Commission:

On January 21, 1960, the Commission authorized Edward D. Shaulis to suspend operations under his Permit No. B-2977 & I, until June 30, 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-2977 & I, should be, and the same hereby is, reinstated as of May 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Tigro
Frank C. Horton
Henry E. Zuley
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
S. BUS SCHIEVING, 2420 - 10TH AVENUE)
COURT, GREELEY, COLORADO.)

PERMIT NO. M-8741

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from S. Bus Schieving,
Greeley, Colorado

requesting that Permit No. M-8741 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8741, heretofore issued to S. Bus Schieving,
Greeley, Colorado be.

and the same is hereby, declared cancelled effective October 3, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Tolson
Wm. E. Zachary
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DEAN I. ALLAN, 8020 NORTH LOWELL)
BOULEVARD, WESTMINSTER, COLORADO.)
)
)
)
-----)

PERMIT NO. M-9102

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dean I. Allan,
Westminster, Colorado
requesting that Permit No. M-9102 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9102, heretofore issued to Dean I. Allen,
Westminster, Colorado be,
and the same is hereby, declared cancelled effective May 6, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph G. Norton
Henry E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54426)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DEAN I. ALLAN, 8020 NORTH)
LOWELL BOULEVARD, WESTMINSTER,)
COLORADO.)

PERMIT NO. B-5368

June 8, 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-5368 be suspended for six months from May 6, 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 Dean I. Allan, Westminster, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5368 until November 6, 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
Joseph C. Norton
Henry E. Zwick
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HENRY R. TUREK, DOING BUSINESS AS,)
"ARTESIA PRODUCE COMPANY", P. O. BOX)
106, ARTESIA, COLORADO.)
-----)

PERMIT NO. M-5946

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Henry R. Turek, doing
business as, "Artesia Produce Company", Artesia, Colorado
requesting that Permit No. M-5946 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5946, heretofore issued to Henry R. Turek, doing
business as, "Artesia Produce Company", Artesia, Colorado be,
and the same is hereby, declared cancelled effective May 22, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Henry E. Zurlings
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
G. L. MC CULLOCH, 2543 EAST CHERRY)
LYNN, PHOENIX, ARIZONA.)

PERMIT NO. M-9136

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from G. L. Mc Cullough,
Phoenix, Arizona

requesting that Permit No. M-9136 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9136, heretofore issued to G. L. Mc Cullough,
Phoenix, Arizona be,
and the same is hereby, declared cancelled effective April 14, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zurlings
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. L. MC CULLOUGH, 2543 EAST)
CHERRY LYNN, PHOENIX, ARIZONA.)

PUC NO. 2664-I

June 8, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. L. Mc Cullough,
Phoenix, Arizona

requesting that Certificate of Public Convenience and Necessity No. 2664-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. 2664-I heretefore issued to G. L.
Mc Cullough, Phoenix, Arizona

be, and the same is hereby, declared cancelled effective April 14, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zullinger
Commissioners

Dated at Denver, Colorado,

this 8th day of June, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ORVILLE ELLSWORTH, 1032 PAGOSA,)
COLORADO SPRINGS, COLORADO.)

PERMIT NO. M-6830

June 8, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Orville Ellsworth,
Colorado Springs, Colorado
requesting that Permit No. M-6830 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6830, heretofore issued to Orville Ellsworth,
Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective May 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 8th day of June, 195/ 60.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54431)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM BROCKMAN, BENNETT, COLO-)
RADO.)

PERMIT NO. B-5714

June 15, 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-5714 be suspended for six months from January 2, 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 Brockman, Bennett, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5714 until July 2, 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
Robert C. Horton
Wm. E. Zuckers
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W.E. WALKER, ROUTE 2, BENTONVILLE,)
ARKANSAS.)

PERMIT NO. M-8666

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W.E. Walker,
Bentonville, Arkansas
requesting that Permit No. M-8666 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8666, heretofore issued to W.E. Walker,
Bentonville, Arkansas be,
and the same is hereby, declared cancelled effective June 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Rauch C. Norton
Kung E. Zarkings
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 1957 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. WALKER, ROUTE 2, BENTON-)
VILLE, ARKANSAS.)
)
)
)
)
-----)

PUC NO. 4469-I

June 15, 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. 4469-I be suspended for six months from June 20, 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 W. E. Walker, Bentonville, Arkansas

_____, be, and is hereby, authorized to suspend operations under PUC No. 4469-I until December 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
Joseph C. Norton
Henry E. Zurling
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD ALFRED PLUNKETT, P. O. BOX)
101, MORRISON, COLORADO.)

PERMIT NO. M-15746

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold Alfred Plunkett, Morrison, Colorado requesting that Permit No. M-15746 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15746, heretofore issued to Harold Alfred Plunkett,
Morrison, Colorado be,
and the same is hereby, declared cancelled effective June 4, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
 Ralph C. Norton
 Henry E. Zerkow
 Commissioners

Dated at Denver, Colorado,
this 15th day of June, 1956.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54435)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD ALFRED PLUNKETT, P. O.)
BOX 101, MORRISON, COLORADO.)

PERMIT NO. B-5135

June 15, 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-5135 be suspended for six months from June 4, 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 Harold Alfred Plunkett, Morrison, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5135 until December 4, 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. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

VIRON L. GRAY, 17500 S. W.)
JOHNSON, ALAHO, OREGON.)

PERMIT NO. B-5324

- - - - -
June 15, 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-5324 be further suspended for six months from June 3, 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 Viron L. Gray, Alaho, Oregon

be, and is hereby, authorized to further suspend his operations under Permit No. B-5324 until December 3, 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. Tigro
Garth C. Nelson
Wm E. Zerk
Commissioners

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

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
F. E. EVERETT: FRANK GILLEN AND OLIVE)
HILGERT, DOING BUSINESS AS, "RUSSELL)
STOVER CANDIES OF LINCOLN", 201)
NORTH EIGHT STREET, LINCOLN, NEBRASKA)
-----)

PERMIT NO. M-6187

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from F. E. Everett; Frank Gillen and Olive Hilgert, dba "Russell Stover Candies of Lincoln", Lincoln, Nebraska requesting that Permit No. M-6187 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6187, heretofore issued to F. E. Everett, Frank Gillen and Olive Hilgert, dba "Russell Stover Candies of Lincoln", Lincoln, Nebraska be, and the same is hereby, declared cancelled effective June 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Robert C. Wood
Henry E. Zerk
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM D. HENDRYX, DOING BUSINESS AS,
"WILLIAM D. HENDRYX AND SON", 415)
WEST PLATTE AVENUE, COLORADO SPRINGS,)
COLORADO.)
-----)

PERMIT NO. M-15890

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William D. Hendryx,
doing business as, "William D. Hendryx and Son", Colorado Springs, Colorado
requesting that Permit No. M-15890 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15890, heretofore issued to William D. Hendryx, doing
business as, "William D. Hendryx and Son", Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective May 27, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zaitz
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GLEN A. OTT, P. O. BOX 472, GEORGE-)
TOWN, COLORADO.)
)
)
)
-----)

PERMIT NO. M-8707

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen A. Ott,
Georgetown, Colorado
requesting that Permit No. M-8707 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8707, heretofore issued to Glen A. Ott,
Georgetown, Colorado be,
and the same is hereby, declared cancelled effective May 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM E. MAYS, DOING BUSINESS AS,)
"BURNWELL COAL MINE #2", HESPERUS,)
COLORADO.)
-----)

PERMIT NO. M-10249

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William E. Mays,
doing business as, "Burnwell Coal Mine #2", Hesperus, Colorado
requesting that Permit No. M-10249 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10249, heretofore issued to William E. Mays, doing
business as, "Burnwell Coal Mine #2", Hesperus, Colorado be,
and the same is hereby, declared cancelled effective May 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Robert C. Boston
Henry E. Zurlings
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE LUCERO, P. O. BOX 112,)
AGUILAR, COLORADO.)
)
)
)
-----)

PERMIT NO. M-15416

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Eugene Lucero,
Aguilar, Colorado
requesting that Permit No. M-15416 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15416, heretofore issued to Eugene Lucero,
Aguilar, Colorado be,
and the same is hereby, declared cancelled effective May 28, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
King E. Zaitch
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RALPH J. ORD, DOING BUSINESS AS,)
"ORD STONE COMPANY", P. O. BOX 947,)
LYONS, COLORADO.)
-----)

PERMIT NO. M-7059

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph J. Ord, doing
business as, "Ord Stone Company", Lyons, Colorado
requesting that Permit No. M-7059 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7059, heretofore issued to Ralph J. Ord, doing
business as, "Ord Stone Company", Lyons, Colorado be,
and the same is hereby, declared cancelled effective March 13, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Richard C. Nelson
Henry E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 1960.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54443)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN C. MENAPAGE, P. O. BOX)
243, ROY, NEW MEXICO.)

PERMIT NO. B-3668-I

June 15, 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-3668-I be suspended for six months from June 16, 1960.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That John C. Menapace, Roy, New Mexico

be, and is hereby, authorized to suspend his operations under Permit No. B-3668-I until December 16, 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
Ramon C. Wood
Henry E. Zerk
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
H. W. KING, 1029 LA PORTE, FORT)
COLLINS, COLORADO.)
)
)
-----)

PERMIT NO. M-4483

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. W. King
Fort Collins, Colorado
requesting that Permit No. M-4483 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4483, heretofore issued to H. W. King
Fort Collins, 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
Joseph C. Jordan
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BRUNSWICK QUICK FREEZER, INCORPORATED),
P. O. BOX 455, BRUNSWICK, GEORGIA.)

PERMIT NO. M-5267

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Brunswick Quick Freezer, Incorporated, Brunswick, Georgia requesting that Permit No. M-5267 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5267, heretofore issued to Brunswick Quick Freezer,
Incorporated, Brunswick, Georgia be,
and the same is hereby, declared cancelled effective May 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Garth C. Norton
Henry E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BRUNSWICK QUICK FREEZER, INC-)
ORPORATED, P. O. BOX 455,)
BRUNSWICK, GEORGIA.)

PUC NO. 2624-I

June 7, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Brunswick Quick
Freezer, Inc., Brunswick, Georgia

requesting that Certificate of Public Convenience and Necessity No. 2624-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. 2624-I heretofore issued to Brunswick
Quick Freezer, Inc., Brunswick, Georgia

be, and the same is hereby, declared cancelled effective May 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 15th day of June, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EVERETT E. GORGEN, P. O. BOX)
342, O'NEILL, NEBRASKA.)
-----)

P U C NO. 4327-I

June 15, 1960

S T A T E M E N T

By the Commission:

On May 24, 1960, the Commission authorized Everett E. Gorgen to suspend operations under his Certificate No. 4327-I, until September 20, 1960.

The Commission is now in receipt of a communication from the above-named permittee requesting that his Certificate be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 4327-I, should be, and the same hereby is, reinstated as of June 3, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Tigro
Ralph C. Holton
Wm. E. Zullinger
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MILO AKSAMIT AND WARREN WYMORE, DOING)
BUSINESS AS, "SPORTSMAN DRIVE-IN",)
1401 SOUTH JEFFERS, NORTH PLATTE,)
NEBRASKA.)
-----)

PERMIT NO. M-620

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Milo Aksamit and Warren Wymore, doing business as, "Sportsman Drive-In", North Platte, Nebraska requesting that Permit No. M-620 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-620, heretofore issued to Milo Aksamit and Warren Wymore, doing business as, "Sportsman Drive-In", North Platte, Nebraska be, and the same is hereby, declared cancelled effective May 19, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Jordan
Wm. E. Zisch
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LUTHER L. ALBRIGHT, 813 $\frac{1}{2}$ PALMER)
AVENUE, GLENWOOD SPRINGS, COLORADO.)
)
)
-----)

PERMIT NO. M-1172

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Luther L. Albright,
Glenwood Springs, Colorado
requesting that Permit No. M-1172 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1172, heretofore issued to Luther L. Albright,
Glenwood Springs, Colorado be,
and the same is hereby, declared cancelled effective May 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Gordon
Henry E. Zeilinger
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. H. YATES, SR., AND C. H. YATES,)
JR., DOING BUSINESS AS, "C. H. YATES)
COMPANY", P. O. BOX 428, ESPANOLA,)
NEW MEXICO.)
-----)

PERMIT NO. M-1749

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. H. Yates, Sr., and
C. H. Yates, Jr., doing business as, "C. H. Yates Company", Espanola, New Mexico
requesting that Permit No. M-1749 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1749, heretofore issued to C. H. Yates, Sr., and C. H.
Yates, Jr., doing business as, "C. H. Yates Company", Espanola, New Mexico be,
and the same is hereby, declared cancelled effective June 8, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Johnson
Wm. E. Zecher
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
PAUL APODACA, DOING BUSINESS AS,)
"PAUL'S TRADING POST", 500 WEST MAIN)
STREET, TRINIDAD, COLORADO.)
-----)

PERMIT NO. M-1905

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul Apodaca, doing
business as, "Paul's Trading Post", Trinidad, Colorado
requesting that Permit No. M-1905 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1905, heretofore issued to Paul Apodaca, doing
business as, "Paul's Trading Post", Trinidad, Colorado be,
and the same is hereby, declared cancelled effective May 21, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Henry E. Zalkow
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD J. AND ELOISE M. BEAKEY,)
DOING BUSINESS AS, "RED'S TIRE AND)
BATTERY COMPANY", 209 WEST 3RD STREET)
SALIDA, COLORADO.)
-----)

PERMIT NO. M-7506

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard J. and Eloise M. Beakey, doing business as, "Red's Tire and Battery Company", Salida, Colorado requesting that Permit No. M-7506 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7506, heretofore issued to Howard J. and Eloise M. Beakey, doing business as, "Red's Tire and Battery Company", Salida, Colorado be, and the same is hereby, declared cancelled effective January 26, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Jordan
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GLADYS I. WARDE, ROUTE 3, NORTH)
PLATTE, NEBRASKA.)
)
)
)
-----)

PERMIT NO. M-10439

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gladys I. Warde,
North Platte, Nebraska
requesting that Permit No. M-10439 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10439, heretofore issued to Gladys I. Warde,
North Platte, Nebraska be,
and the same is hereby, declared cancelled effective June 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Francis C. Horton
Henry E. Zuckers
Commissioners

Dated at Denver, Colorado,

this 15th day of June, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED I. AND JOSEPHINE COTTON, DOING)
BUSINESS AS, "HOM-KRAFT BAKERY", 112)
SOUTH 14TH, CANON CITY, COLORADO.)
-----)

PERMIT NO. M-12346

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred I. and Josephine Cotton, doing business as, "Hom-Kraft Bakery", Canon City, Colorado requesting that Permit No. M-12346 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12346, heretofore issued to Fred I. and Josephine Cotton, doing business as, "Hom-Kraft Bakery", Canon City, Colorado be, and the same is hereby, declared cancelled effective May 17, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Negro
James C. Johnson
Harry E. Paulding
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RALPH GODLEY, P. O. BOX 96, ELIZABETH,
COLORADO.)
)
)
-----)

PERMIT NO. M-641

June 15, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph Godley,
Elizabeth, Colorado
requesting that Permit No. M-641 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-641, heretofore issued to Ralph Godley,
Elizabeth, Colorado be,
and the same is hereby, declared cancelled effective June 7, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zerkow
Commissioners

Dated at Denver, Colorado,
this 15th day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CALIFORNIA GAS SERVICE COMPANY, DOING)
BUSINESS AS, "IDAHO GAS COMPANY",)
240 MONTGOMERY STREET, SAN FRANCISCO)
4, CALIFORNIA.)
-----)

PERMIT NO. M-13128

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from California Gas Service Co., dba "Idaho Gas Company", San Francisco 4, California requesting that Permit No. M-13128 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13128, heretofore issued to California Gas Service Co., dba "Idaho Gas Company", San Francisco 4, California be, and the same is hereby, declared cancelled effective May 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CALIFORNIA WESTERN GAS COMPANY, DOING)
BUSINESS AS, "CALIFORNIA GAS SERVICE)
COMPANY", 240 MONTGOMERY STREET, SAN)
FRANCISCO 4, CALIFORNIA.)

PERMIT NO. M-1729

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from California Western Gas Co., dba "California Gas Service Company", San Francisco 4, California requesting that Permit No. M-1729 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1729, heretofore issued to California Western Gas Co., dba "California Gas Service Company", San Francisco 4, California be, and the same is hereby, declared cancelled effective May 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Nelson
Edward E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD F. RAJEWICH, DOING BUSINESS AS,
"E. F. RAJEWICH", 604 WEST WASHINGTON,
CARSON CITY, NEVADA.)

PERMIT NO. M-9853

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward J. Rajewich,
doing business as, "E. F. Rajewich", Carson City, Nevada
requesting that Permit No. M-9853 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9853, heretofore issued to Edward J. Rajewich,
doing business as, "E. F. Rajewich", Carson City, Nevada be,
and the same is hereby, declared cancelled effective April 27, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Horton
Henry E. Zuley
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
VERNON ROOFE, SOUTH ROUTE, CORTEZ,)
COLORADO.)

PERMIT NO. M-9020

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Vernon Rooft,
Cortez, Colorado
requesting that Permit No. M-9020 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9020, heretofore issued to Vernon Rooft,
Cortez, Colorado be,
and the same is hereby, declared cancelled effective June 10, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 54461)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON ROOFE, SOUTH ROUTE,)
CORTEZ, COLORADO.)

PERMIT NO. B-5617

June 22, 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-5617 be suspended for six months from June 10, 1960.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Vernon Roofe, Cortez, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5617 until December 10, 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. Zalusky
Commissioners

Dated at Denver, Colorado,
this 22nd day of June, 19 60.

hc

original

(Decision No. 54462)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF ISSUANCE OF)
TEMPORARY CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY UNDER)
CHAPTER 115, SESSION LAWS OF)
COLORADO, 1953, FOR EMERGENCY)
MOVEMENT OF PEAS, SNAP BEANS,)
SWEET CORN, TOMATOES, RED BEETS,)
AND PICKLES.)
-----)

APPLICATION NO. 17845

June 14, 1960

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency will exist because of shortage of trucks for transportation of peas, snap beans, sweet corn, tomatoes, red beets, and pickles, in the Counties of Adams, Larimer, Boulder, Weld, Morgan, and Mesa, Colorado, and that said emergency will probably continue for a period of approximately ninety days, starting June 24, 1960.

Request is made for an Order of this Commission relative to the issuance of temporary certificates of public convenience and necessity for the seasonal transportation of said crops in the counties above-named.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency will exist because of shortage in certificated trucks for transportation of peas, snap beans, sweet corn, tomatoes, red beets, and pickles, in the Counties of Adams, Larimer, Boulder, Weld, Morgan, and Mesa, Colorado, and that public convenience and necessity require that temporary certificates of public

convenience and necessity should issue for the operation of motor vehicles for transportation of said crops to markets or places of storage, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to be effective for a period of ninety (90) days, or from June 24, 1960 to September 24, 1960, both dates inclusive.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to be issued for the operation of motor vehicles, for transportation of peas, snap beans, sweet corn, tomatoes, red beets, and pickles, to markets or places of storage in the Counties of Adams, Larimer, Boulder, Weld, Morgan, and Mesa, Colorado, said certificates to be effective June 24, 1960, and to continue in force up to and including September 24, 1960, no such certificate to issue for the transportation of such products by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Rypis

Ralph C. Horton

Henry B. Zedler
Commissioners.

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

ea

argued

(Decision No. 54463)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF ISSUANCE OF)	
TEMPORARY CERTIFICATES OF PUBLIC)	
CONVENIENCE AND NECESSITY UNDER)	
CHAPTER 115, SESSION LAWS OF)	<u>APPLICATION NO. 17846</u>
COLORADO, 1953, FOR EMERGENCY)	
MOVEMENT OF WHEAT.)	
-----)	

June 14, 1960

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency will exist because of shortage of trucks for transportation of wheat in the Counties of Las Animas, Baca, Otero, Bent, and Prowers, Colorado, on June 20, 1960, and that said emergency will probably continue for a period of approximately thirty (30) days thereafter.

Request is made for an Order of this Commission relative to issuance of temporary certificates of public convenience and necessity for the seasonal transportation of said wheat crop in the counties above set forth.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency will exist because of shortage in certificated trucks for transportation of wheat in the Counties of Las Animas, Baca, Otero, Bent, and Prowers, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation of said wheat to markets or places of storage, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to be effective for a period of

thirty (30) days, or from June 20, 1960 to and including July 19, 1960.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to be issued for the operation of motor vehicles, for transportation of wheat to markets or places of storage, in the Counties of Las Animas, Baca, Otero, Bent, and Prowers, Colorado, said certificates to become effective June 20, 1960, and to continue in force up to and including July 19, 1960, no such certificate to issue for transportation of wheat by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Wootton
Henry E. Forlump
Commissioners.

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

ea

original

(Decision No. 54464)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF ISSUANCE OF)	
TEMPORARY CERTIFICATES OF PUBLIC)	
CONVENIENCE AND NECESSITY UNDER)	
CHAPTER 115, SESSION LAWS OF)	<u>APPLICATION NO. 17847</u>
COLORADO, 1953, FOR EMERGENCY)	
MOVEMENT OF WHEAT.)	
-----)	

June 14, 1960

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency will exist because of shortage of trucks for transportation of wheat in the Counties of Kiowa, Crowley, Lincoln, Elbert, Cheyenne, Kit Carson, Washington, Yuma, Phillips, Sedgwick, Logan, Weld, Morgan, Adams, and Arapahoe, on June 25, 1960, and that said emergency will probably continue for a period of approximately thirty (30) days thereafter.

Request is made for an Order of this Commission relative to issuance of temporary certificates of public convenience and necessity for seasonal transportation of said wheat crop in the counties above set forth.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency will exist because of shortage in certificated trucks for transportation of wheat in the Counties of Kiowa, Crowley, Lincoln, Elbert, Cheyenne, Kit Carson, Washington, Yuma, Phillips, Sedgwick, Logan, Weld, Morgan, Adams, and Arapahoe, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation of said wheat

to markets or places of storage, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to become effective June 25, 1960, and to continue in force up to and including July 24, 1960.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to be issued for the operation of motor vehicles, for transportation of wheat to markets or places of storage, in the Counties of Kiowa, Crowley, Lincoln, Elbert, Cheyenne, Kit Carson, Washington, Yuma, Phillips, Sedgwick, Logan, Weld, Morgan, Adams, and Arapahoe, Colorado, said certificates to become effective June 25, 1960, and to continue in force up to and including July 24, 1960, no such certificate to issue for transportation of wheat by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regier
Ralph C. Hobart
Henry J. Zallinger
Commissioners.

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

ea

original

(Decision No. 54465)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID J. KINGERY, 1739 VIRGINIA)
STREET, IDAHO SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 17811-PP-Transfer
A-750 TO KINGERY TRANSPORTATION CO.,)
1739 VIRGINIA STREET, IDAHO SPRINGS,)
COLORADO.)

June 16, 1960

Appearances: George R. Gaubatz, Idaho
Springs, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, David J. Kingery, Idaho Springs, Colorado, was
granted a Class "A" permit (No. A-750), authorizing operation as a
private carrier by motor vehicle for hire, for the transportation of:

freight, between Leadville, Colorado, and
Boulder, Colorado Springs and intermediate
points, including mining districts of
Georgetown, Silver Plume, Central City,
Blackhawk and Idaho Springs, via Colorado
91, 119, U. S. 40, 85, 285, and Colo. 7.

Said permit-holder now seeks authority to transfer said
Permit No. A-750 to Kingery Transportation Co., a corporation, Idaho
Springs, Colorado.

Said application was regularly set for hearing before the
Commission at the Hearing Room of the Commission, 532 State Services
Building, Denver, Colorado, June 7, 1960, at ten o'clock A. M., due
notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, desig-
nated Edwin R. Lundborg, an employee of this Commission, to conduct
the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, David J. Kingery, as transferor herein, and as President of transferee corporation, appeared and testified in support of the application, stating he has continuously operated under said permit since it was granted by the Commission; that there are no outstanding unpaid operating obligations against said permit; that the consideration for transfer of said operating rights is all capital stock of transferee corporation; that said corporation has sufficient equipment with which to conduct operations under Permit No. A-750, and is financially able to do so; that he has had many years experience in trucking operations; that he will continue acting as Manager of operations under said operating rights.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

That David J. Kingery, Idaho Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-750 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Kingery Transportation Co., a corporation, Idaho Springs, Colorado, subject to payment of outstanding indebtedness against said permit, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and 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

Joseph F. Regio
Ralph C. Horton
Samuel E. Zuleaga
Commissioners

Dated at Denver, Colorado,
this 16th day of June, 1960.

mls

original

(Decision No. 54466)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AMALIA D. MARTINEZ, ROUTE 1, BOX)
72-B, ANTONITO, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER INTERSTATE OPERATING) PERMIT NO. B-5471-I-Transfer
RIGHTS TO ARLENE D. MARTINEZ, ROUTE)
1, BOX 72-B, ANTONITO, COLORADO.)

June 16, 1960

S T A T E M E N T

By the Commission:

Heretofore, Amalia D. Martinez, Antonito, Colorado, was granted a Class "B" permit (No. B-5471-I), authorizing operation as a private carrier by motor vehicle for hire, for the transportation of:

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

Said permit-holder now seeks authority to transfer said Permit No. B-5471-I to Arlene D. Martinez, Antonito, 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 Amalia D. Martinez, Antonito, Colorado, be, and hereby

is, authorized to transfer all right, title, and interest in and to said Permit No. B-5471-I -- with authority as set forth in the State-
ment preceding, which is made a part hereof, by reference -- to
Arlene D. Martinez, Antonito, Colorado, subject to payment of out-
standing indebtedness against said operation, if any there be,
whether secured or unsecured, and subject to the provisions of the
Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Joseph C. Horton
Donald Zucko
Commissioners.

Dated at Denver, Colorado,
this 16th day of June, 1960.

mls

original

(Decision No. 54467)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOROTHY NOLLENBERGER, LUCILLE BAER,)
EUNICE MC LAUGHLIN, ALICE KUPEC,)
MARIE JENSEN, MARJORIE ROBINSON,)
GLENN BLAIR, LOIS FERREL, DARRELL)
GUNN, ELEANOR HENRICKSON, CLIVE)
HILGERT, LEM T. JONES, IRENE R.)
KENYON, ROY L. KING, EVELYN NELSON,)
HELEN REEDY, LILLIAN STARR, RUSSELL)
STOVER, AND FREEMAN E. EVERETT, CO-)
PARTNERS, DOING BUSINESS AS "RUSSELL)
STOVER CANDIES OF DENVER," 2019)
STOUT STREET, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO RUSSELL STOVER)
CANDIES, INC., 1206 MAIN STREET,)
KANSAS CITY, MISSOURI.)

PERMIT NO. B-4655-I-Transfer

June 16, 1960

S T A T E M E N T

By the Commission:

Heretofore, Dorothy Nollenberger, Lucille Baer, Eunice McLaughlin, Alice Kupec, Marie Jensen, Marjorie Robinson, Glenn Blair, Lois Ferrel, Darrell Gunn, Eleanor Henrickson, Clive Hilgert, Lem T. Jones, Irene R. Kenyon, Roy L. King, Evelyn Nelson, Helen Reedy, Lillian Starr, Russell Stover, and Freeman E. Everett, co-partners, doing business as "Russell Stover Candies of Denver," Denver, Colorado, were authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

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

said operating rights being designated "Permit No. B-4655-I."

Said permit-holders now seek authority to transfer said

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FORBURGER COMPANY, INCORPORATED,)
DOING BUSINESS AS, "MANHATTAN CUT)
STONE COMPANY", MANHATTAN, KANSAS.)
-----)

PERMIT NO. M-865

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Forburger Company, Inc.,
Manhattan, Kansas
requesting that Permit No. M-865 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-865, heretofore issued to Forburger Company, Inc.,
Manhattan, Kansas be,
and the same is hereby, declared cancelled effective June 16, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph G. Norton
Wm. E. Zwickler
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
G. W. BLACKNER, DOING BUSINESS AS,)
"CHEYENNE INDIAN EXPRESS", 195 YUKON)
STREET, LAKEWOOD, COLORADO.)
-----)

PERMIT NO. M-10781

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from G. W. Blackner, doing
business as, "Cheyenne Indian Express", Lakewood, Colorado
requesting that Permit No. M-10781 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10781, heretofore issued to G. W. Blackner, doing
business as, "Cheyenne Indian Express", Lakewood, Colorado be,
and the same is hereby, declared cancelled effective May 14, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm. E. Zickler
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. W. BLACKNER, DOING BUSINESS)
AS, "CHEYENNE INDIAN EXPRESS",)
195 YUKON STREET, LAKEWOOD,)
COLORADO.)

PUC NO. 830-I

June 22, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. W. Blackmer,
doing business as, "Cheyenne Indian Express", Lakewood, Colorado

requesting that Certificate of Public Convenience and Necessity No. 830-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. 830-I heretefore issued to G. W. Blackner,
doing business as, "Cheyenne Indian Express", Lakewood, Colorado

be, and the same is hereby, declared cancelled effective May 14, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

OF THE STATE OF COLORADO
Joseph F. Negro
Ralph C. Horton
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
V AND V APPLIANCE, INCORPORATED,)
412 ENSIGN, FORT MORGAN, COLORADO.)
_____))
_____)

PERMIT NO. M-15111

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from V & V Appliance, Inc.,
Fort Morgan, Colorado
requesting that Permit No. M-15111 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15111, heretofore issued to V & V Appliance, Inc.,
Fort Morgan, Colorado be,
and the same is hereby, declared cancelled effective May 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Henry E. Zank
Commissioner

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROGER W. AND AMELIA E. UNDERWOOD,)
904 NORTH COLORADO, BRUSH, COLORADO.)
_____))
_____)

PERMIT NO. M-5581

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Roger W. and Amelia E.
Underwood, Brush, Colorado
requesting that Permit No. M-5581 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5581, heretofore issued to Roger W. and Amelia E.
Underwood, Brush, Colorado be,
and the same is hereby, declared cancelled effective May 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Chairman
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
B. F. BENNET OIL COMPANY, 1535 WEST)
13TH AVENUE, DENVER 4, COLORADO.)

PERMIT NO. M-1613

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from B. F. Bennet Oil Company,
Denver 4, Colorado
requesting that Permit No. M-1613 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1613, heretofore issued to B. F. Bennet Oil Company,
Denver 4, Colorado be,
and the same is hereby, declared cancelled effective May 14, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

original

(Decision No. 54474)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RALPH J. PIERCE, 108 PENNSYLVANIA,)	
CANON CITY, COLORADO, FOR A CLASS)	<u>APPLICATION NO. 17812-PP</u>
"B" PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

June 16, 1960

Appearances: Frank G. Stinemeyer, Esq.,
Denver, Colorado, for
Applicant.

S T A T E M E N T

By the Commission:

On March 21, 1960, applicant herein filed the above-styled application with the Commission, seeking authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of fire clay, stone-wear, miscellaneous clay, shale, sandstone, quartz, quartzite, crude mica, columbium-tantalum and beryl concentrates and other refractory fire brick materials, from pits located within a radius of thirty-five miles of Canon City, Colorado, with the right to haul such materials to plants located in Canon City, Colorado, from pits or quarries located within seventy-five miles of Canon City, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 7, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner stated that at the hearing, Applicant moved to amend his application by striking therefrom request for authority to transport crude mica and columbium-tantalum and beryl concentrates. There being no objection thereto, said motion was granted, and the application amended accordingly.

Report of the Examiner further states that applicant herein appeared at the hearing and testified in support of his application, stating that he owns sufficient equipment with which to conduct his proposed operations; that he has had many years experience in the trucking business; that he has received numerous requests for his proposed services, which are of a very special nature; that he is financially able to perform said services.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Ralph J. Pierce, Canon City, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of fire clay, stonewear clay, miscellaneous clay, shale, sandstone, quartz, and quartzite, and other refractory fire brick materials, from pits and supply points located within a radius of thirty-five miles of Canon City, Colorado, with the further right to haul such materials to plants located in Canon City, Colorado, from pits and quarries located within seventy-five miles of Canon City, Colorado.


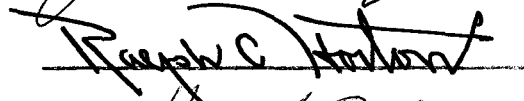

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 16th day of June, 1960.

ea

revised.

(Decision No. 54475)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BROMLEY & SEIBERT EXCAVATING, INC.,)	
6411 EAST 72ND AVENUE, DERBY, COLO-)	
RADO, FOR A CLASS "B" PERMIT TO)	<u>APPLICATION NO. 17815-PP</u>
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	
-----)	

June 16, 1960

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles; coal, from mines in the Northern Colorado coal fields, to Valmont Plant of Public Service Company, near Boulder, Colorado, and to points in Denver, Colorado, and points within a radius of fifteen miles of Denver, Colorado; peat moss and natural fertilizer, between points within a radius of fifty miles of Denver, Colorado; clay and feldspar, from pits and supply points in

the State of Colorado, to points within a radius of fifty miles of said pits and supply points; rock quartz within a radius of fifty miles of pits and supply points in the State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 7, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel; thereupon, the files were made a part of the record and the matter was taken under advisement.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier operation serving the territory in which applicant proposes to operate.

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings

be, and the same hereby is, approved.

That Bromley & Seibert Excavating, Inc., Derby, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against use of tank vehicles; coal, from mines in the Northern Colorado coal fields to Valmont Plant of Public Service Company, near Boulder, Colorado, and to points in Denver, Colorado, and points within a radius of fifteen miles of Denver, Colorado; peat moss and natural fertilizer, between points within a radius of fifty miles of Denver, Colorado; clay and feldspar, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points; rock quartz within a radius of fifty miles of pits and supply points in the State of Colorado.

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

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of its 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 its compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Alvin E. Zerkow
Commissioners.

Dated at Denver, Colorado,
this 16th day of June, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MICHAEL J. JASKIEL, DOING BUSINESS)	
AS "MIKE'S EXPRESS," 3331 SOUTH)	
FAIRFAX, DENVER, COLORADO, FOR A)	APPLICATION NO. 17806-PP
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

June 16, 1960

Appearances: Michael J. Jaskiel, Denver,
Colorado, pro se;
J. G. Murray, Denver, Colo-
rado, for North Denver
Transfer and Storage
Company;
C. D. Marlaine, Denver, Colo-
rado, for Morgan Transfer
& Storage Company, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of printed matter, publications, mail, equipment, and supplies moving to and from Impressive Printers, of Denver, Colorado, only, to their customers within a five-mile radius of the corporate limits of the City and County of Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 7, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting

the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that Michael J. Jaskiel, applicant herein, appeared at the hearing and testified in support of his application, stating that he now has Temporary Authority from this Commission, and is operating thereunder; that he has sufficient equipment with which to conduct his proposed operations; that there is a special need for said service; that he is financially able to render the service proposed.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Michael J. Jaskiel, doing business as "Mike's Express," Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of printed matter, publications, mail, equipment, and

supplies moving to and from Impressive Printers, of Denver, Colorado, only, to their customers within a five-mile radius of the corporate limits of the City and County of 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. Nizio
Kenneth C. Nish
Henry J. Zuleger
Commissioners

Dated at Denver, Colorado,
this 16th day of June, 1960.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
E. G. LANKFORD, 3062 WEST 37TH)	
AVENUE, DENVER, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A)	APPLICATION NO. 17814-PP
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

June 16, 1960

S T A T E M E N T

By the Commission:

On February 19, 1960, applicant herein filed the above-styled application with the Commission, seeking authority to operate as a Class "B" private carrier by motor vehicle for hire.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 7, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel; that on June 7, 1960, a letter was received from E. G. Lankford, applicant herein, stating that he no longer desires the authority sought by the instant application.

Report of said Examiner recommends that said application be dismissed, upon request of applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part

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

That the above-styled application should be dismissed, as requested by applicant herein.

O R D E R

THE COMMISSION ORDERS:

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

That Application No. 17814-PP be, and the same hereby is, dismissed, as requested by 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
Ralph C. Horton
Arthur J. Zallinger
Commissioners.

Dated at Denver, Colorado,
this 16th day of June, 1960.

ea

original

(Decision No. 54478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN WINDECKER, DOING BUSINESS)
AS "WINDECKER TRUCK LINE," PINE,) PUC NO. 996
COLORADO.)

June 16, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Windecker, doing business as "Windecker Truck Line," Pine, Colorado, owner and operator of PUC No. 996, requesting that his name, on the files of the Commission, be changed, by adding the middle initial "B".

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 that PUC No. 996 is owned and operated by:

"John B. Windecker, doing business as
'Windecker Truck Line,'"

in lieu of:

"John Windecker, doing business as
'Windecker Truck Line.'"

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regier
Ralph C. Norton
Henry P. Perkins
Commissioners.

Dated at Denver, Colorado,
this 16th day of June, 1960.
mls

original

(Decision No. 54479)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHRIS A. MONTOYA, R. F. D. ROUTE 1,)
DEL NORTE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 17457-PP
SUPPLEMENTAL ORDER

June 16, 1960

Appearances: Richard E. Conour, Esq.,
Del Norte, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

On December 4, 1959, the Commission entered its Decision No. 53475 in the above-styled application, granting to applicant herein a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and road-surfacing materials,
in dump trucks, only, within a twenty-five-
mile radius of any road construction jobs
within the State of Colorado.

The Commission has now been informed by applicant herein that he no longer desires to conduct operations authorized by said Decision No. 53475. Said applicant requests that operating rights granted by Decision No. 53475 be cancelled.

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 operating rights granted to Chris A. Montoya, Del Norte, Colorado, by Decision No. 53475, of date December 4, 1959,

be, and they hereby are, revoked, 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. Negro
Ralph C. Horton
Alvin E. Zuley
Commissioners.

Dated at Denver, Colorado,
this 16th day of June, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
900 FIFTEENTH STREET, DENVER, COLO-)
RADO, FOR A DETERMINATION, FOR RATE-)
MAKING PURPOSES, OF THE REASONABLE)
VALUE OF ITS ELECTRIC AND GAS PROP-)
ERTIES DEVOTED TO PUBLIC USE, THE)
FAIR RATE OF RETURN THEREON, AND)
THE GROSS REVENUES TO WHICH APPLI-)
CANT MAY BE ENTITLED.)
-----)

APPLICATION NO. 17406
SUPPLEMENTAL ORDER

June 16, 1960

Appearances: Lee, Bryans, Kelly and Stansfield,
Esqs., Denver, Colorado, by
Charles J. Kelly, Esq., and
Bryant O'Donnell, Esq., for
Applicant;
Donald E. Kelley, Esq., Denver,
Colorado, and
Horace Hawkins, Esq., Denver,
Colorado, for the City and
County of Denver;
John Sayre, Esq., Boulder, Colo-
rado, and
Leonard M. Campbell, Esq.,
Denver, Colorado, for the
Colorado Municipal League,
and pro se;
Philip A. Rouse, Esq., Denver,
Colorado, for Colorado
Central Power Company;
John Bell, Esq., Brush, Colo-
rado, for the City of Brush;
Orrel A. Daniel, Esq., Brighton,
Colorado, for the City of
Thornton and the Town of
Commercetown;
S. D. Coleman, Esq., Boulder,
Colorado, for the City of
Boulder, Colorado;
Bernard V. Berardini, Esq.,
Aurora, Colorado, for the
City of Aurora, Colorado;
C. J. Kountz, Esq., Washington,
D. C., and
Leroy Thurtell, Esq., Denver,
Colorado, for the General
Services Administration for
the United States of America;
Robert L. Nagel, Esq., Denver,
Colorado, and
Edwin R. Lundborg, Esq., Denver,
Colorado, for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

On May 27, 1960, the Commission entered its Decision No. 54367 in the above-styled matter.

On the 10th day of June, 1960, Colorado Municipal League, through its Attorney, who also appeared pro se, filed its "Petition for Rehearing and Motion for Temporary Rider," alleging as grounds therefor that the Commission erred and exceeded its jurisdiction in:

1. Misconstruing the evidence as to attrition.
2. Making allowances for attrition and erosion that are not supported and related by the evidence to attrition.
3. Over-compensating for said attrition and erosion factors, by using a year-end rate base, increasing the rate of return 2/10 of 1%, and increasing the rate base by over \$9,700,000.
4. Misconstruing evidence as to customers' advances, and
5. Permitting the Company to adjust on annual basis, or by failing to allow an adjustment for bond interest, which would result in tax savings.

After carefully reviewing the Petition for Rehearing and the Commission's Order, and reviewing such evidence as is pertinent, the Commission is of the opinion that the Petition for Rehearing is without merit and not well taken.

WHEREFORE, "Petition for Rehearing and Motion for Temporary Rider" filed by Colorado Municipal League, through its attorney, and by Leonard M. Campbell, pro se, 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. Negro

Ralph C. Fortant

James G. Pauling
Commissioners.

Dated at Denver, Colorado,
this 16th day of June, 1960.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM BROCKMAN, BENNETT, COLORADO. } PERMIT NO. B-5714
}

June 22, 1960

S T A T E M E N T

By the Commission:

On January 2, 1960, the Commission authorized Tom Brockman to suspend operations under his Permit No. B-5714, until July 2, 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-5714, should be, and the same hereby is reinstated as of May 10, 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 22nd day of June, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DONALD EWY, P. O. BOX 13, ALLENSPARK,)
COLORADO.)
)
)
)
-----)

PERMIT NO. M-1958

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald Ewy,
Allenspark, Colorado
requesting that Permit No. M-1958 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1958, heretofore issued to Donald Ewy,
Allenspark, Colorado be,
and the same is hereby, declared cancelled effective June 13, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
James C. Johnston
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DONALD EWY, DOING BUSINESS AS,)
"ALLENSPARK TRANSFER SERVICE",)
ALLENSPARK, COLORADO.)
-----)

PUC NO. 74

June 22, 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. 74
be suspended for six months from June 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 Donald Ewy, doing business as, "Allenspark Transfer Service",
Allenspark, Colorado
_____ be, and _____ is _____ hereby, authorized to suspend oper-
ations under PUC No. 74 until December 13, 1960.

That unless said certificate-holder shall, prior to the expira-
tion of said suspension period, make a request in writing for the reinstate-
ment of said certificate , file insurance and otherwise comply with all
rules and regulations of the Commission applicable to common carrier cer-
tificates, said certificate , without further action by the Commission,
shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Ashton
Edward E. Zuckerman

Commissioners

Dated at Denver, Colorado,
this 22nd day of June 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN E. HAMILTON, MASTERS, COLORADO.)

) PERMIT NO. M-3526
)
)
)
)

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John E. Hamilton,
Masters, Colorado
requesting that Permit No. M-3526 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3526, heretofore issued to John E. Hamilton,
Masters, Colorado be,
and the same is hereby, declared cancelled effective February 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Robert C. Norton
Harold E. Ziehlings
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. G. LANKFORD, 3062 WEST 37TH)
AVENUE, DENVER 11, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-1967

June 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. G. Lankford,
Denver 11, Colorado
requesting that Permit No. M-1967 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1967, heretofore issued to E. G. Lankford,
Denver 11, Colorado be,
and the same is hereby, declared cancelled effective June 6, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Norton
Henry C. Zalkow
Commissioners

Dated at Denver, Colorado,

this 22nd day of June, 195/ 60.

hc

original

(Decision No. 54486)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO MILL & LUMBER CO., INC.,)
3995 SOUTH CLAY STREET, ENGLEWOOD,)
COLORADO, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO A. B.)
BALLAH, JR., P. O. BOX 1201, ENGLE-)
WOOD, COLORADO.)

PUC NO. 3673-I-Transfer

June 17, 1960

S T A T E M E N T

By the Commission:

Heretofore, Colorado Mill & Lumber Co., Inc., Englewood, Colorado, was granted a certificate of public convenience and necessity, authorizing transportation of:

freight, between all points in Colorado and the Colorado State Boundary Lines, where all highways cross the same, 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, being PUC No. 3673-I, to A. B. Ballah, Jr., Englewood, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

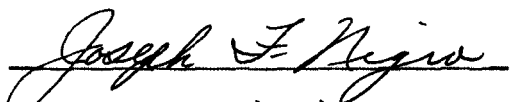


THE COMMISSION ORDERS:

That Colorado Mill & Lumber Co., Inc., Englewood, Colorado,

be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 3673-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to A. B. Ballah, Jr., Englewood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of June, 1960.

mls

original

(Decision No. 54487)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. W. SMITH, MORRISON, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 17795-PP

June 17, 1960

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred 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 one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

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

That E. W. Smith, Morrison, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-sur-

facing 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 one hundred 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 home and small construction jobs within a radius of one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regis
Ralph C. Norton
Arthur J. Zink
Commissioners.

Dated at Denver, Colorado,
this 17th day of June, 1960.

original

(Decision No. 54488)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE J. KRIEGER AND HARRIETTE)
E. KRIEGER, DOING BUSINESS AS)
"KRIEGER CONSTRUCTION COMPANY,")
835 FENTON STREET, DENVER, COLORADO.)

APPLICATION NO. 17802-PP

June 17, 1960

S T A T E M E N T

By the Commission:

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

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 6, 1960, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicants herein failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

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

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

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

Report of the Examiner recommends that authority sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicants herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Clarence J. Krieger and Harriette E. Krieger, doing business as "Krieger Construction Company," Denver, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier

by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nease
Ralph C. Horton
Harry E. Spaulding
Commissioners.

Dated at Denver, Colorado,
this 17th day of June, 1960.

mls

original

(Decision No. 54489)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. DAVE VIGIL AND EFFIE VIGIL, CO-)
PARTNERS, DOING BUSINESS AS "VIGIL)
TRUCK COMPANY," 105 WEST LONGSPEAK,)
BRIGHTON, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 17796-PP

June 17, 1960

Appearances: F. Dave Vigil, Brighton, Colo-
rado, for Applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of 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 torad jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles; transportation of coal, from mines in the Northern Colorado coal fields, to points within a radius of twenty-five miles of Denver, Colorado; peat moss, between points within a radius of fifty miles of

Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 6, 1960, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, F. Dave Vigil, one of applicants herein, appeared and testified in support of the application, stating applicants have sufficient equipment with which to conduct their proposed operations; that they have received numerous requests for said proposed service; and that they are financially able to render said service.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner re-

ferred to therein should be approved.

That permit should issue to applicant herein, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

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

That F. Dave Vigil and Effie Vigil, co-partners, doing business as "Vigil Truck Company," Brighton, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty-miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles; coal, from mines in the Northern Colorado coal fields, to points within a radius of twenty-five miles of Denver, Colorado; peat moss, between points within a radius of fifty miles of 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 applicants have filed a statement of

their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Joseph C. Horton
Harold Z. Zullig
Commissioners.

Dated at Denver, Colorado,
this 17th day of June, 1960.

mls

original

(Decision No. 54490)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES D. SALES, 4132 VRAIN STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 17800-PP

June 20, 1960

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred and 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 one hundred and 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 one hundred and fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred and fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 6, 1960, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

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

That James D. Sales, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-sur-

facing 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 one hundred and 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 one hundred and 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 one hundred and fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred and fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles.

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
Raymond C. Horton
Samuel J. Zullig
Commissioners

Dated at Denver, Colorado,
this 20th day of June, 1960.

mls

original

(Decision No. 54491)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PASQUEL C. LARUSSO AND MICHAEL A.)
LARUSSO, CO-PARTNERS, DOING BUSINESS)
AS "LARUSSO BROTHERS," 701 WEST 64TH)
AVENUE, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 17801-PP

June 20, 1960

Appearances: Pasquel C. Larusso, Denver,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

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

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services

Building, Denver, Colorado, June 6, 1960, at two o'clock P. M.,
due notice thereof being forwarded to all parties in interest.

On June 3, 1960, as provided by law, the Commission designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Pasquel C. Larusso, one of applicants herein, appeared and testified in support of the application, stating applicants have sufficient equipment with which to conduct their proposed operations; that they have received numerous requests for their proposed service; that they are financially able to render said service.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicants herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Pasquel C. Larusso and Michael A. Larusso, co-partners, doing business as "Larusso Brothers," Denver, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles.

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

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

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

and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Ralph C. Norton
Alvin G. Halling
Commissioners.

Dated at Denver, Colorado,
this 20th day of June, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK LA TORRA AND MARYDELL LA)
TORRA, DOING BUSINESS AS "LA)
TORRA OFFICE SUPPLY," 2047)
BROADWAY, BOULDER, COLORADO.)
-----)

PERMIT NO. M-10329
CASE NO. 1000-INS.

June 17, 1960

S T A T E M E N T

By the Commission:

On June 1, 1960, the Commission entered its Order in Case No. 1000-Ins., revoking Permit No. M-10329 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-10329 be, and the same hereby is, reinstated, as of June 1, 1960, revocation order entered by the Commission on said date in Case No. 1000-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regier
Ralph C. Hartant
Commissioners.

Dated at Denver, Colorado,
this 17th day of June, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
C. A. DUBOIS, CORA DUBOIS, AND)	
NELSON STONE, DOING BUSINESS AS)	
"DUBOIS SAND COMPANY," BOX 172,)	APPLICATION NO. 17781-PP
GREAT BEND, KANSAS, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

June 17, 1960

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred 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 home and small construction jobs within a radius of one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials to be restricted against use of tank vehicles.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 6, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing

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

Report of said Examiner states that at the time and place designated for hearing, applicants failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicants herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That C. A. Dubois, Cora Dubois, and Nelson Stone, co-partners, doing business as "Dubois Sand Company," Great Bend, Kansas, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado,

to road jobs, mixer and processing plants within a radius of one hundred 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 home and small construction jobs within a radius of one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials being restricted against use of tank vehicles.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Arthur H. Zellerbach
Commissioners.

Dated at Denver, Colorado,
this 17th day of June, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN A. SHEATS, DOING BUSINESS AS)	
"A & T SHEATS," 795 SOUTH FLOWER)	
STREET, DENVER, COLORADO, FOR A)	APPLICATION NO. 17799-PP
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

June 17, 1960

Appearances: Bonnilynne Sheats, Denver,
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred 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 one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 6, 1960, at two o'clock P. M., due

notice thereof being forwarded to all parties in interest.

On June 3, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Bonnilynne Sheats, wife of applicant herein, appeared and testified in support of the application, stating her husband has sufficient equipment with which to carry on his proposed operations; that he has received numerous requests for said proposed service; that he has a financial worth of approximately \$14,000.00.

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

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That John A. Sheats, doing business as "A & T Sheats," Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred 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 home and small construction jobs within a radius of one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles.

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. Ngia
Ralph C. Hontant
Henry K. Zuley
Commissioners.

Dated at Denver, Colorado,
this 17th day of June, 1960.
ea