

original

(Decision No. 56265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT J. STEINBACH, 805 SOUTH 4TH,)
BRIGHTON, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18401-PP

April 13, 1961

Appearances: Albert J. Steinbach,
Brighton, Colorado,
pro se.

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 sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

The application was set for hearing on April 3, 1961, at ten o'clock A. M., at the Hearing Room of the Commission, 532 State Ser-

vices Building, Denver, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience to properly carry on the operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Albert Steinbach, Brighton, 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 seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles

of said pits and supply points, the transportation of road-surfacing materials to be 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
Henry C. Hobbs
Samuel E. Paulings
Commissioners

Dated at Denver, Colorado,
this 13th day of April, 1961.

mls

original

(Decision No. 56266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OLLIE E. ERVIN AND ROYAL J. TIFFANY,)
3865 SOUTH ACOMA STREET, ENGLEWOOD,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18402-PP

April 13, 1961

Appearances: Martha Ervin, Englewood,
Colorado, for Applicants.

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 sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles; clay and peat moss, from points within a radius of seventy-five miles of Denver, to points within a radius of ten miles of Denver.

The application was set for hearing on April 3, 1961, at ten o'clock A. M., at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That there is a need for the proposed transportation services and the applicants will have sufficient equipment and experience to properly carry on the operation and the applicants' financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Ollie E. Ervin and Royal J. Tiffany, Englewood, Colorado, be, and 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 seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from

points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, the transportation of road-surfacing materials to be restricted against the use of tank vehicles; clay and peat moss, from points within a radius of seventy-five miles of Denver, to points within a radius of ten miles of Denver.

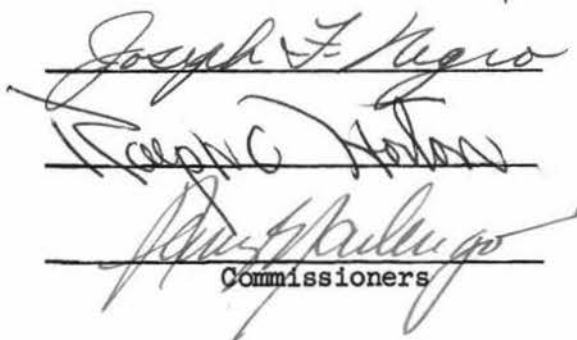
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 13th day of April, 1961.

mls

(Decision No. 56267)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD W. ULLERY, 4280 SOUTH PENN-)
SYLVANIA STREET, ENGLEWOOD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 18403-PP

April 13, 1961

Appearances: Donald W. Ullery, Engle-
wood, Colorado, pro se.

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 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 the use of tank vehicles.

The application was set for hearing on April 3, 1961, at ten o'clock A. M., at the Hearing Room of the Commission, 532 State

Services Building, Denver, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience to properly carry on the operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Donald W. Ullery, Englewood, 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 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, the transportation of road-surfacing materials to be 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
Joseph C. Hottel
Henry Paulings
Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1961.

mls

original

(Decision No. 56268)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. RAY MAYFIELD, 2114 EAST 15TH)
STREET, PUEBLO, COLORADO, FOR RE-)
INSTATEMENT OF PERMIT NO. B-4679,)
AND FOR AUTHORITY TO TRANSFER SAID)
OPERATING RIGHTS TO CLIFFORD O.)
WHITE, 2632 NORWICH AVENUE, PUEBLO,)
COLORADO.)
-----)

APPLICATION NO. 18004-PP-Transfer
SUPPLEMENTAL ORDER

April 13, 1961

Appearances: Petersen, Evensen & Evans,
Esqs., Pueblo, Colorado,
for Applicants;
Robert Boyce, Pueblo, Colo-
rado, for Boyce House
Movers.

S T A T E M E N T

By the Commission:

On August 24, 1960, in the above-styled application,
the Commission entered its Decision No. 54972, reinstating Permit
No. B-4679, and authorizing transfer thereof from C. Ray Mayfield,
Pueblo, Colorado, to Clifford O. White, Pueblo, Colorado.

Inasmuch as requirements which are a condition precedent
to transfer of permits upon the records of the Commission were never
complied with, the Commission, on February 23, 1961, entered its
Decision No. 55904, setting aside Decision No. 54972, and directing
that the records of the Commission should show that said C. Ray
Mayfield, Pueblo, Colorado, was the owner of said Permit No. B-4679.

It now appears that all requirements of said Decision No.
54972 have been met, and the Commission is in receipt of a communica-
tion from Attorneys for Applicants herein, requesting that transfer
authorized by said Decision No. 54972 be declared fully effective.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

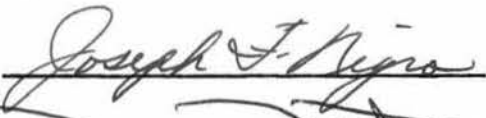
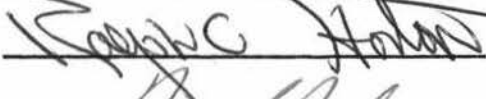
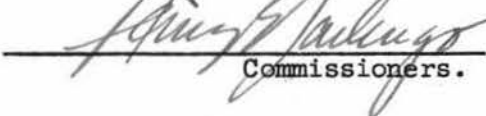
O R D E R

THE COMMISSION ORDERS:

That Decision No. 55904, of date February 23, 1961, entered by the Commission in the above-styled matter, be, and the same hereby is, vacated, set aside, and held for naught.

That the Secretary of the Commission is hereby directed to change the records of the Commission to show Permit No. B-4679 to be owned by Clifford O. White, Pueblo, Colorado, transfer of said operating rights heretofore authorized by Decision No. 54972, of date August 24, 1960, being declared to be fully effective.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1961.

ea

original

(Decision No. 56269)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
MC MULLAN VAN AND STORAGE, INC.,)	
11TH AND WALNUT STREETS, BOULDER,)	<u>PUC NO. 352</u>
COLORADO.)	
-----)	

April 13, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Don E. Fitch, President of the above-captioned certificate-holder, stating McMullan Van and Storage, Inc. is changing its corporate name to "Fitch Van & Storage, Inc.," said change not involving stockholders or officers of said corporation, and requesting that the records of the Commission be amended so to show.

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 instructed to change the records of the Commission to show PUC No. 352 to be owned and operated by:

"Fitch Van & Storage, Inc.,
11th and Walnut Streets,
Boulder, Colorado,"

in lieu of:

"McMullan Van and Storage, Inc.,
11th and Walnut Streets,
Boulder, Colorado."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nizio
George C. Horton
Harry E. Gaudin
Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1961.

ea

original

(Decision No. 56270)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
KERK TRUCKING COMPANY, A COLORADO)	
CORPORATION, P. O. BOX 526, FORT)	APPLICATION NO. 18447
COLLINS, COLORADO.)	
-----)	

April 13, 1961

Appearances: John P. Thompson, Esq.,
Denver, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, filed with the Commission on May 5, 1959, Kerk Trucking Company, Fort Collins, Colorado, seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for "the transportation of freight, in intrastate commerce, for the transportation of cement, from Boettcher, Colorado, to all points in the State of Colorado."

On July 13, 1959, Attorney for Applicant herein requested that said application not be set for hearing until further notice from him.

Since that time, said matter has been held in abeyance by the Commission, and no request has been received from Applicant or Attorney for Applicant herein for hearing on said application.

The Commission is now desirous of closing its docket on long-pending applications. Therefore,

F I N D I N G S

THE COMMISSION FINDS:

That unless request for hearing of the above-styled application shall be received by the Commission from Applicant herein before the effective date of this Order, said application should be dismissed, and the matter closed upon the docket of this Commission.

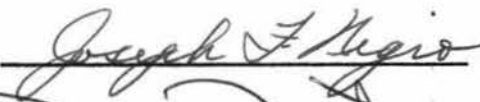
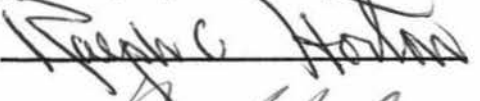
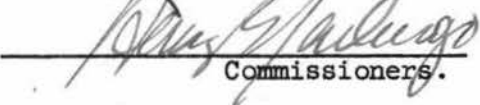
O R D E R

THE COMMISSION ORDERS:

That unless request for hearing of the above-styled application shall be received by the Commission from Applicant herein before the effective date of this Order, said application shall be dismissed, without further notice, and said matter closed upon the docket of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1961.

ea

original

(Decision No. 56271)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF THE)
MOTOR TRUCK COMMON CARRIERS ASSOCIA-)
TION WHICH IS THE COMMON CARRIERS)
CONFERENCE OF THE COLORADO MOTOR)
CARRIERS' ASSOCIATION, AND THE CON-)
TRACT CARRIERS CONFERENCE OF THE)
COLORADO MOTOR CARRIERS' ASSOCIATION,)
FOR THE PROMULGATION OF REASONABLE)
AND FAIR RULES GOVERNING SERVICE TO)
ADJACENT POINTS ALONG THEIR LINES.)
-----)

CASE 5015
CASE 5021

April 13, 1961

Appearances: Raymond B. Danks, Esq.,
Denver, Colorado, and
Marion F. Jones, Esq.,
Denver, Colorado,
for Petitioners.

S T A T E M E N T

By the Commission:

On March 11, 1952, "Petition" was filed with the Commission by The Motor Truck Common Carriers Association, which is The Common Carriers Conference of the Colorado Motor Carriers' Association, by its Attorney, Raymond B. Danks, and The Contract Carriers Conference of the Colorado Motor Carriers' Association, by its Attorney, Marion F. Jones.

Said Petition not having been heard by the Commission, on May 2, 1958, a letter was directed to Marion F. Jones, Esq., requesting advice as to whether or not Petitioners desired a hearing on said Petition.

Since that time, said matter has been held in abeyance by the Commission, and no request has been received from Petitioners nor their attorneys for hearing on said matter.

The Commission is now desirous of closing its docket on long-pending matters. Therefore,

F I N D I N G S

THE COMMISSION FINDS:

That unless request for hearing of the above-styled petition shall be received by the Commission from Petitioners or their Attorneys before the effective date of this Order, said matter should be dismissed, and the matter closed upon the docket of this Commission.

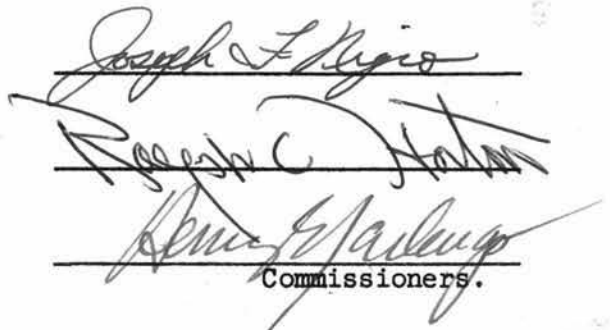
O R D E R

THE COMMISSION ORDERS:

That unless request for hearing of the above-styled petition shall be received by the Commission from Petitioners herein or their Attorneys, before the effective date of this Order, said Petition shall be dismissed, without further notice, and said matter closed upon the docket of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PAUL S. SCHADLER, DOING BUSINESS AS
"AUTOMATIC WASHER SERVICE COMPANY,"
1306 SOUTH PEARL STREET, DENVER,
COLORADO, FOR AUTHORITY TO EXTEND
OPERATIONS UNDER PERMIT NO. B-6088.

APPLICATION NO. 18404-PP-Extension

April 13, 1961

Appearances: Hughes and Dorsey, Esqs.,
Denver, Colorado, by
Raymond B. Danks, Esq.,
for Colorado Transfer &
Warehousemen's Associa-
tion;
Hubert Work, Denver, Colo-
rado, for copy of Order.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The above-styled application was set for hearing on April 3, 1961, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The same was then and there called for hearing by an Examiner duly designated and to whom the hearing was assigned by the Commission. Said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

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

That the protestants moved that said application be dismissed for lack of prosecution.

That after careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

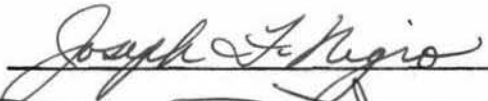

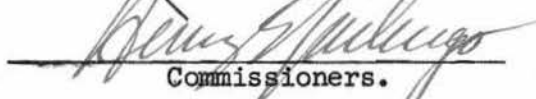
O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LUTHER DOWNING, a/k/a W. L. DOWNING,)
2125 LAKE DRIVE, LOVELAND, COLORADO,)
AS MORTGAGEE AND ASSIGNEE OF PERMIT)
NO. B-4678 (SAID PERMIT PRESENTLY)
BEING IN THE NAME OF J. T. ROBINSON,)
SNYDER, COLORADO), FOR REINSTATEMENT)
OF SAID OPERATING RIGHTS, AND FOR)
AUTHORITY TO TRANSFER SAID PERMIT)
NO. B-4678 TO G & L TRACTOR SERVICE,)
INC., SOUTH MAIN STREET, FORT MORGAN,)
COLORADO.)

APPLICATION NO. 18356-PP-Transfer

April 13, 1961

Appearances: Doyle T. Johns, Esq., Fort
Morgan, Colorado, for
Luther Downing;
Paul M. Hupp, Esq., Denver,
Colorado, for Transferee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

J. T. Robinson, Snyder, Colorado, by Luther Downing, a/k/a
W. L. Downing, Loveland, Colorado, seeks reinstatement of Permit No.
B-4678, and authority to transfer the same to G & L Tractor Service,
Inc., Fort Morgan, Colorado, said Permit No. B-4678 authorizing:

transportation of machinery, equipment,
materials, and supplies used in or in
connection with the discovery, develop-
ment, production, refining, manufacture,
processing, storage, transmission, and
distribution of natural gas and petro-
leum and their products and by-products,
and machinery, material, equipment and
supplies used in or in connection with
the construction, operation, repair,
service, maintenance, and dismantling of
pipe lines, including the stringing and
picking up thereof, except in connection
with main or trunk pipe lines, said ser-
vice to originate at or be destined to
supply houses, warehouses, or railheads
within a radius of seventy-five miles of
Sterling, Colorado.

The application was set for hearing on March 7, 1961, at 10:30 o'clock A. M., at the Court House, Fort Morgan, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That J. T. Robinson is the owner of Permit No. B-4678; that on April 1, 1959, he executed a chattel mortgage to Luther Downing on Permit No. B-4678; that on July 11, 1959, this Commission made and entered its Order approving said chattel mortgage; that thereafter this Commission, on December 8, 1960, suspended said Permit for a period of from December 3, 1960, to June 3, 1961; that on December 3, 1960, said permit was, together with other certain property, sold at public auction to satisfy the indebtedness created under said chattel mortgage; that at said public sale the G & L Tractor Service, Inc., through its President James M. Gaffney, purchased said Permit No. B-4678; that the transferee corporation herein has sufficient equipment, operating experience and net worth to render and continue operations under said Permit.

That Permit No. B-4678 should be reinstated.

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 Permit No. B-4678 be, and the same hereby is, reinstated, as of the day and date of this Order.

That J. T. Robinson, Snyder, Colorado, by Luther Downing, a/k/a W. L. Downing, Loveland, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4678 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to G & L Tractor Service, Inc., Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Harold C. Johnson
Henry G. Mulvey
Commissioners

Dated at Denver, Colorado, -
this 13th day of April, 1961.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION NO. 160, BY THE
COLORADO MOTOR CARRIERS' ASSOCIATION
AS AGENT, J. R. SMITH, CHIEF OF TARIFF
BUREAU, 4060 ELATI STREET, DENVER 16,
COLORADO, FOR AND ON BEHALF OF DENVER-
CLIMAX TRUCK LINES, INC., TO ADD SODA
ASH TO ITEM NO. 2558 IN LOCAL AND JOINT
FREIGHT TARIFF NO. 12-A, COLORADO P.U.C.
NO. 11.

CASE NO. 1585

April 12, 1961

S T A T E M E N T

BY THE COMMISSION:

On April 11, 1961, the above-stated application was filed with the Commission requesting permission to publish on less than statutory notice in Item No. 2558, Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11, by adding "soda ash, in bulk or in containers."

Item No. 2558 contains the following:

	<u>From</u>	<u>To</u>	<u>Rate</u>	<u>Route</u>
Sodium Silicate (Metzo), dry, in bags, minimum weight 40,000 pounds.	Denver, Colorado	Climax, Colorado	43	30

Subject to loading by shipper and unloading by consignee.
Route No. 30 - Denver-Climax Truck Line, Inc. - direct.

In support of this request the Petitioner states:

"In Application No. 157 your petitioner requested authority, for account of the Denver-Climax Truck Line, Inc., to establish a rate of 43 cents per 100 pounds, minimum weight 40,000 pounds, to apply on shipments of sodium silicate from Denver to Climax, Colorado.

"This Commission, by its Decision No. 56142 dated March 27, 1961, prescribed the rate requested to become effective on April 3, 1961.

"Your petitioner is now advised by the carrier that Application No. 157 should have included its request to establish the same rate and minimum weight to apply on shipments of soda ash, in bulk or in containers, and that the circumstances and conditions relied upon as justifying the rate in connection with shipments of sodium silicate apply equally to shipments of soda ash. There is an immediate and urgent need for this rate."

F I N D I N G S

THE COMMISSION FINDS:

That the request as set forth in the statement of this order, and made a part hereof, appears 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 and Findings be, and the same are hereby made a part hereof.
2. On and after April 17, 1961, the provisions as set forth in the Statement of this order shall upon one (1) day's notice to the general public and this Commission, be the prescribed rates, rules, regulations and provisions of the Commission.
3. 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.
4. All private carriers by motor vehicle to the extent they may be affected by the changes involved herein shall publish, or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after April 17, 1961, 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.
6. On and after April 17, 1961, all private carriers by motor vehicle operating in competition with any motor vehicle common carriers, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.
7. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to the motor vehicle common carrier.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hobbs
Henry E. Paulings
Commissioners.

Dated at Denver, Colorado,
this 12th day of April, 1961.

ph

revised

(Decision No. 56275)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
HARRY ATTEBERY, DOING BUSINESS AS)
"ATTEBERY TRUCK LINE," AKRON, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC) APPLICATION NO. 18349-Transfer
NO. 458 TO CARROLL ROSS, AKRON,)
COLORADO, AND FOR CONSOLIDATION OF)
SAID OPERATING RIGHTS WITH PUC NO.)
1372.)
-----)

IN THE MATTER OF THE APPLICATION OF)
HARRY ATTEBERY, DOING BUSINESS AS)
"ATTEBERY TRUCK LINE," AKRON, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC) APPLICATION NO. 18350-Transfer
NO. 1422 TO CARROLL ROSS, AKRON,)
COLORADO, AND FOR CONSOLIDATION OF)
SAID OPERATING RIGHTS WITH PUC NO.)
1372.)
-----)

IN THE MATTER OF THE APPLICATION OF)
CARROLL ROSS, AKRON, COLORADO, FOR)
AN EXTENSION OF OPERATING RIGHTS)
UNDER PUC NO. 1372, VIZ., CONVERSION)
OF OPERATING RIGHTS UNDER PERMIT NO.) APPLICATION NO. 18351-Extension
B-2050 (OF WHICH APPLICANT IS OWNER))
TO COMMON CARRIER AUTHORITY, AND CON-)
SOLIDATION OF SAID OPERATING RIGHTS)
WITH PUC NO. 1372.)
-----)

April 14, 1961

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Transferor.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Harry Attebery, doing business as "Attebery Truck Line,"
Akron, Colorado, is the owner of PUC No. 458 and PUC No. 1422,
authorizing:

PUC No. 458:

Freight from point to point within the
following described territory from Anton:
18 miles north, 20 miles east, 20 miles
west, and 10 miles south, and between said

territory and Akron, Colorado, but not to any intermediate point; between said territory and Denver but not between any intermediate point. It is further ordered that applicant shall not transport any freight from Denver to Cope, and from Cope to Denver; further that applicant shall not transport any freight upon regular schedule between any points designated in his certificate.

PUC No. 1422:

Transportation on call and demand, of farm products, including livestock and farm supplies and equipment, including used household furniture when all effects of a farmer are moved, between points within an area of Rago, as follows: 8 miles north, 10 miles south, 15 miles west and east to Colorado Highway 63, and between points in said area and points in the State of Colorado, save and except that no farm machinery shall be transported from points on U. S. 85 to or from points in said area.

By the instant applications, said certificate-holder seeks authority to transfer said PUC No. 458 and PUC No. 1422 to Carroll Ross, Akron, Colorado, and for consolidation of said operating rights with PUC No. 1372, and Carroll Ross, Akron, Colorado, seeks conversion of operating rights under Permit No. B-2050 to common carrier authority, and consolidation of said operating rights with PUC No. 1372, being the number of a certificate now owned by him.

The applications were set for hearing on March 7, 1961, at 10:30 o'clock A. M., at the Court House, Fort Morgan, Colorado. The same were then and there heard by an Examiner duly designated, and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the records and exhibits of said proceeding, together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner, states and finds:

That said applications were consolidated and accordingly heard on a joint record.

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

That the transferee is a fit and proper person, has sufficient equipment, and is financially able to render and continue operations under the certificates.

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

That said certificates should be consolidated with and made a part of PUC No. 1372.

That Permit No. B-2050 overlaps to some extent with PUC Nos. 1372, 1422 and 458, and should be consolidated into one certificate, namely, PUC No. 1372.

O R D E R

THE COMMISSION ORDERS:

That Harry Attebery, doing business as "Attebery Truck Line," Akron, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 458 and PUC No. 1422 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Carroll Ross, Akron, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and said PUC Nos. 458 and 1422 be, and the same hereby are, consolidated with and made a part of PUC No. 1372.

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

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

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

That Carroll Ross, Akron, Colorado, be, and hereby is, authorized to convert Permit No. B-2050 to a common carrier authority, and the same be, and hereby is, consolidated with and made a part of PUC No. 1372.

That the authority under said Certificate No. 1372, as consolidated and extended, shall be as follows, to-wit:

Transportation of freight, other than that requiring special equipment, commodities in bulk in tank trucks, and oil field commodities as described in the Mercer Description, between points in the following area:

Beginning at a point 20 miles due east of Anton, thence south approximately 12 miles to the Washington-Kit Carson County Line, thence west 40 miles, thence north on Colorado Highway 71, 20 miles, thence west 8 miles to the Washington-Adams County Line, thence north 18 miles, thence east 10 miles, thence north 25 miles, thence east 25 miles, thence south 35 miles, thence east 12 miles, thence south to the point of beginning;

Restricted, however, against such freight between Denver, Colorado, and Akron, Colorado, as is competitive with scheduled carriers serving between those points.


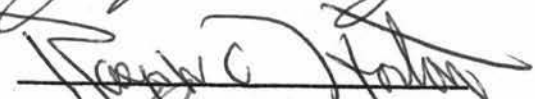
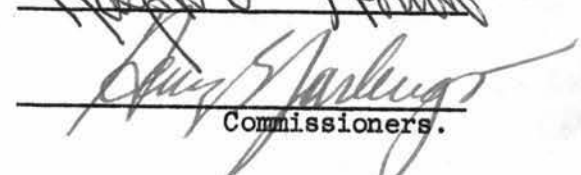
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHICAGO, BURLINGTON & QUINCY RAIL-)
ROAD COMPANY AND RAILWAY EXPRESS)
AGENCY FOR AUTHORITY TO DISCONTINUE)
AGENCY AT PEETZ, LOGAN COUNTY, COLO-)
RADO, AND TO CLOSE THE SAME AS AN)
AGENCY STATION.)
-----)

APPLICATION NO. 18387

April 13, 1961

S T A T E M E N T

By the Commission:

Pursuant to the Rules and Regulations of this Commission Pertaining to Railroads and Express Company Operating in the State of Colorado, Chicago, Burlington & Quincy Railroad Company (Burlington) and Railway Express Agency (Railway Express), by their Attorneys, did, on March 10, 1961, file a petition requesting authority to discontinue agency service and close the station at Peetz, Logan County, Colorado, said abandonment to be effective April 10, 1961.

Peetz is located on the Burlington branch line serving between Brush, Colorado, and Bridgeport, Nebraska, being also some 25 miles north from Sterling, Colorado, and 16 miles south of Sidney, Nebraska. The area is also served by an all-weather paved highway connecting the various cities, being Colorado Highway No. 113 and Nebraska Highway No. 19.

In the instant application, it is proposed that the services of an agent at Peetz should be withdrawn because recent declines in business, increases in truck traffic and changes in train operations have indicated there is no longer sufficient need or justification to maintain the agent; principal business consists of outgoing carload shipments of grain from one elevator; inbound carload movements and less-than-carload shipments are minor. No other changes in service

are proposed, carload handling will be maintained and agent services will be available at either Sidney, Nebraska, or Sterling, Colorado.

In further accordance with the above Commission rules herein, Burlington Railroad posted proper public notice at the Peetz station, describing the proposed withdrawal of agency service and indicating that public protests should be forwarded to the Public Utilities Commission. No complaints were received by the Commission.

Investigation by the Commission reveals the following: Principal occupation in the area is dryland wheat farming with some livestock feeding; estimated population is 300 persons. The Town is served by the north-south Colorado Highway No. 113, and an east-west County road. Rail facilities at Peetz consist of a combination depot and freight-house on the main-line, a passing track of 34 cars capacity and a yard track serving a stockyards, the grain elevators, a machinery platform and two oil unloading rigs. Hours of service by the agent are 7:00 A. M. to 4:00 P. M., daily except Saturday and Sunday. Telephone toll expense is 35¢ between Peetz and Sterling, and 20¢ between Peetz and Sidney, Nebraska.

Two passenger trains operate on the line, one train moves north at 3:00 A. M.; the train southbound is at 4:06 A. M., during winter months and at 3:46 A. M., in summer; passengers now flag the train and ticket sale is handled with the conductor. Two freight trains also pass the station, a north-bound train in the morning and south-bound movement during the afternoon. Local switching service is provided by the road freight engines, L.C.L. freight being also handled on the road freights. Extra trains move during wheat season with occasional work trains during summer months.

Principal duty of the agent has been to handle train orders from the McCook dispatcher. However, in recent years and with the change from steam to full diesel operation, fewer but longer trains now operate so that in the current year there has been only an average of four train^{orders} per month. Other station duties to handle freight billings; Western Union messages; Railway Express and yard check of

cars are variable, ranging from one to four hours of work per day. It is proposed that customer needs can be met at Sterling where there are continuous open hours at the station. Station accounting will be handled at Sidney, Nebraska, where open station hours are also maintained on Saturdays in addition to the night service for handling of train orders.

A review of the Peetz station activity is as follows:

Item:	1958		1959		1960- 9 mos.	
	Fwd.	Rec.	Fwd.	Rec.	Fwd.	Rec.
Carloads						
Wheat	255		271		119	
Barley	4		3			
Rye					1	
Feed		5		9		8
Coal		4		4		1
Lumber				2		1
Fuel & Gasoline		5		2		-
Miscellaneous		5		7		1
Total carloads	259	19	274	24	120	11
Shipments:						
L.C.L.	6	126	5	121	3	79
Railway Express		71		74		67

Further study of the above station business reveals how little public service is offered or required on a year-around basis at the Peetz station. Less-car-load shipments offer the greatest public contact but average only ten shipments per month. It is to be noted that carload movement of grain offers the major item of station activity; in this regard, the Commission is aware that it is common railroad practice to handle routine billing operations at a station other than the ~~point of~~ origin or destination. With the requested removal of the agent, it is proposed that agency services will be available at the adjacent stations of Sidney or Sterling.

With further reference to the application, contemplated benefit in the instant proposal will be future elimination of the Peetz wage and station expense which is reviewed as follows:

<u>Item</u>	<u>1958</u>	<u>1959</u>	<u>1960 (9 mos.)</u>
Wages	\$4,944	\$5,201	\$3,986
Pay Roll Tax	391	486	402
Welfare	133	133	100
Telephone	60	60	46
Fuel	28	61	
Electricity & Supplies	<u>11</u>	<u>11</u>	<u>7</u>
	\$5,567	\$5,952	\$4,541

It appears now that further maintenance of the agent cannot be rightfully justified from any standpoint of public benefit or contribution to safe railroad operation and that alternate agency facilities will be available. Elimination of the full agency expense will afford a saving to the railroad which, in turn, can offer a public benefit. In the instant matter, no reduction in switching or carload rail service is proposed; passenger service will not be affected since those trains move at night when agent is not on duty; milk and cream and head-end traffic will continue to move on the passenger trains.

It is therefore the belief of the Commission that the proposed change is compatible with the public interest. No protest having been submitted and none appearing in the Commission's files, the Commission determined to hear, and has heard, said matter forthwith and without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of an agent at the Peetz station, Peetz, Colorado.

That public convenience and necessity in the Peetz area can be adequately served by agency stations at Sidney, Nebraska, and Sterling, Colorado.

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

That authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Chicago, Burlington & Quincy Railroad Company

and Railway Express Agency, be, and are hereby, authorized to withdraw the joint agent at Peetz, Logan County, Colorado, and to thereafter maintain same as a prepay or non-agency station.

That telephone toll expense for the handling of railroad business from the Peetz area shall be paid by the Railroad Company.

That reference shall be made to this decision in the affected tariff schedules to show the closing of said station and as authority for such closing.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Hoban
Henry H. Hurling
Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1961.

ea

original

(Decision No. 56277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. E. FARRINGTON AND R. E. FARRING-)
TON, JR., CO-PARTNERS, DOING BUSI-)
NESS AS "YAMPA TRANSFER," YAMPA,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY AU-)
THORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 881.)

APPLICATION NO. 15728-Extension
SUPPLEMENTAL ORDER

April 14, 1961

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicant;
Marion R. Smyser, Esq., Den-
ver, Colorado, for The Den-
ver and Rio Grande Western
Railroad Company, Gray
Truck Line, Larson Trans-
portation Company.

S T A T E M E N T

By the Commission:

On January 26, 1959, the Commission entered its Decision No. 51614 in the above-styled application, granting to applicants herein the right to extend operations under PUC No. 881, so that in the future, said PUC No. 881, as extended, would authorize:

"Transportation of freight, including farm products, from ranches within a radius of twenty-five miles of Yampa, Colorado, to shipping points in said area, and grain to mill and elevator at Steamboat Springs, with back-haul of farm supplies, including feed, coal, lumber, and timber; farm equipment and used household goods, from point to point in said area; livestock, from point to point in said area, and from points in said area, to Denver; breeding stock, from and to points in said area, to and from all points within the State of Colorado, as required by customers residing in said area;

"transportation, on call and demand, of livestock, only, from and to points within a radius of twenty-five miles of Yampa, to and from points within the State of Colorado;

"transportation, on call and demand, of produce, from points within a radius of twenty-five miles of Yampa, Colorado, to Denver, Colorado."

On April 11, 1960, the Supreme Court of the State of Colorado reversed said Decision No. 51614 of this Commission, and ordered the application of Yampa Transfer dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That in accordance with the ruling of the Supreme Court of the State of Colorado, Decision No. 51614 of this Commission, of date January 26, 1959, should be vacated, set aside, and held for naught.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 51614, of date January 26, 1959, be, and the same hereby is, set aside, vacated, and held for naught, in accordance with ruling of the Supreme Court of the State of Colorado, of date April 11, 1960, nunc pro tunc, as of said 11th day of April, 1960.

That, nunc pro tunc, as of April 11, 1960, authority under PUC No. 881 is declared to be as follows:

Transportation of freight, including farm products, from ranches within a radius of twenty-five miles of Yampa, to shipping points in said area, and grain to mill and elevator at Steamboat Springs, with back-haul of farm supplies, including feed, coal, lumber and timber; farm equipment and used household goods, from point to point within said area; livestock, from point to point within said area, and from points in said area in less than carload lots, to Denver; breeding stock, in less than carload lots, from and to points in said area, to and from all points in the State of Colorado, as required by customers residing in the area; livestock, only, on call and demand, in less than carload lots, from and to points within a radius of twenty-five miles of Yampa, Colorado, to and from points in the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Sigis
Ralph C. Hahn
Henry J. Hahn
Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1961.
mls

original

(Decision No. 56278)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
JOHN HANSSSEN, DOING BUSINESS AS)	PUC NO. 791
"HANSSSEN TRUCK LINE," WEST-)	<u>PUC NO. 791-I</u>
CLIFFE, COLORADO.)	

April 14, 1961

S T A T E M E N T

By the Commission:

Heretofore, PUC No. 791 and PUC No. 791-I were issued to John Hanssen, doing business as "Hanssen Truck Line," Westcliffe, Colorado, authorizing operation as a common carrier by motor vehicle for hire, in interstate and intrastate commerce.

On September 5, 1959, said John Hanssen departed this life, leaving him surviving Anna M. Hanssen, his widow, as sole heir-at-law, legatee, devisee, and Executrix.

On July 20, 1960, "Decree of Distribution and Final Settlement" was entered in the County Court in and for the County of Custer, State of Colorado, awarding to said Anna M. Hanssen, widow of John Hanssen, all and every part of the personal property and estate of which said decedent died possessed.

F I N D I N G S

THE COMMISSION FINDS:

That, in accordance with said Order of the County Court in and for the County of Custer, State of Colorado, the records of this Commission should be changed to show Anna M. Hanssen, doing business as "Hanssen's Truck Line," to be the owner and operator of PUC No. 791 and PUC No. 791-I.

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 PUC No. 791 and PUC No. 791-I to be owned and operated by:

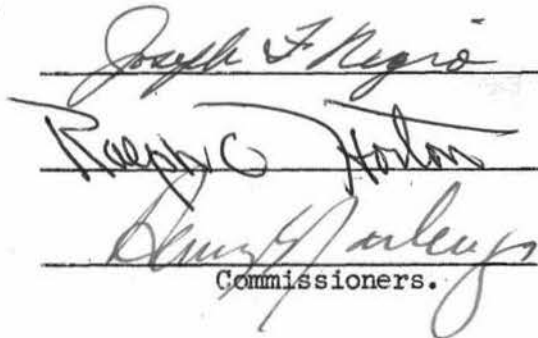
"Anna M. Hanssen, doing business as
'Hanssen's Truck Line,' " Westcliffe,
Colorado,

in lieu of:

"John Hanssen, doing business as
'Hanssen Truck Line,' " Westcliffe,
Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1961.

mls

original

(Decision No. 56279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RIO GRANDE MOTOR WAY, INC., 775)
WAZEE STREET, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 18454-Extension
AND NECESSITY, AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 149.)

April 14, 1961

Appearances: T. A. White, Esq., Denver,
Colorado, and
Ernest Porter, Esq., Denver,
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

On June 3, 1959, the above-styled application was filed with the Commission, seeking a certificate of public convenience and necessity, authorizing extension of operations under PUC No. 149, to include the right to serve an extended zone contiguous to certain municipalities then served in line-haul service under said PUC No. 149, the boundaries to coincide with or be based on the formula established by the Interstate Commerce Commission, in Ex-Parte 37, 46 M.C.C. 655.

Since that time, said matter has been held in abeyance by the Commission, and no request has been received from Applicant herein for hearing on said application.

The Commission is now desirous of closing its docket on long-pending applications. Therefore,

F I N D I N G S

THE COMMISSION FINDS:

That unless request for hearing of the above-styled application shall be received by the Commission from Applicant herein before

the effective date of this Order, said application should be dismissed, and the matter closed upon the docket of this Commission.

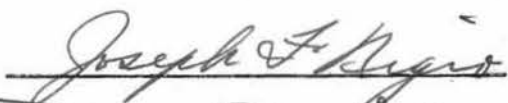

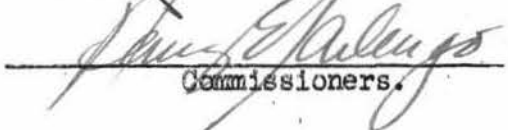
O R D E R

THE COMMISSION ORDERS:

That unless request for hearing of the above-styled application is received by the Commission from Applicant herein before the effective date of this Order, said application shall be dismissed, without further notice, and said matter closed upon the docket of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FARMERS IMPLEMENT AND SUPPLY COMPANY,)
106 SOUTH LINCOLN, LOVELAND, COLO-)
RADO.)
-----)

PERMIT NO. M-4136

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Farmers Implement and Supply Company, Loveland, Colorado
requesting that Permit No. M-4136 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4136, heretofore issued to Farmers Implement and Supply Company, Loveland, Colorado be,
and the same is hereby, declared cancelled effective April 15, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Garth C. Holman
Henry E. Ziehl
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN CWICIG, 1219 LYNNWOOD DRIVE,)
FORT COLLINS, COLORADO.)

PERMIT NO. M-11879

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John Cwieig, Fort Collins, Colorado

requesting that Permit No. M-11879 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11879, heretofore issued to John Cwicz, Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective March 17, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
George C. Norton
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 195/ 61.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM S. AND LUCILLE MAXSON, DOING)
BUSINESS AS, "GAMBLES STORE", P. O.)
BOX 95, FRUITA, COLORADO.)
-----)

PERMIT NO. M-11891

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William S. and Lucille
Maxson, doing business as, "Gambles Store", Fruita, Colorado
requesting that Permit No. M-11891 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11891, heretofore issued to William S. and Lucille
Maxson, doing business as, "Gambles Store", Fruita, Colorado be,
and the same is hereby, declared cancelled effective April 10, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 20th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ELEANOR L. AND HAROLD L. DAVIDSON,)
DOING BUSINESS AS, "GRAND JUNCTION)
FLORAL", R. R. 1, PALISADE, COLO-)
RADO.)
-----)

PERMIT NO. M-12000

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Eleanor L. and Harold L. Davidson, dba "Grand Junction Floral", Palisade, Colorado
requesting that Permit No. M-12000 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12000, heretofore issued to Eleanor L. and Harold L. Davidson, dba "Grand Junction Floral", Palisade, Colorado be,
and the same is hereby, declared cancelled effective February 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Negro
Joseph C. Robert
Henry E. Jenkins
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE R. WAHLMEIER, DOING BUSINESS)
AS, "DIANE'S DONUTS AND COFFEE)
SERVICE COMPANY", 1717 PRAIRIE AVENUE,)
PUEBLO, COLORADO.)
-----)

PERMIT NO. M-14249

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George R. Wahlmeier,
dba Diane's Donuts and Coffee Service Company", Pueblo, Colorado
requesting that Permit No. M-14249 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14249, heretofore issued to George R. Wahlmeier, dba
Diane's Donuts and Coffee Service Company", Pueblo, Colorado be,
and the same is hereby, declared cancelled effective January 25, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Robert C. Jordan
Wm. E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JAMES FABRIZIO AND RICHARD LANDREY,)
DOING BUSINESS AS, "MILE HI-LAND-)
SCAPING", 8551 WASHINGTON STREET,)
DENVER 29, COLORADO.)

PERMIT NO. M-11352

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James Fabrizio and
Richard Landrey, dba "Mile-Hi Landscaping", Denver 29, Colorado
requesting that Permit No. M-11352 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11352, heretofore issued to James Fabrizio and
Richard Landrey, dba "Mile-Hi Landscaping", Denver 29, Colorado be,
and the same is hereby, declared cancelled effective April 2, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Wm. E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEE JOHNSON, P. O. BOX 569, RIFLE,)
COLORADO.)

PERMIT NO. B-4260

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lee Johnson, Rifle,
Colorado

requesting that Permit No. B-4260 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4260, heretofore issued to Lee Johnson, Rifle,
Colorado be,
and the same is hereby, declared cancelled effective March 20, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro
Joseph C. Forthom
King E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 20th day of April , 19~~6~~61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES ROSER, P. O. BOX 253, CASTLE)
ROCK, COLORADO.)

PERMIT NO. M-8912

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles Roser,

Castle Rock, Colorado

requesting that Permit No. M-8912 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8912, heretofore issued to Charles Roser,

Castle Rock, Colorado _____ be,

and the same is hereby, declared cancelled effective March 11, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Randy C. Fortson
Henry E. Zuckers
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 1957 61.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DODGEN INDUSTRIES, A CORPORATION,)
HUMBOLDT, IOWA.)

PERMIT NO. M-7756

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dodgen Industries,
A Corporation, Humboldt, Iowa
requesting that Permit No. M-7756 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7756, heretofore issued to Dodgen Industries,
A Corporation, Humboldt, Iowa be,
and the same is hereby, declared cancelled effective January 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Fortont
Wm. E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CARL AND LOUISE PACE, DOING BUSINESS)
AS, "PACE HAY AND GRAIN", P. O. BOX)
603, RATON, NEW MEXICO.)
-----)

PERMIT NO. M-10752

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl and Louise Pace,
doing business as, "Pace Hay and Grain", P. O. Box 603, Raton, New Mexico
requesting that Permit No. M-10752 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10752, heretofore issued to Carl and Louise Pace,
doing business as, "Pace Hay and Grain", P. O. Box 603, Raton, New Mexico be,
and the same is hereby, declared cancelled effective April 3, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Garth C. Hodson
Wm. E. Zanker
Commissioners

Dated at Denver, Colorado,

this 20th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT OSBORN, DOING BUSINESS AS,)
"OSBORN HARDWARE COMPANY", 222)
WALNUT STREET, FORT COLLINS, COLORADO)
-----)

PERMIT NO. M-10038

April 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert Osborn, doing
business as, "Osborn Hardware Company", Fort Collins, Colorado
requesting that Permit No. M-10038 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10038, heretofore issued to Robert Osborn, doing
business as, "Osborn Hardware Company", Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective April 8, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 20th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

HENRY J. SEABORN, JR., 622)

GILLETTE STREET, COLORADO)

SPRINGS, COLORADO.)

PERMIT NO. B-5630

April 20, 1961
-----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-5630 be further suspended for six months from April 7, 1961.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Henry J. Seaborn, Jr., Colorado Springs,
Colorado
be, and is hereby, authorized to further suspend his operations under Permit No. B-5630 until October 7, 1961.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 20th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF
PLATEAU NATURAL GAS COMPANY, 1605 SOUTH
TEJON STREET, COLORADO SPRINGS, COLORADO,
FOR AN ORDER AUTHORIZING THE ISSUANCE OF
80,000 SHARES OF ITS COMMON STOCK AND
THE ISSUANCE OF A COMMON STOCK WARRANT
FOR THE PURCHASE OF 50,001 SHARES OF ITS
COMMON STOCK IN EXCHANGE FOR THREE ISSUED
AND OUTSTANDING COMMON STOCK WARRANTS FOR
THE PURCHASE OF A LIKE AGGREGATE NUMBER OF
SHARES OF THE COMPANY'S COMMON STOCK

APPLICATION NO. 18455
Securities

April 14, 1961

S T A T E M E N T

By the Commission:

Upon consideration of the application filed April 12,
1961, by Plateau Natural Gas Company in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on April 28,
1961, at 10:00 o'clock A. M., at the Hearing Room of the Commission,
532 State Services Building, Denver, Colorado, respecting the matters
involved and the issues presented in this proceeding. Any interested
municipality or any representative of interested consumers or security
holders of applicant corporation, and any other person whose participation
herein is in the public interest, may intervene in said proceedings.
Intervention petitions should be filed with the Commission on or before
April 21, 1961, and should set forth the grounds of the proposed inter-
vention, and the position and interest of the petitioners in the proceed-
ing, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Myers
Raymond C. Harbor
Henry J. Guller
Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1961.

original

(Decision No. 56293)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CONRAD E. TREBER, 1760 WEST BEEKMAN)
PLACE, DENVER, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PUC NO. 3217 TO)
CONRAD TREBER, DOING BUSINESS AS) APPLICATION NO. 18426-Transfer
"C. TREBER & SONS," 1745 WEST)
BEEKMAN PLACE, DENVER, COLORADO.)
-----)

April 17, 1961

Appearances: Conrad E. Treber, Denver,
Colorado, pro se;
Conrad Treber, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Conrad E. Treber, Denver, Colorado, is the owner and
operator of PUC No. 3217, authorizing:

Transportation of ashes, trash, and other
refuse in the City and County of Denver,
and from points in the City and County of
Denver to officially designated and approved
dumps and disposal places in the Counties of
Adams, Arapahoe and Jefferson, State of
Colorado.

By the instant application, said certificate-holder
seeks authority to transfer all his right, title and interest in
and to said certificate to Conrad Treber, doing business as "C.
Treber & Sons," Denver, Colorado.

The application was regularly set for hearing after appro-
priate notice to all interested parties, at 532 State Services Build-
ing, Denver, Colorado, at two o'clock P. M., April 13, 1961, where
the matter was heard and taken under advisement.

At the hearing, the evidence disclosed that Conrad E. Treber
is the son of Conrad Treber and is desirous of transferring his cer-
tificate (PUC No. 3217) to said Conrad Treber, doing business as

"C. Treber & Sons," by which arrangement the transferor will still remain as a partner. The evidence further disclosed that transferees have sufficient equipment and financial responsibility to carry on the operations.

No one appeared in opposition to the granting of authority sought herein, and there appears to be no indebtedness against the operation.

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission, and it would appear that the operating rights should be transferred.

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

That Conrad E. Treber, Denver, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3217 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Conrad Treber and Conrad E. Treber, a co-partnership, doing business as "C. Treber & 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 transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance

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

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

The right of 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
Robert C. Holm
Henry E. Adams
Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MILO M. VALDEZ AND PETER A. VALDEZ,
CO-PARTNERS, 2301 WEST ASBURY, DEN-
VER, COLORADO, FOR AUTHORITY TO
TRANSFER PUC NO. 3709 TO MILO M.
VALDEZ, 2301 WEST ASBURY, DENVER,
COLORADO.

APPLICATION NO. 18427-Transfer

April 17, 1961

Appearances: Milo M. Valdez, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Milo M. Valdez and Peter A. Valdez, co-partners, Denver,
Colorado, are the owners and operators of PUC No. 3709, authorizing:

Transportation of ashes, trash and other waste
materials between points within the City and
County of Denver, and from points within the
City and County of Denver, to regularly-desig-
nated and approved dumps and disposal places
within the Counties of Adams, Arapahoe, and
Jefferson, State of Colorado.

On March 16, 1961, said certificate-holders filed their
application for authority to transfer said operating rights to
Milo M. Valdez, Peter A. Valdez being desirous of withdrawing from
the co-partnership.

The application was regularly set for hearing after appro-
priate notice to all interested parties, at 532 State Services Build-
ing, Denver, Colorado, at two o'clock P. M., April 13, 1961, where
the matter was heard and taken under advisement.

At the hearing, the transferee appeared and testified in
support of the application, stating that his net worth is approximately
\$9,500; that this is merely a family affair and no financial settle-
ment is involved; that he has ample equipment with which to carry on

the operations and that there is no indebtedness against the certificate.

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

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

F I N D I N G S

THE COMMISSION FINDS:

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 Milo M. Valdez and Peter A. Valdez, co-partners, Denver, Colorado, be, and hereby are, authorized to transfer all their right, title and interest in and to PUC No. 3709 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Milo M. Valdez, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Raymond C. Holton
Henry S. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1961.

ea

original

(Decision No. 56295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED A. SCHROEDER, JR., DOING BUSI-)
NESS AS "FREDDIE'S RUBBISH REMOVAL,")
5600 SOUTH BANNOCK, LITTLETON, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PER-)
MIT NO. B-5856 TO AREND LENDERINK,)
DOING BUSINESS AS "ENGLEWOOD-LITTLE-)
TON PICK UP SERVICE," 3905 SOUTH)
BROADWAY, ENGLEWOOD, COLORADO.)
-----)

APPLICATION NO. 18423-PP-Transfer

IN THE MATTER OF THE APPLICATION OF)
FRED A. SCHROEDER, JR., 5600 SOUTH)
BANNOCK, LITTLETON, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3319)
TO AREND LENDERINK, DOING BUSINESS)
AS "ENGLEWOOD-LITTLETON PICK UP)
SERVICE," 3905 SOUTH BROADWAY,)
ENGLEWOOD, COLORADO.)
-----)

APPLICATION NO. 18424-Transfer

IN THE MATTER OF THE APPLICATION OF)
FRED A. SCHROEDER, JR., DOING BUSI-)
NESS AS "FREDDIE'S RUBBISH REMOVAL,")
5600 SOUTH BANNOCK, LITTLETON, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 2086 TO AREND LENDERINK, DOING)
BUSINESS AS "ENGLEWOOD-LITTLETON)
PICK UP SERVICE," 3905 SOUTH BROAD-)
WAY, ENGLEWOOD, COLORADO.)
-----)

APPLICATION NO. 18425-Transfer

April 17, 1961

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Transferor;
Richard Green, Esq.,
Denver, Colorado, for
Transferee.

S T A T E M E N T

By the Commission:

On March 16, 1961, the above-captioned applications were
duly filed with the Commission, wherein Fred A. Schroeder, Jr.,
desires to transfer Permit No. B-5856 and PUC Nos. 3319 and 2086
to Arend Lenderink, doing business as "Englewood-Littleton Pick Up
Service, Englewood, Colorado.

The authority under Permit No. B-5856 is owned by Fred A. Schroeder, Jr., doing business as "Freddie's Rubbish Removal," and authorizes:

Permit No. B-5856:

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 to the use of dump trucks, only.

The authority under PUC No. 3319 is owned by Fred A. Schroeder, Jr., and authorizes:

PUC No. 3319:

Transportation of ashes, trash and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado.

The authority under PUC No. 2086 is owned by Fred A. Schroeder, Jr., doing business as "Freddie's Rubbish Removal," Englewood, Colorado, and authorizes:

PUC No. 2086:

Transportation in pick up and delivery service of trash, fertilizer, and garbage, from point to point within a radius of ten miles of the city of Englewood, Colorado, excluding service in Aurora, Lakewood, Westwood, Arvada, Golden, and the territory served by Louis C. Berend, doing business as "Dad's Disposal Service," PUC No. 1968, particularly described as follows, to-wit: Extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said area, to a line one mile east of the City of Golden, which said line is the most westerly boundary line of the area, and extending from a line three hundred feet north of and paralleling North Twenty-Sixth Avenue,

which last said line is the most northerly line of the area, to a line two thousand feet south of and paralleling West Alameda Avenue, which said line is the most southerly boundary line of the area, which area consists of approximately seventeen square miles, being approximately five and one-half miles between the east and west boundary lines and three and one-half miles between the north and south boundary lines, on the one hand, and dumps and disposal places located in Jefferson County, Colorado, on the other hand,

and excluding therefrom the transportation of garbage in the area included within the existing boundaries of the Jefferson County Collection and Disposal Districts.

Transportation of ashes, trash, and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado.

The applications were regularly set for hearing after appropriate notice to all interested parties, at 532 State Services Building, Denver, Colorado, at two o'clock P. M., April 13, 1961, where the three applications were consolidated for hearing, and, after the hearing, were taken under advisement.

At the hearing, the evidence disclosed that there is a Sales Agreement between the parties, copy of which is on file with the Commission. It appears that the purchase price is the sum of \$135,000, of which amount \$35,000 has been paid, and the balance of \$100,000 to be evidenced by a note secured by a mortgage on the equipment rather than on the permit or certificates.

The evidence further disclosed that there is no indebtedness against the operations, and the financial responsibility and operating experience of transferee were established to the satisfaction of the Commission.

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

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 transfers are 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 Fred A. Schroeder, Jr., doing business as "Freddie's Rubbish Removal," Littleton, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5856 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Arend Lenderink, doing business as "Englewood-Littleton Pick Up Service," Englewood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

That Fred A. Schroeder, Jr., Littleton, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3319 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Arend Lenderink, doing business as "Englewood-Littleton Pick Up Service," Englewood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That Fred A. Schroeder, Jr., doing business as "Freddie's Rubbish Removal," Littleton, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 2086 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Arend Lenderink, doing business as "Englewood-Littleton Pick Up Service," Englewood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfers (PUC Nos. 3319 and 2086) shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Anton
Ray H. Pauling
Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1961.

ea

original

(Decision No. 56296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MARTIN WAGNER, 48 NORTH 13TH AVENUE,)	
BRIGHTON, COLORADO, FOR AUTHORITY TO)	
TRANSFER PUC NO. 2835 TO HARVEY C.)	APPLICATION NO. 18428-Transfer
DAVIS, DOING BUSINESS AS "BRITE 'N)	
RITE RUBBISH SERVICE," 3055 SOUTH)	
BANNOCK STREET, ENGLEWOOD, COLORADO.)	

April 17, 1961

Appearances: Martin Wagner, Brighton,
Colorado, pro se;
Harvey C. Davis, Engle-
wood, Colorado, pro se.

S T A T E M E N T

By the Commission:

Martin Wagner, Brighton, Colorado, is the owner and operator
of PUC No. 2835, authorizing:

Call and demand transportation of trash,
dirt, sand, and gravel, within the cor-
porate limits of the City of Brighton,
Colorado, and a distance of one mile in
all directions from the City of Brighton,
Colorado.

On March 14, 1961, said certificate-holder filed his appli-
cation for authority to transfer said operating rights to Harvey C.
Davis, doing business as "Brite 'N Rite Rubbish Service," Englewood,
Colorado.

The application was regularly set for hearing after appro-
priate notice to all interested parties, at 532 State Services Building,
Denver, Colorado, at two o'clock P. M., April 13, 1961, where the matter
was heard and taken under advisement.

At the hearing, both transferor and transferee appeared and
testified in support of the application. The evidence disclosed that
the consideration for the transfer of the certificate is the sum of

\$7,000 of which \$100 has been paid down, \$3,400 to be paid on or before April 1, 1961, and the balance of \$3,500 to be paid on or before January 15, 1962, said \$3,500 to be evidenced by a promissory note secured by a mortgage on equipment and not on the certificate. Sales Agreement is on file with the Commission. The net worth of transferee is approximately \$30,000, and there is no indebtedness against the certificate.

It appears that transferee is well qualified both by experience and financially to carry on the operations, and that he has ample equipment with which to carry on the operations as now constituted.

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS

That Martin Wagner, Brighton, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2835 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Harvey C. Davis, doing business as "Brite 'N Rite Rubbish Service," Englewood, 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. Hegis
Ralph C. Horton
Paul H. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
T. S. WOLVERTON, P. O. BOX 284,
URAVAN, COLORADO.
-----)

PERMIT NO. M-7237

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from T. S. Wolverton,
Uravan, Colorado
requesting that Permit No. M-7237 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7237, heretofore issued to T. S. Wolverton,
Uravan, Colorado be,
and the same is hereby, declared cancelled effective March 31, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Francis C. [unclear]
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROCKY MOUNTAIN MEMORIAL COMPANY,)
INCORPORATED, 4900 WEST COLFAX AVENUE,)
DENVER 4, COLORADO.)
-----)

PERMIT NO. M-7361

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Rocky Mountain Memorial Company, Inc., Denver 4, Colorado
requesting that Permit No. M-7361 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7361, heretofore issued to Rocky Mountain Memorial Company, Inc., Denver 4, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM BENTON, 1730 STOVER, FORT)
COLLINS, COLORADO.)
)
)
)
-----)

PERMIT NO. M-14895

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William Benton,
Fort Collins, Colorado
requesting that Permit No. M-14895 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14895, heretofore issued to William Benton,
Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective March 8, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
George C. Boston
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN PIPE AND STEEL, INCORPORATED,
2207 CLOVIS ROAD, LUBBOCK, TEXAS.

PERMIT NO. M-9213

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Western Pipe and Steel, Inc., Lubbock, Texas
requesting that Permit No. M-9213 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9213, heretofore issued to Western Pipe and Steel, Inc., Lubbock, Texas be,
and the same is hereby, declared cancelled effective March 21, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Norton
Wm. E. Zink
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TURNPIKE LUMBER COMPANY (A CORPORA-)
TION), P. O. BOX 236, BROOMFIELD,)
COLORADO.)
-----)

PERMIT NO. M-11076

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Turnpike Lumber
Company (A Corporation), Broomfield, Colorado
requesting that Permit No. M-11076 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11076, heretofore issued to Turnpike Lumber Company,
(A Corporation), Broomfield, Colorado be,
and the same is hereby, declared cancelled effective March 13, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Johnston
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DEFFENBAUGH LUMBER COMPANY, INCORPOR-)
ATED, 1101 WASHINGTON AVENUE, GOLDEN,)
COLORADO.)
-----)

PERMIT NO. M-180

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Deffenbaugh Lumber
Company, Inc., Golden, Colorado
requesting that Permit No. M-180 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-180, heretofore issued to Deffenbaugh Lumber
Company, Inc., Golden, Colorado be,
and the same is hereby, declared cancelled effective October 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
M. J. LEWIS, 638 SOUTH TEJON,)
DENVER 23, COLORADO.)
)
)
)
-----)

PERMIT NO. M-431

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from M. J. Lewis,
Denver 23, Colorado
requesting that Permit No. M-431 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-431, heretofore issued to M. J. Lewis,
Denver 23, Colorado be,
and the same is hereby, declared cancelled effective March 14, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ANNA MORASKY, 63 1/4 EAST MAIN, TRINIDAD,
COLORADO.)
)
)
)
-----)

PERMIT NO. M-496

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Anna Morasky,
Trinidad, Colorado
requesting that Permit No. M-496 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-496, heretofore issued to Anna Morasky,
Trinidad, Colorado be,
and the same is hereby, declared cancelled effective February 16, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zullinger
Commissioners

Dated at Denver, Colorado,
this 27th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BERNARD O. WALLEN, SR., DOING BUSINESS)
AS, "WALLEN'S SERVICE", 5001)
MARSHALL, ARVADA, COLORADO.)
-----)

PERMIT NO. M-597

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bernard O. Wallen, Sr.,
doing business as, "Wallen's Service", Arvada, Colorado
requesting that Permit No. M-597 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-597, heretofore issued to Bernard O. Wallen, Sr.,
doing business as, "Wallen's Service", Arvada, Colorado be,
and the same is hereby, declared cancelled effective April 2, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm. E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR A. HENDERSON, DOING BUSINESS)
AS, "HENDERSON GARAGE AND SERVICE",)
6095 WEST 16TH AVENUE, DENVER 15,)
COLORADO.)
-----)

PERMIT NO. M-15006

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur A. Henderson,
dba "Henderson Garage & Service", Denver 15, Colorado
requesting that Permit No. M-15006 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15006, heretofore issued to Arthur A. Henderson,
dba "Henderson Garage & Service", Denver 15, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of April, 1961.

original

(Decision No. 56307)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN JUAN BASIN DAIRY, INC., 301)
SANTA CLARA AVENUE, GRAND JUNCTION,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18297-PP

April 20, 1961

Appearances: Eugene H. Mast, Esq., Grand
Junction, Colorado, for
Applicant.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the above-styled application, San Juan Basin Dairy, Inc., Grand Junction, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of raw fluid bulk milk, between the following-described areas: (a) to pick up said commodity at any point within an air line radius of 20 miles from the City of Grand Junction, and to transport the same to Grand Junction, Colorado, or to Delta, Colorado; (b) to pick up said commodity at any point within an air line radius of 10 miles from the City of Rifle, Garfield County, Colorado, and to transport the same into the City of Rifle, Colorado, or Grand Junction, Colorado, or Delta, Colorado; (c) to pick up said commodity at any point within an air line radius of 30 miles from the City of Delta, Colorado, and to transport the same into the City of Delta, Colorado, or to Grand Junction, Colorado, for Western Colorado Milk Producers' Association, Inc., U. S. Bank Building, Grand Junction, Colorado, and Clymers' Ranch & Livestock Company, 301 Santa Clara Avenue, Grand Junction, Colorado, applicant not to handle or accept C.O.D. shipments.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, February 8, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

The Commission having considered the evidence and the record states and finds:

That at the hearing Applicant requested that if the within application be granted, Permit No. B-5751 of Clymers' Rose Glen Dairy, Inc., be cancelled.

That no one protests the granting of the application.

That there is a need for the proposed transportation service and the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That San Juan Basin Dairy, Inc., Grand Junction, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of raw fluid milk, between the following-described areas: (a) to pick up said commodity at any point within an air line radius of twenty miles from the City of Grand Junction, and to transport the same to Grand Junction, Colorado, or Delta, Colorado; (b) to pick up said commodity at any point within an air line radius of ten miles from the City of Rifle, Garfield County, Colorado, and to transport the same into the City of Rifle, Colorado, or Grand Junction, Colorado, or Delta, Colorado; (c) to pick up said commodity at any point within an air line radius of thirty miles from the City of Delta, Colorado, and to transport the

same into the City of Delta, Colorado, or to Grand Junction, Colorado, for Western Colorado Milk Producer's Association, Inc., Grand Junction, Colorado, and Clymers' Ranch & Livestock Co., Grand Junction, Colorado, provided, however, that applicant shall not handle or accept C.O.D. shipments, and this Order is a permit therefor.

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

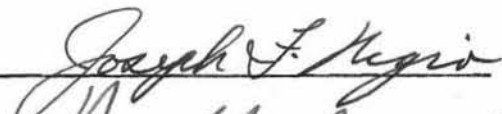

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of its customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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.

That Permit No. B-5751 of Clymers' Rose Glen Dairy, Inc., be, and the same hereby is, cancelled.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 20th day of April, 1961.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY, 1605)
SOUTH TEJON STREET, COLORADO SPRINGS,)
COLORADO, FOR A DETERMINATION OF A)
FAIR RATE OF RETURN ON THE VALUE OF)
ITS GAS PROPERTIES DEVOTED TO PUB-) APPLICATION NO. 17733
LIC USE IN THE STATE OF COLORADO,)
AND THE GROSS REVENUES TO WHICH)
APPLICANT MAY BE ENTITLED FROM ITS)
OPERATION OF SUCH PROPERTIES.)
-----)

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY FOR AN)
ORDER AUTHORIZING CERTAIN PROPOSED) APPLICATION NO. 18241
CHANGES IN ITS GAS RATES, CLASS-)
IFICATIONS, RULES AND REGULATIONS.)
-----)

April 19, 1961

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., Denver, Colorado,
by
Bryant O'Donnell, Esq., Robert
Thompson, Esq., and
E. A. Stansfield, Esq., Denver,
Colorado, for Applicant;
Harlan Johnson, Esq., Lamar,
Colorado, for the City
of Lamar;
Henry S. Sherman, Esq., Denver,
Colorado, for the Cities of
Lamar, Springfield, Holly,
Walsh, Wiley, Hartman, and
Prowers County;
Leonard M. Campbell, Esq., Denver,
Colorado, for the Cities of
Eads, Limon, Florence, Castle
Rock, and Penrose;
Paul V. Evans, Esq., Colorado
Springs, Colorado, for the
Town of Fountain;
John J. Lefferdink, Esq., Eads,
Colorado, for the Town of Eads;
Howard S. Pine, Esq., Castle Rock,
Colorado, for the City of
Castle Rock;
E. R. Lundborg, Esq., Denver,
Colorado, and
Paul M. Brown, Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On December 13, 1960, Applicant filed a Motion to Modify Decision No. 55456, Application No. 17733, which decision resulted after hearings in said application. The Motion to Modify alleges an omission or inadvertence in said decision detrimental to the interests of Applicant, and is inconsistent with other portions of said decision. Applicant claims an error in the amount of depreciation accrued by the Commission which should have been considered as an adjustment to and increasing the rate base as established by the Commission, in the amount of \$37,620. Applicant claims that a composite depreciation rate of 3.6% was established in Decision No. 53073 of September 24, 1958. Petitioner further claims that the depreciation reserve should have been computed on the above basis for the years 1957 and 1958 as well as 1959, and had such a computed depreciation accrual been used by the Commission for said years in its adjustments to Applicant's rate base, Applicant's net plant would have been increased by said amount.

On December 14, 1960, attorneys for the towns in the Northern Division of the area served by Applicant, filed a Motion to Strike the Motion theretofore filed by Applicant. On ~~December~~ 16, 1960, attorneys for Protestants in the Southern Division of the area served by Applicant, also filed a Motion to Strike the Motion therefore filed by Applicant. By its Decision No. 55169 of December 27, 1960, the Commission ordered that the Motion of Applicant in Application No. 17733 and Application No. 18241 be consolidated, and set for hearing January 9, 1961, at ten o'clock A. M., in the Commission's Hearing Room, State Services Building, Denver, Colorado. This date was vacated and the hearing reset for and was held on January 16, 1961 at the same hour and place. The hearing was continued to and concluded on January 27, 1961. The matter was then taken under advisement.

Following arguments by Applicant and both Protestants and after due consideration by the Commission, Applicant's Motion to Amend was denied.

The hearing then continued on Application No. 18241, being the application for an order authorizing proposed changes in Applicant's gas rates, classifications, rules and regulations to provide to Applicant the total revenue to which it is entitled as determined by the Commission in its Decision No. 55456, of November 25, 1960, wherein the Commission ordered Applicant to file new gas rates for gas service in Colorado that would produce \$1,229,785 in total operating revenues on an annual basis or additional annual operating revenues in the amount of \$69,778.

Plateau Natural Gas Company is a Colorado corporation, authorized to do business in said state, and its Articles of Incorporation, as amended, have heretofore been filed with this Commission. It is a public utility subject to the jurisdiction of this Commission as to its operations in Colorado. The Company is engaged in the business of distributing natural gas at retail to domestic, commercial and industrial customers in parts of Colorado and Kansas. Applicant's history, including its incorporation, acquisitions and service areas, was set forth in detail in Decision No. 55456, of November 25, 1960, which decision, authorized the increase in Applicant's revenues.

Applicant's witness, Mr. W. B. Fullerton, its President, testified that heretofore all franchise taxes paid by it to incorporated communities have been charged as an operating expense, and thus the expense is shared by all customers. Not all incorporated communities in Applicant's service area levy a franchise tax nor in the communities where the tax is levied is the rate uniform. Of course, in unincorporated areas, no franchise tax of any nature is paid. The amount of the tax then ranges from zero in rural areas and some incorporated communities to a maximum of 5% in the City of Lamar. It is Applicant's opinion that such a treatment of franchise taxes places a burden on rate payers in areas where no tax is levied and where no direct benefits from such a tax accrues. It was suggested that the item of franchise taxes should be surcharged on the bills of those customers residing within the city or town limits of a

taxing authority levying such a tax to the end that those customers benefiting directly from such a tax will be the sole payers of such tax. During the test year, Applicant's records disclose that the amount actually collected in franchise taxes is \$21,776, and it proposes to surcharge this tax on the affected customers' bills. It will decrease by the same amount the additional revenue to which it is entitled as determined by this Commission in its Decision No. 55456. Total revenue to which Applicant would then be entitled amounts to \$1,208,009 instead of \$1,229,785, as set forth by this Commission in said Decision.

Factors considered by Applicant in arriving at the rate levels proposed in its Exhibit "H" includes existing rate levels, a comparison with the rates by utilities in surrounding areas, the competition which may exist from other fuels, ability of the customers to pay the rates required, the characteristics of the load of each class of customers and the stability of a class of customers. The order in which these factors are named, did not necessarily indicate their order of importance and in the final analysis, all factors are weighted by the judgment of management.

For operating convenience, Applicant has viewed its operation in Colorado as being composed of two units, a Northern Division and a Southern Division. The Northern Division includes the Towns of Eads, Limon, Florence, and Castle Rock, among others, and in this division, its supply of natural gas is obtained from Colorado Interstate Gas Company. Its Southern Division includes, among others, the Cities and Towns of McClave, Lamar, Holly and Springfield, and in this area the supply of natural gas is obtained from Kansas-Colorado Utilities Company, a wholly-owned subsidiary of Applicant. Cost of gas to Applicant is lower from Kansas-Colorado Utilities than it is from Colorado Interstate Gas Company, and, in Applicant's opinion, this is the only point in which a difference in cost of service between North and South areas should be recognized. Except for this factor, no other distinction was made in arriving at a cost of service for the Northern and Southern areas.

Witness stated that the Company felt in the past some classification of customers were paying more than they should for their service, while others, of course, were paying less. This is a situation which has not been developed by Applicant, but existed at the time Applicant acquired its properties. At the time of acquisition, Applicant adopted rates of its predecessor companies which had been in effect a number of years. Since the disparity was large, Applicant did not feel that a total correction should be made at one time.

Applicant's Exhibits "F" and "G" represent its determination of the allocation of costs of service to rate schedules. These allocations of costs are based substantially on the number of customers except where in a few specified instances it was possible to determine the investment in lateral lines serving only a single customer, the higher costs of large capacity metering equipment and the higher cost of large capacity pressure regulators. The amount thus determined was eliminated from the total plant in service and allocated specifically to customers served thereby; the remainder of the plant dollars were distributed directly on a customer basis. Operating expense, depreciation, amortization of gas plant acquisition adjustment, income taxes and general taxes in addition to the item of allowed return was then allocated to classes of service substantially on the basis of plant in service as determined above. Customer accounting and collecting expenses were assigned directly except in the case of certain large users the very nature of which requires direct labor expense at substantially higher cost per customer; the balance remaining after deducting the specific assignment of cost was distributed on the basis of customers. Sales promotion expense was distributed on the basis of customers directly to the customers who would be affected by such expense and primarily eliminated industrial users. Administrative and general expenses were allocated on a basis proportionate to the sum of dollars of distribution, customer accounting and collection and sales promotion expenses. It was conceded by Applicant that the methods employed by it are not the only means of allocating expense that could or should be used.

Rate Schedules "D", "E", "F", "G" and "H" as set forth in Exhibit "H" were designed by Applicant. All of these schedules have heretofore been and are proposed to continue to be at a flat rate charge for commodity, with no demand charge, and the changes proposed in these schedules is merely a change in the price per unit of commodity and the determination of total revenues in these schedules is comparatively simple. Applicant engaged the service of Mr. Carl H. Horne, of Montreal, Canada, as its expert to sponsor the rates set forth in Schedules "A", "B", and "C." These schedules are for general gas service and are applicable to residential and commercial users in the North and South. Mr. Horne has a broad experience in the field of rate design. He pointed out that one limitation had been prescribed by the Applicant in the design of these rates and that limitation was the total revenue to be recovered from each of these rates as determined by Applicant's allocation of cost of service to rate schedules in Exhibit "F". Witness indicated, in his opinion, the small user should pay his share, as nearly as possible, of the fixed costs. It was proposed to increase the minimum monthly bill and to reduce the volume of cubic feet heretofore delivered in the monthly minimum bill. Even by doing this, the customer will not pay his total share of fixed expense in the minimum charge and, in order for each customer to actually pay his share of fixed expense, a use further along in the blocks of the rates will be required. After accepting the limit imposed upon him by Applicant, witness designed rates that would produce the revenue assigned. This was accomplished by a detailed analysis of customer use.

At the continuation of the hearing on January 27, 1961, the attorney for the Southern area moved "to Strike all portions of Applicant's testimony and Applicant's exhibits which tend in any manner to alter, amend or invalidate any of the findings or any of the orders of the Commission in Decision No. 53073, dated September 24, 1959, Application No. 16289, as amended, for the reason that the matters therein concluded are res judicata, stare decisis, and the law

of the case and not subject to alteration or invalidation in that there has been no evidence of any kind showing any change of facts, circumstances or conditions warranting the altering, amending or invalidation of any such findings or orders."

Southern Division also "moved to Strike any and all portions of Applicant's testimony and Applicant's exhibits tending to show the necessity of any rate increase in the Southern Division served by Applicant which is not confined to facts and evidence related thereto which occurred subsequent to the effective date of the determination made by the Commission in Decision No. 53073, dated September 24, 1959, in Application No. 16289, as amended."

Arguments in support of the motions were presented by Protestant for the South and arguments against the motion were offered by Protestants for the North and by Applicant. The motions were taken under advisement.

Cross-examination of Witness Fullerton by Protestant (South) referred substantially to a prior application filed by Applicant with this Commission for an increase in rates in the Southern area only, referring rather insistently to the conclusion of the Commission that the rate of return for the Southern Division was adequate and that an increase requested by Applicant was denied. At that time, Applicant based its contention for a rate base and rate of return on its then determined costs of facilities and related expense as located in the South. From the evidence then submitted and the concurrent findings of the Commission, the then costs are substantially different than those as presented by Applicant in this application in its Exhibits "F" and "G." On the basis of the earlier costs, the South feels an increase in rates to the South are not at this time justified. However, it was developed by Protestant (North) that two different test periods are involved and that the latest test period, being the year 1959, involved in this application, presents different situations and conditions over those existing during the test period of 1957, used in the prior application. Applicant concurred in this premise.

We feel that the determination of cost allocation is not an inflexible rule, rather it is a finding of fact addressed to the sound discretion of the Commission to be determined from the record in each case.

In attempting to reconcile the volume of gas delivered and the revenue received under rate Schedules "A" and "B", it was discovered that employees of the Company are being served at flat rates per MCF. These rates are not included in the tariff currently on file, and it was Witness' opinion that employee sales should be made only under filed tariffs. Therefore, in the future, employees will be served under Schedule "A" or "B" as may be required, and any increase in cost this might bring about to employees would be offset by the Company in some other manner.

The Protestants (South) contended it was not proper to utilize a cost allocation on the basis employed by Applicant, and again relied rather heavily on testimony and exhibits introduced in Application No. 16289, in Decision No. 53073, of September 24, 1959. Protestants' Exhibits 3 and 4 were presented and designed to show their cost allocation between the South and North. Some data included in these exhibits were requested of and furnished by the Applicant. These exhibits demonstrate conclusively problems and differences of opinion whenever an effort is made to allocate costs between areas at such times as allocations become necessary. In many instances, allocations are necessarily based on judgment and the judgment of one individual may not necessarily coincide with that of another.

One reason given for the proposed substantial increase to residential and commercial rate schedules in the South was the fact that "a substantial reduction" was submitted for the light plants at Lamar and Springfield, and that these reductions had to be made up some place. A reduction was also offered for alfalfa dehydration rates "which had to be made up some place." That is one of the reasons for the proposed increase in Rate Schedule "A", the domestic rate schedule in the Southern Division.

Customer density is greater in the South than in the North. The South is more stable than the North due primarily to the military installations in the North and the dependence of these communities upon tourist business. Competition with other fuels in the North is not severe except perhaps with one industrial customer located near Canon City. In the South, competition does not exist, except perhaps when natural gas is used as boiler fuel such as at the Springfield and Lamar light plants. If the cost of natural gas were to be at or near 30¢ per MCF, competition with other fuels would be real. A direct competition exists in the alfalfa dehydration plants inasmuch as the operators also have similar installations in the Platte and Republican River Valleys of Nebraska. Should dehydration of alfalfa in the Nebraska areas become cheaper, alfalfa dehydration could, perhaps, be stopped in Applicant's area.

Witness for Protestant (South) indicated he knew of no valid reason for adopting the rates as proposed by Applicant. It was his opinion that rate schedules for the South and North should be treated separately not only as to the cost of gas, but also as to all other costs involved. It was emphasized in Protestant's Exhibit No. 2 that under Rate Schedule "A", the General Service Rate as proposed by Applicant, available to residence consumers of the South, an increase of \$61,405 obtains and amounts to an increase of 14.55% before the surcharge of franchise taxes. It was further emphasized that the rates for alfalfa dehydrating mills and boiler fuel were decreased. It was pointed out that the surcharging of franchise taxes and the corresponding elimination as an element of cost in Applicant's operation has the further effect of increasing the above-stated percentage increase which, in some communities, at least, would further increase the cost to the customer. Protestant's witness contended the Company had not considered previously applied gas rates in preparing the proposed rates and Protestant (South) points out the burden of the increased revenues falls on the customers of the South.

This witness declared the overall rate of return under the proposed rates would amount to 7.49%. However, this figure is applied to a rate base as established by witness and was not the rate base established by the Commission in its Decision No. 55456, of November 25, 1960. Further, in the determination of the 7.49% rate of return, witness used his own version of expense in the test year rather than the expense established by the Commission in the same decision. The witness contended the method of allocation used by Applicant in this case transferred slightly in excess of 25% of the expense of the North to the South, where such expense can be determined on a per situs basis. This includes such items as acquisition adjustments, actual plant and general taxes. Witness declares this to be unfair and discriminatory. Witness had not made any breakdown of cost as between communities of the South, but he felt that the rates throughout the South could be on a uniform basis, in other words, he did not advocate separate rates by communities in the South but did feel very definitely that the rates between the South and North should not be the same except for the cost of gas. Witness by his Exhibit No. 2 concludes the aggregate increase to the South is 7.90%, and the per cent increase to the North is 2.17%. Under the general service schedules, the increase in Schedule "A" is 14.55%, Schedule "B" 1.86%, and Schedule "C" 2.20%.

Based on studies made for the Commission by its staff, under Applicant's proposal, the aggregate increase to the South is 5.59%. Included, among others in this increase, is Schedule "A" at 14.52%. The aggregate increase to the North is 1.16%. Included, among others in this increase, is Schedule "B" at 1.35%, and Schedule "C" at 1.84%.

We concur with the widespread opinion and approach of other Commissions and Rate Experts that cost of service alone is but one factor in the determination of rate levels. There are numerous other factors which must be considered. Among these are the situation on competitive fuels, density of population, which in effect relates to

cost of service, stability of the area, and historical rate levels. This last consideration is of substantial importance -- especially in the instances of one utility taking over the properties of another, and by virtue of such an acquisition alone, rates are raised to the customers.

A determination of proper rate levels is not an exact science, whereby all of the factors involved may be weighted with scientific accuracy. However, it must be observed that no single one of these factors is controlling; all must be considered together, and a determination made upon the basis of sound judgment that ultimately does result in equitable, just, reasonable, and non-discriminatory rates.

Ordinarily, the design and level of rates is a function of management, but it is management's responsibility to establish that such rates are just, reasonable, and non-discriminatory.

Giving consideration to all of the factors we believe essential in proper rate-making, and giving consideration to the record made before this Commission, it is our opinion that adjustments as we will indicate herein are necessary to achieve a non-discriminatory, just, and reasonable rate.

It does appear that Applicant in establishing its proposed rates placed too great a reliance upon its cost of service studies (which by its own admission is not the only method that can be employed to determine cost of service.), and an insufficient reliance upon historical levels of rate schedules. If more consideration is given to historical levels of rate schedules, a redistribution to the various schedules of the dollars to be recovered could be made which would provide, in our opinion, a more equitable increase in cost to all consumers as permitted under our Decision No. 55456, November 25, 1960, wherein we allowed additional operating revenues of \$69,778. A redistribution of these revenues between the extremes proposed by Applicant and Protestant (South) giving reasonable consideration to historical levels would provide an increase above existing rate levels to the South of 2.92% and in the North of 6.63%.

In Schedule "A" the increase, instead of 14.52%, will become 5.13%. In Schedule "B", instead of 1.35%, it will become 4.27%, and in Schedule "C", instead of 1.84%, it will become 12.37%. It is felt that no change should be made for alfalfa dehydration covered in Rate Schedule "G" and that a reduction of only 2¢ rather than 4¢ should be made for the cost of boiler fuel. No recommendation was made by Protestants as to the number of dollars to be recovered by Applicant through its various rate schedules. It is our opinion that the revenues proposed by Applicant to be recovered in Rate Schedules "A", "B", "C", "G" and "H" are unjust, unreasonable, discriminatory and preferential, and should not be permitted to be placed into effect.

Set forth below is our opinion of the revenues that should be recovered by the Company as compared to the revenues as proposed by the Company:

Rate Schedule	Present Revenues As Adjusted	Company Proposal		Commission	
		Revenue	% Increase	Revenue	% Increase
A	\$ 422,066	\$ 483,334	14.52	\$443,704	5.13
D	34,134	42,825	25.46	42,825	25.46
E	11,840	13,043	10.15	13,043	10.15
F	31,370	37,516	19.59	37,516	19.59
G	120,655	114,591	5.03R	119,573	.90R
H	158,816	131,145	17.42R	144,950	8.73R
Total South	778,881	822,454	5.59	801,611	2.92
B	252,307	255,705	1.35	263,078	4.27
C	117,247	119,407	1.84	131,747	12.37
State Pen	6,725	6,726	0	6,726	0
Persolite	4,847	3,717	23.31R	4,847	0
Total North	381,126	385,555	1.16	406,398	6.63
Total System	1,160,007	1,208,009	4.14	1,208,009	4.14

R - Decrease.

F I N D I N G S

THE COMMISSION FINDS:

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

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

That the Commission is fully advised in the premises.

That Applicant's Motion to Modify Decision No. 55456, Application No. 17733, should be denied.

That the Motions of Protestant (South) be, and are hereby both denied.

That the rates contained in Exhibit "H" designated Schedules "A", "B", "C", "G", and "H" are unjust, unreasonable and discriminatory, and should not be permitted to be placed into effect.

That rates "D" (schools, etc.), "E" (industrial), and "F" (irrigation), and the rates applicable to the State Penitentiary and Persolite Products are just, reasonable and not discriminatory, and should be permitted to be placed into effect.

That Applicant shall file new rates for Schedules "A", "B", "C", "G" and "H", to provide the revenue as prescribed in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That Applicant's Motion to Modify Decision No. 55456, Application No. 17733 be, and hereby is, denied.

That both Motions of Protestant (South) be, and hereby are, denied.

That rate schedules contained in Exhibit "H" designated as "A", "B", "C", "G" and "H" are unjust, unreasonable and discriminatory and are not permitted to be placed into effect.

That Applicant shall file rate schedules, which are just, reasonable and non-discriminatory to produce total revenues in the test year, as follows:

Schedule A	\$443,704
Schedule B	263,078
Schedule C	131,747
Schedule G	119,573
Schedule H	144,950

and shall file rates for Schedules "D", "E", "F", State Penitentiary and Persolite Products, as contained in Applicant's Exhibit "H".

That franchise taxes as imposed by separate communities shall be surcharged on individual bills of the consumers residing within the corporate limits of said communities and all tariff sheets to be filed in accordance with this Order shall bear such a notation thereon.

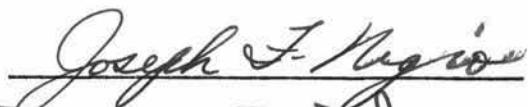

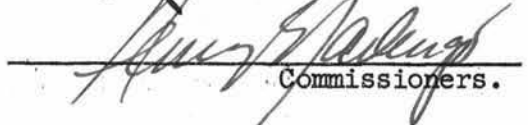
That the rates permitted to be ~~made~~ effective herein shall become effective on all gas used on and after the effective date of the rate schedules filed in compliance with this Order on not less than five days notice to this Commission and the public.

That Applicant shall continue to maintain its books of account in accordance with the Uniform System of Accounts as prescribed by this Commission.

That Applicant shall continue its operations in accordance with the Rules and Regulations of this Commission as prescribed for electric and gas utilities as now in effect or as they may be changed by law.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of April, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HARRY R. ELLIS AND RAY L. WINN, CO-
PARTNERS, DOING BUSINESS AS "ELLIS
DISPOSAL COMPANY," P. O. BOX 116,
WESTMINSTER, COLORADO, FOR AUTHORITY
TO TRANSFER PUC NO. 2069 TO ANDREW
BOSMAN, CLARENCE BOSMAN, CHARLES A.
BOSMAN, ANDREW BOSMAN, JR., AND
WILLIAM BUIKEMA, CO-PARTNERS, DOING
BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLO-
RADO.

APPLICATION NO. 18372-Transfer

IN THE MATTER OF THE APPLICATION OF
HARRY RICHARD ELLIS, P. O. BOX 116,
WESTMINSTER, COLORADO, FOR AUTHORITY
TO TRANSFER PUC NO. 2782 TO ANDREW
BOSMAN, CLARENCE BOSMAN, CHARLES A.
BOSMAN, ANDREW BOSMAN, JR., AND
WILLIAM BUIKEMA, CO-PARTNERS, DOING
BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLO-
RADO.

APPLICATION NO. 18373-Transfer

IN THE MATTER OF THE APPLICATION OF
HARRY RICHARD ELLIS, P. O. BOX 116,
WESTMINSTER, COLORADO, FOR AUTHORITY
TO TRANSFER PUC NO. 2858 TO ANDREW
BOSMAN, CLARENCE BOSMAN, CHARLES A.
BOSMAN, ANDREW BOSMAN, JR., AND
WILLIAM BUIKEMA, CO-PARTNERS, DOING
BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLO-
RADO.

APPLICATION NO. 18374-Transfer

IN THE MATTER OF THE APPLICATION OF
HARRY RICHARD ELLIS, P. O. BOX 116,
WESTMINSTER, COLORADO, FOR AUTHORITY
TO TRANSFER PUC NO. 3697 TO ANDREW
BOSMAN, CLARENCE BOSMAN, CHARLES A.
BOSMAN, ANDREW BOSMAN, JR., AND
WILLIAM BUIKEMA, CO-PARTNERS, DOING
BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLO-
RADO.

APPLICATION NO. 18375-Transfer

IN THE MATTER OF THE APPLICATION OF)
HARRY R. ELLIS, DOING BUSINESS AS)
"LEE RUBBISH REMOVAL," P. O. BOX 116,)
WESTMINSTER, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 3774 TO ANDREW)
BOSMAN, CLARENCE BOSMAN, CHARLES A.)
BOSMAN, ANDREW BOSMAN, JR., AND)
WILLIAM BUIKEMA, CO-PARTNERS, DOING)
BUSINESS AS "BEST-WAY DISPOSAL,")
2519 WEST 11TH AVENUE, DENVER, COLO-)
RADO.)

APPLICATION NO. 18376-Transfer

April 21, 1961

Appearances: Clarence Bosman, Denver,
Colorado, for Trans-
ferees;
David Manter, Esq., Den-
ver, Colorado, for
Claimants.

S T A T E M E N T

By the Commission:

The above-styled applications were regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 18, 1961, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, Clarence Bosman, one of transferees herein, represented to the presiding Commissioner that there had been a breach in the Contract of Sale of these authorities by the seller, and that it was not the intention of the purchasers to proceed with their contract.

Mr. Bosman requested that the applications be dismissed.

In view of representation made to the Commission, and the fact that no other party appeared, and the Commission is advised that these applications will not be prosecuted further,

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled applications should be dismissed, upon request of Transferees herein.

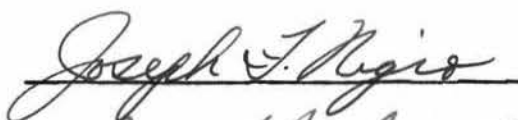

O R D E R

THE COMMISSION ORDERS:

That Applications Nos. 18372-Transfer, 18373-Transfer, 18374-Transfer, 18375-Transfer, and 18376-Transfer be, and the same hereby are, dismissed, upon request of Transferees herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 21st day of April, 1961.

mls

original

(Decision No. 56310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
SIDNEY C. GRINSTEIN, DOING BUSINESS
AS "UNION STATION BAGGAGE & TRANS-
FER COMPANY," UNION STATION, DENVER,
COLORADO, FOR AUTHORITY TO TRANSFER
PUC NO. 2115 TO PAUL A. ROYAL, 601
LIPAN STREET, DENVER, COLORADO.

APPLICATION NO. 18435-Transfer

April 21, 1961

Appearances: E. B. Evans, Esq., Denver,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Sidney C. Grinstein, doing business as "Union Station Baggage & Transfer Company," Denver, Colorado, owner and operator of PUC No. 2115, seeks authority to transfer said operating rights to Paul A. Royal, Denver, Colorado, said PUC No. 2115 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

transportation of baggage, consisting of such articles as trunks, baby carriages, baby go-carts, baby sleighs, bicycles, cases, chairs, hampers, large boxes, bundles, saddles and bags, sole leather portmanteaus, wrapped surveyor's tools, tool chests, tricycles, baseball bags, cricket bags, curling stones, dress suit-cases, duffle bags, golf or hockey bags, unloaded guns in cases, hand bags, packages, shawl straps, steamer rugs, and valises, from and to the Denver Union Station on the one hand, and to and from points within a radius of twenty-one (21) air miles thereof, on the other hand.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado,

April 18, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights is the sum of \$5,500.00; that \$500.00 has been paid down; \$4,500 is being held in escrow, and an additional \$500.00 is to be paid upon approval of said transfer by this Commission.

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

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

There are no unpaid operating obligations against said certificate.

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 Sidney C. Grinstein, doing business as "Union Station Baggage & Transfer Company," Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2115 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Paul A. Royal, 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

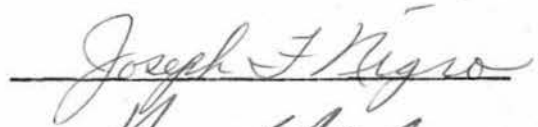

either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless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

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 21st day of April, 1961.

mls

original

(Decision No. 56311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. L. VAIL, ELBERT, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
A-72 TO JESS V. MC KINSTER, DOING) APPLICATION NO. 18432-PP-Transfer
BUSINESS AS "MC KINSTER TRUCK LINE,")
PARKER, COLORADO.)

April 21, 1961

Appearances: Robert D. Means, Esq., Den-
ver, Colorado, for Appli-
cants.

S T A T E M E N T

By the Commission:

By the above-styled application, G. L. Vail, Elbert, Colo-
rado, owner and operator of Permit No. A-72, seeks authority to trans-
fer said operating rights to Jess V. McKinster, doing business as "Mc-
Kinster Truck Line," Parker, Colorado, said Permit No. A-72 being the
right to operate as a private carrier by motor vehicle for hire, for
the transportation of:

freight, between Denver and Elbert, Colo-
rado;

transportation of milk, only, to Denver
from the area described as: Beginning at
the SE corner of Sec. 18, T. 10 S., R. 63
W.; thence north to the NE corner of Sec.
6, T. 9 S., R. 63 W.; thence west to the
NW corner of Sec. 1, T. 9 S., R. 64 W.;
thence north to Colorado Highway #86;
thence west via Highway 86 to the NW cor-
ner of Sec. 15, T. 8 S., R. 65 W.; thence
south to the SW corner of Sec. 15, T. 10
S., R. 65 W.; thence east to point of be-
ginning, including the right to transport
back empty milk containers.

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

Room of the Commission, 532 State Services Building, Denver, Colorado, April 18, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights is the sum of \$250.00; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is qualified and able to conduct operations under said Permit No. A-72.

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

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 G. L. Vail, Elbert, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-72 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Jess V. McKinster, doing business as "McKinster Truck Line," Parker, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

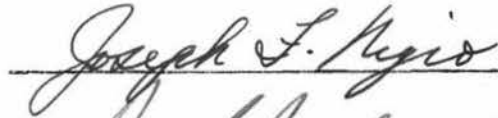
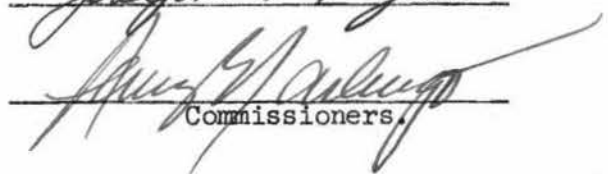
ity herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 21st day of April, 1961.

mls

original

(Decision No. 56312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. A. MATHEWS, ROUTE 1, BOX 140,)
LONGMONT, COLORADO, FOR AUTHORITY)
TO LEASE PERMIT NO. A-588 TO ALVIN) APPLICATION NO. 16890-PP-Lease
O. NORDELL, ROUTE 1, BOX 178, LOVE-)
LAND, COLORADO. (SAID LEASE HAVING)
EXPIRED).)
-----)

IN THE MATTER OF THE APPLICATION OF)
F. A. MATHEWS, ROUTE 1, BOX 140,)
LONGMONT, COLORADO, FOR AUTHORITY)
TO LEASE PERMIT NO. A-588 TO MRS.) APPLICATION NO. 18431-PP-Lease
ROSE WOKERSIN, DOING BUSINESS AS)
"WOKERSIN MILK LINES," 1708 COLLYER,)
LONGMONT, COLORADO.)
-----)

April 21, 1961

Appearances: F. A. Mathews, Longmont,
Colorado, pro se;
Mrs. Rose Wokersin, Long-
mont, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, F. A. Mathews, Longmont, Colorado, owner of
Permit No. A-588, leased said operating rights to Alvin O. Nordell,
Loveland, Colorado, said lease having expired.

By Application No. 18431-PP, said F. A. Mathews seeks
authority to lease said operating rights to Mrs. Rose Wokersin,
doing business as "Wokersin Milk Lines," Longmont, 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, Colo-
rado, April 18, 1961, and at the conclusion of the evidence, the
matter was taken under advisement.

At the hearing, the evidence disclosed that Lease Agreement provides for payment of \$25.00 per month by said lessee, to said lessor, for a period of one year, said lease to be extended from time to time by mutual agreement of the parties.

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

There are no outstanding unpaid operating obligations against said Permit No. A-588, according to statement filed with the Commission by lessor herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed lease arrangement is compatible with the public interest, and should be approved.

O R D E R

THE COMMISSION ORDERS:

That lease of Permit No. A-588, authorized by Decision No. 51921, in Application No. 16890-PP be, and the same hereby is, declared to be terminated, and said operating rights restored to F. A. Mathews, Longmont, Colorado.

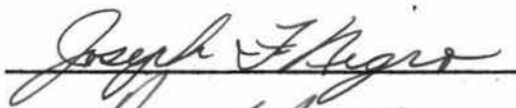

That said F. A. Mathews, Longmont, Colorado, be, and he hereby is, authorized to lease Permit No. A-588 to Mrs. Rose Wokersin, doing business as "Wokersin Milk Lines," Longmont, Colorado, for a period of one year, or at the option of either party, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That lease of operating rights herein authorized shall be in accordance with agreement between said parties, of date April 3, 1961.

The right of lessee 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 lessor of delinquent reports, if any, covering operations under said permit up to time of lease of said permit.

This Order is made a part of the permit authorized to
be leased, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at D enver, Colorado,
this 21st day of April, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROBERT G. RAE, DOING BUSINESS AS)	
"JERSEY MILK LINES," 9125 WEST 35TH)	
AVENUE, WHEATRIDGE, COLORADO, FOR)	
AUTHORITY TO TRANSFER PERMIT NO.)	APPLICATION NO. 18433-PP-Transfer
B-6086 TO STAR MILK LINES COMPANY,)	
A CORPORATION, 9125 WEST 35TH AVE-)	
NUE, WHEATRIDGE, COLORADO.)	
- - - - -)	

- - - - -
April 21, 1961
- - - - -

Appearances: Robert G. Rae, Wheatridge,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Robert G. Rae, doing business as "Jersey Milk Lines," Wheatridge, Colorado, was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire (Permit No. B-6086).

By the above-styled application, said permit-holder seeks to transfer said Permit No. B-6086 to Star Milk Lines Company, a corporation, of which he is President.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 18, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that transferee herein is qualified, financially and by experience, to carry on operations under Permit No. B-6086; that there are no outstanding unpaid operating obligations against said operating rights.

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

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 Robert G. Rae, doing business as "Jersey Milk Lines," Wheatridge, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-6086 to Star Milk Lines Company, a corporation, Wheatridge, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Henry H. Hurling
Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 21st day of April, 1961.

ea

original

(Decision No. 56314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. E. FARRINGTON, JR., DOING BUSI-)	
NESS AS "YAMPA TRANSFER," YAMPA,)	
COLORADO, FOR AUTHORITY TO TRANSFER)	APPLICATION NO. 18434-Transfer
PUC NO. 1880 TO EVERETT WILLIAMS,)	
DOING BUSINESS AS "WILLIAMS TRUCK-)	
ING," BOX 92, HAYDEN, COLORADO.)	
-----)	

April 21, 1961

Appearances: Willis Carpenter, Esq.,
Denver, Colorado, of
Tippit, Haskell and Welborn,
Esqs., Denver, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, R. E. Farrington, Jr., doing business as "Yampa Transfer," Yampa, Colorado, owner and operator of PUC No. 1880, seeks authority to transfer said operating rights to Everett Williams, doing business as "Williams Trucking," Hayden, Colorado, said PUC No. 1880 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

Transportation, on call and demand, of:
farm products, including livestock, farm
supplies, farm equipment, including furn-
iture, coal, oil products, construction,
building, oil field and drilling materials
and supplies, between points in that part
of Routt County which lies west of the
Range Line between Ranges 85 and 86, and
from and to points in said area, to and
from points in the State of Colorado, with-
out the right to transport oil products or
construction, building oil field, and drill-
ing materials and supplies from points in
said Counties to points in the State of
Colorado, or to transport farm supplies and
farm equipment, including furniture, between
points served by Leonard Gray under PUC No.
880 (except such service as Hayden Transfer
Company is authorized to perform under De-
cision No. 8339), and without the right to
furnish service between points served by
line-haul motor vehicle common carriers,

in competition therewith; and for the conduct of a general transfer and cartage business in the Town of Hayden, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 18, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration for the transfer of PUC No. 1880 to transferee herein is the amount of \$3,500.00 cash; that transferee, pecuniarily and otherwise, is qualified to carry on operations under said PUC No. 1880; that there are no unpaid operating obligations against said operating rights.

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

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That R. E. Farrington, Jr., doing business as "Yampa Transfer," Yampa, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1880 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Everett Williams, doing business as "Williams Trucking," Hayden, 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

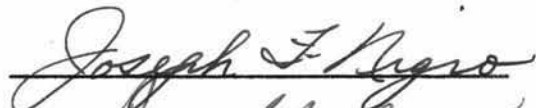

assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of 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



Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 21st day of April, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION NO. 161 BY THE COLORADO
MOTOR CARRIERS' ASSOCIATION, AS AGENT,
J. R. SMITH, CHIEF OF TARIFF BUREAU,
4060 ELATI STREET, DENVER, COLORADO,
FOR AND ON BEHALF OF DENVER-CLIMAX TRUCK
LINE, INC., TO REDUCE RATE IN ITEM
NO. 2558, LOCAL AND JOINT FREIGHT TARIFF
NO. 12-A, COLORADO P.U.C. NO. 11.

CASE NO. 1585

April 20, 1961

S T A T E M E N T

BY THE COMMISSION:

On April 17, 1961, the above-stated application was filed with the Commission requesting permission to publish on less than statutory notice reduced rate of 28.6 cents per 100 pounds in Item No. 2558 of Tariff No. 12-A, Colorado P.U.C. No. 11. The item presently reflects the following:

	<u>From</u>	<u>To</u>	<u>Rate</u>	<u>Route</u>
Sodium Silicate (Metzo), Dry, in bags, or Soda Ash, in bulk or containers	Denver, Colorado	Climax, Colorado	43	30

Minimum weight 40,000 pounds. Subject to loading by shipper and unloading by consignee.

Route No. 30 - Denver-Climax Truck Line, Inc. - direct.

In support of this request the petitioner states:

"By Decisions No. 56142 of March 27, 1961, and 56274 of April 12, 1961, this Commission prescribed a rate of 43 cents per 100 pounds to apply on shipments of sodium silicate and soda ash, minimum weight 40,000 pounds, from Denver to Climax, Colorado.

"The above decisions were issued in accordance with the requests contained in our Applications No. 157 and 160 which were filed at the request of the Denver-Climax Truck Line, Inc.

"Your petitioner is now advised that the carrier and shipper have renegotiated the rate and have agreed that the presently effective rate of 43 cents per 100 pounds should be reduced to 28.6 cents per 100 pounds.

"The proposed rate of 28.6 cents per 100 pounds will produce revenue of \$114.40 per trip, or approximately \$1.16 per loaded mile which, carrier represents, is sufficient to pay its cost of operation and return a fair profit.

"Carrier has been advised that there will be two loads of these commodities each week, and that it must establish the rate of 28.6 cents per 100 pounds or lose the traffic to commercial carriage.

"Carrier has been advised, too, that if the shipper puts on its own equipment to haul the sodium silicate and soda ash, it will also lose another item now being hauled."

F I N D I N G S

THE COMMISSION FINDS:

That the request as set forth in the statement of this order, and made a part hereof, appears 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

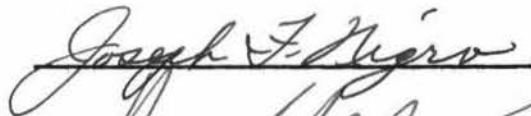
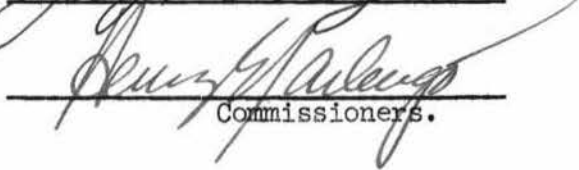
THE COMMISSION ORDERS, That:

1. The Statement and Findings be, and the same are hereby made a part hereof.
2. On and After May 1, 1961, the provisions as set forth in the Statement of this order shall upon one (1) day's notice to the general public and this Commission, be the prescribed rates, rules, regulations and provisions of the Commission.
3. 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.
4. All private carriers by motor vehicle to the extent they may be affected by the changes involved herein shall publish, or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after May 1, 1961, 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 carrier shall be subject to the penalty rule of twenty (20) per cent.
6. On and after May 1, 1961, all private carriers by motor vehicle operating in competition with any motor vehicle common carriers, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.
7. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to the motor vehicle common carrier.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING

Dated at Denver, Colorado,
this 20th day of April, 1961.

ph

Original

(Decision No. 56316)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

Jerald L. Capp
Loveland Pass Service
Dillon, Colorado

AUTHORITY NO. M 6772

CASE NO. 4147 Ins.

S T A T E M E N T

By the Commission:

On April 10, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Hinton
Henry E. Zuehlke
Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1961

(Decision No.)
56317

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

Foothills Holding Corporation
5801 West 52nd Ave.
Arvada, Colorado

AUTHORITY NO. M 10708

CASE NO. 2189 Ins.

S T A T E M E N T

By the Commission:

On September 2, 1960, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Johnson
Walter E. Bailey
Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

Flex Floyd
Springer Distributors
710 Maxwell Avenue
Springer, New Mexico

AUTHORITY NO. M 14686

CASE NO. 4001 Insurance

S T A T E M E N T

By the Commission:

On March 10, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nizio
Robert C. Hinton
Henry J. Milroy
Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1961

original

(Decision No. 56319)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARY JO MC KENNA, INDIVIDUALLY, AND)
AS ADMINISTRATRIX OF THE ESTATE OF)
MAURICE E. MC KENNA AND LAWRENCE J.)
BEARDSLEY, DOING BUSINESS AS)
"MC KENNA-BEARDSLEY TRUCK LINE)
COMPANY,"2002 DELGANY STREET, DEN-)
VER, COLORADO, AND COLORADO CART-)
AGE COMPANY, INC. (FORMERLY RE-)
LIABLE PARCEL SERVICE, INC.), 8103)
EAST THIRTY-NINTH AVENUE, DENVER,)
COLORADO, FOR CLARIFICATION AND/OR)
EXTENSION OF PUC NO. 26.)
-----)

APPLICATION NO. 18071
SUPPLEMENTAL ORDER

April 24, 1961

Appearances: Tull, Hays and Thompson,
Esqs., Denver, Colorado,
by
John P. Thompson, Esq., for
Intrastate Line Haul Common
Carriers Division of The
Motor Truck Common Carriers
Association; Boulder-Denver
Truck Line; Denver-Laramie-
Walden Truck Line, Inc.;
Denver-Limon-Burlington
Transfer Company; Denver-
Loveland Transportation;
The McKie Transfer Company;
North Eastern Motor Freight,
Inc.; Rio Grande Motor Way,
Inc.; South Park Motor Lines;
Westway Motor Freight, Inc.;
Windecker Truck Line;
Stockton, Linville and Lewis, Esqs.,
Denver Colorado, for Reliable
Parcel Service, Inc.;
Saviers and Pell, Esqs., Denver,
Colorado, for McKenna-Beardsley
Truck Line Company;
V. G. Garnett, Esq., Denver, Colo-
rado, for V. G. Garnett and
E. V. Garnett, a co-partnership,
doing business as Colorado Rapid
Transit Company.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By Decision No. 56164, dated March 29, 1961, the Commission
denied motion to dismiss the above-styled application, ordered that

the record in the original proceeding under the instant application be made a part of the record on rehearing, and modified PUC No. 26 and PUC No. 26-I, by the addition thereto of the following wording, to-wit:

"and such authority shall include the right to transport freight and express between Denver, Colorado, and Longmont, Colorado."

On April 17, 1961, "Petition for Rehearing" was filed by The McKie Transfer Company, by Tull, Hays and Thompson, Esqs., Denver, Colorado.

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

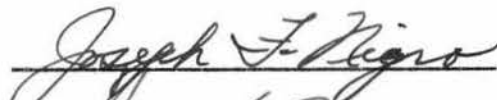
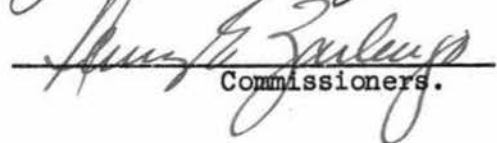
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter, filed by The McKie Transfer Company, by Tull, Hays and Thompson, Esqs., Denver, Colorado, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 24th day of April, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERNON LEHR, 2647 CENTRAL DRIVE,)
GRAND JUNCTION, COLORADO, FOR AU-) APPLICATION NO. 18299-PP-Extension
THORITY TO EXTEND OPERATIONS UNDER) AMENDED
PERMIT NO. B-5521.)
-----)

April 24, 1961

Appearances: Cecil Haynie, Esq., Grand
Junction, Colorado,
for Applicant;
John P. Thompson, Esq.,
Denver, Colorado, for
Denver M. Roberts;
Edward T. Lyons, Esq.,
Denver, Colorado, for
Denver Chicago Transport
Co. Inc., Ward Transport,
Inc., and Pacific Inter-
mountain Express Co.;
Ed Reilly, Denver, Colorado,
for M & M Tank Lines
Colorado, Inc.;
Frank C. Klein, Denver,
Colorado, pro se;
L. E. Eichinger, Grand
Junction, Colorado, for
Rio Grande Motor Way, Inc.;
W. R. Hall, Grand Junction,
Colorado, for W. R. Hall
Transportation & Storage Co.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Vernon Lehr, Grand Junction, Colorado, is the owner
and operator of Permit No. B-5521, authorizing:

Transportation of uranium and vanadium ores
from all points within a radius of 75 miles
of the Town of Uravan, Colorado, to uranium
and vanadium processing mills located at Rifle,
Grand Junction, Naturita, Durango and Uravan,
all in Colorado, and any and all uranium and
vanadium processing mills hereafter constructed
in Colorado; limited to the use of dump ve-
hicles, only.

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.

Transportation of logs and rough lumber, from forests to mills and other supply points, within a radius of one hundred miles of Grand Junction, Colorado.

By the instant application, said permit-holder seeks authority to extend operations under said Permit No. B-5521 to include the right to transport oil well drilling materials, from Baroid Warehouses and supply points on the Western slope, to wells on western slope within the State of Colorado, for said Baroid Company, only; petroleum products, from Wright Oil Company supply points, to Wright Oil Company customers on western slope, within the State of Colorado, for said Wright Oil Company, of Grand Junction, Colorado, only; propane and butane, for Blue Flame Gas Company, only, from supply points to their customers on the western slope.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, February 8, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of the application as to the equipment to be used, his experience and financial standing. Some evidence was offered as to inadequacy of service by common carriers who might be competitors of the applicant should his application be granted. This testimony and evidence was vague and indefinite.

During the hearing, applicant made a motion to restrict the application by dropping therefrom any right to transport

petroleum products and propane and butane. The Commission finds that this motion should be granted.

It appears to the Commission, and the Commission so finds, that Denver Roberts, a common carrier who would be affected by granting the application, would lose approximately one-half of his gross revenue; that this common carrier has added special equipment adapted for the roads and terrain involved and specially designed for transportation service in the mountain areas.

The Commission finds that the evidence presented in opposition to the granting of the application is of sufficient weight and competency for the Commission to be of the opinion that the proposed operation will impair the efficient public service of authorized motor vehicle common carrier service now adequately serving the same territory over the same general highway route or routes, and that the common carrier service so serving said territory is adequate; and, that granting the authority will not be in the public interest and the application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the motion of the applicant to amend his application to delete therefrom request for the right to haul petroleum products and propane and butane as set out in the application, be, and the same hereby is, granted.

That the application be, and the same hereby is, denied.

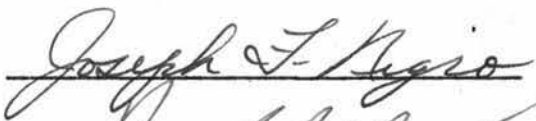

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 24th day of April, 1961.

ea



Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION OF CURNOW TRANSPORTATION CO.,
INC., BY JOHN P. NORMAN, DENVER, COLORADO,
FOR AUTHORITY TO PUBLISH ON ONE DAY'S NOTICE
A RATE OF $27\frac{1}{2}$ CENTS PER 100 POUNDS ON CEMENT
IN BAGS FROM BOETTCHER, COLORADO, TO MONTEZUMA
SHAFT NEAR MONTEZUMA, COLORADO, MINIMUM WEIGHT
45,000 POUNDS.

CASE NO. 1585

April 21, 1961

S T A T E M E N T

BY THE COMMISSION:

On March 30, 1961, there was filed with the Commission an application designated C-1, by John P. Norman, for and on behalf of Curnow Transportation Co., Inc., requesting authority to publish on one day's notice a rate of $27\frac{1}{2}$ cents per 100 pounds on cement in bags from Boettcher, Colorado, to Montezuma Shaft near Montezuma, Colorado. The petition states this location is part of the Dillon Dam Project.

On April 6, 1961, there were filed two (2) protests objecting to the granting of the so-called Norman application without a public hearing. One of the protests was by Grant, Shafroth, Toll and McHendrie, by Peter J. Crouse, for and on behalf of Don Ward, Inc., and the other one by John P. Thompson of the firm of Tull, Hays and Thompson, for and on behalf of the Denver-Laramie-Walden Truck Line, Inc., and Denver-Climax Truck Line, Inc.

The present distance rate in cents per 100 pounds on cement in bags, minimum weight 45,000 pounds from Boettcher, Colorado, to Montezuma Shaft, near Montezuma, Colorado, according to the calculations of the Rate Department of the Commission, is 34 cents.

F I N D I N G S

The Commission finds that this matter should be set for public hearing to protect the rights of all concerned.

O R D E R

The Commission orders that this matter be and the same is hereby set for a public hearing in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, at 10:00 A. M., on May 3, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING

Dated at Denver, Colorado,
this 21st day of April, 1961.

ph

reginal

(Decision No. 56322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVIN E. BENDER, 1601 CARSON,) PERMIT NO. B-5859
LA JUNTA, COLORADO.)
- - - - -)

- - - - -
April 21, 1961
- - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from Alvin E. Bender, La Junta, Colorado, requesting a written waiver from the Commission in lieu of filing a bond covering payment of C. O. D. collections to shippers in operations under Permit No. B-5859.

Rule 25 (a) of the Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 1, 1960, provides that:

"No Private Carrier shall accept any C. O. D. shipments or otherwise collect money from any consignee to be paid to the consignor, unless such carrier shall have on file with the Commission cash or a Surety Bond in an amount not less than \$2,000, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C. O. D. or other collections by the carrier to the consignor. Said Surety Bond shall authorize the Commission summarily to apply any part or all of the amount thereof to the payment of any C. O. D. or other collection account owed by the carrier to any consignor, which the carrier has not paid within ten (10) days after the receipt thereof."

The financial statement of applicant on file with the Commission is satisfactory. Therefore,

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 Alvin E. Bender, La Junta, Colorado, be, and he hereby

is, granted a written waiver of the provisions of Section (a) of Rule 25 of Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 1, 1960, and shall not be required to file with this Commission cash or surety bond referred to in said Rule, in operations under Permit No. B-5859.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Norton
Charles E. Zuley
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1961.

ea

original

(Decision No. 56323)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE DENVER AND RIO GRANDE WESTERN)	
RAILROAD COMPANY AND THE RAILWAY)	
EXPRESS AGENCY, INC., TO WITHDRAW)	APPLICATION NO. 18329
THEIR RESPECTIVE RAIL AND EXPRESS)	
AGENCIES AT IGNACIO, COLORADO.)	
-----)	

April 21, 1961

S T A T E M E N T

By the Commission:

Pursuant to the Rules and Regulations of this Commission Pertaining to Railroads and Express Companies Operating in the State of Colorado, The Denver & Rio Grande Western Railroad Company (Rio Grande), and Railway Express Agency (Railway Express), did on February 16, 1961, file a petition requesting authority to discontinue joint agency service and close the station at Ignacio, La Plata County, Colorado, said discontinuance to be effective March 20, 1961.

Ignacio is located at Mile Post 425.7 on The Denver & Rio Grande Western Railroad Company's narrow gauge line of railroad which extends between Alamosa, Colorado, and Durango, Colorado, and is situate approximately 25.8 miles southeast of Durango, Colorado. It is also located within the borders of the Ute Indian Reservation, and is served by good, paved, all-weather highways.

In the instant application, it is proposed that the services of an agent at Ignacio should be withdrawn because of declines in rail traffic and use of rail facilities; that substituted truck service by Rio Grande Motor Way, Inc., offers more convenient store-door pickup and delivery for L. C. L. freight and milk and cream shipments; that Railway Express business is small

and can be handled from the Durango station; that mail is handled to and from Ignacio by Star Mail Route service, and that no passengers are handled on this portion of the narrow gauge system. In like manner, carload traffic is seasonal to and from Ignacio and is very often a combination truck-rail movement through the Alamosa broad gauge rail terminal. Hence, in view of declining public demand, and no operational need, request is made for the agent withdrawal in order to eliminate the apparently non-productive expense of the station.

Investigation by the Commission reveals the following: the principal occupation in the area is largely livestock raising with some farm crops of grain and alfalfa for livestock feeding; estimated population is 600 persons. Also located at Ignacio are the headquarters of the U. S. Bureau of Indian Affairs and the Tribal Offices of the Ute Mountain Indian Reservation. The Town is served by Colorado Highway No. 172, and a paved county road extending northward for 8 miles to U. S. Highway No. 160, at Bayfield, Colorado.

Rail facilities at Ignacio consist of a combination depot, freight-house, and Agent living quarters on the main-line; two siding tracks of 62 car capacity serve a stockyard, an oil warehouse and the depot yard. Hours of service by the Agent are 8:00 A. M. to 5:00 P. M., on Monday through Friday.

Since only freight service is provided on the line, the trains operate largely on a call and demand basis, averaging one train per week in each direction during winter months and two trains weekly in the remainder of the year. For heavy movements of pipe and during the shortage of truck service in 1958, daily service has been provided. Early in the month of March, 1961, there was no traffic because the line was closed by heavy snow in the Cumbres Pass area, where rotary snow plow equipment was required to restore service.

A review of the station operation indicates the following:

DENVER & RIO GRANDE WESTERN REVENUES

<u>Year</u>	<u>Form 3713</u>	<u>Other Roads Proportion</u>	<u>Revenue</u>	<u>Originating Station</u>	<u>Receiving Station</u>	<u>W. U. Messages</u>	<u>Total Revenue</u>
1958	\$19,880.70	\$10,633.81	\$9,246.89	\$4,623.44	\$4,623.45	\$23.62	\$4,647.07
1959	14,682.54	7,170.78	7,511.76	3,755.88	3,755.88	17.81	3,773.69
1960*	15,030.82	7,909.11	7,121.71	3,560.85	3,560.86	11.72#	3,572.58*

* - 12-Month data

- 8-Month data

EXPENSES

Wages	\$4,868.19	\$5,227.56	\$3,514.73
Payroll Taxes	390.53	487.40	357.00
Health & Welfare Benefits	138.13	138.13	93.93
Station Expense (Fuel, etc.)	<u>425.11</u>	<u>483.80</u>	<u>391.41</u>
Total -	\$5,821.96	\$6,336.89	\$4,357.07
Station Revenue	<u>4,647.07</u>	<u>3,773.69</u>	<u>1,336.67</u>
Net Loss -	\$1,174.89	\$2,563.20	\$3,020.40

By inquiry in the area, it was determined that local patrons at Ignacio are quite aware of the railroad operating problems; that the continuing program of highway improvements in recent years has also resulted in more dependable maintenance for snow removal and more rapid highway travel; that by comparison with the slower but dependable rail movement, it has been possible by the use of trucks to secure faster and more convenient local service to the merchants and patrons in the area.

In fact, carload livestock shipments are expedited by truck pickup directly from the owners' premises; thence moved to the Alamosa terminal for transfer to broad-gauge cars and continued rail movement. Billing for this traffic has been handled by the Ignacio agent, but since it is only seasonal traffic, it is proposed that the work can be handled for the local region by the Durango Agent.

As a matter of public information, a notice of the proposed agent removal was posted in a conspicuous location at the Ignacio station wherein it was indicated that any protests to the proposal

should be forwarded to the Commission. On March 16, 1961, protest telegrams were received from Frank Wommer and seven other stock growers and from the La Plata County Cattlemen's Association. On March 20, 1961, protest letter was received from the Wool Marketing Association, by Richard E. Fryback, Secretary. Thereafter, the Commission received withdrawals of protest on March 27, and April 13, 1961, from said Protestants. It appears that additional explanatory information was submitted by Rio Grande to its patrons, and the protests were withdrawn only under the assurance that "existing facilities of the railroad at Ignacio are not abandoned and that these facilities (expressly loading pens, scales, and chutes) are maintained in a workable condition at all times."

Hence, general public opinion has indicated agreement with the proposal on the basis that continued operation of the rail line, track facilities and switching service is more necessary for the needs of the whole region than the local demand and expense related to continued station operation.

It appears now that further maintenance of the agent cannot be rightfully justified from any standpoint of public benefit or contribution to safe railroad operation and that alternate agency facilities will be available. Therefore, the Commission determined to hear, and has heard, said matter forthwith, and without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of an agent at the Ignacio station, Ignacio, Colorado.

That public convenience and necessity in the Ignacio area can be adequately served by the Durango station.

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

That authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Denver & Rio Grande Western Railroad Company, and Railway Express Agency, be, and are hereby, authorized to withdraw the joint agent at Ignacio, La Plata County, Colorado, and to thereafter maintain same as a prepay or non-agency station to be served from Durango, Colorado.

That reference shall be made to this decision in the affected tariff schedules to show the closing of said station and as authority for such closing.

That movement of carload livestock shipments will be continued in substitute truck service to Alamosa, with the alternate of rail handling from Ignacio if same should become necessary.

That Rio Grande Railroad will accept collect telephone toll calls to its Durango Agent from patrons in the Ignacio area in connection with ordering of cars; loading and moving arrangements; or with other service relative to shipments.

That L. C. L. freight handling serving Ignacio will continue via Rio Grande Motorway truck service.

That necessary rail facilities consisting of loading pens, stock chutes, scales, trackage and warehouse storage as now provided at Ignacio will continue to be available thereat for patrons' use.

That extra or temporary railroad employees may be provided and withdrawn at Ignacio as conditions demand, in order to meet necessary billing or customer needs.

That jurisdiction is herewith retained by the Commission to make such further Order or Orders as may be required in the instant matter.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Rueph C. Anton
Henry J. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1961.

ea

Original

(Decision No. 56324)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVIN CURRY, JR. AND MARLENE)
CURRY, CO-PARTNERS, DOING BUSI-)
NESS AS "W. A. JONES TRANSFER)
COMPANY," 609 STATE AVENUE,)
ALAMOSA, COLORADO.)

PUC NO. 353

April 24, 1961

S T A T E M E N T

By the Commission:

Transfer of PUC No. 353 from Imogene T. Jones, doing business as "W. A. Jones Transfer Company," Alamosa, Colorado, to Alvin Curry, Jr. and Marlene Curry, co-partners, doing business as "W. A. Jones Transfer Company," Alamosa, Colorado, has heretofore been authorized by the Commission.

It now appears that said Alvin Curry, Jr. and Marlene Curry, co-partners, have elected to do business under the firm name and style: "Jones Transfer Company," rather than "W. A. Jones Transfer Company," and that the records of this Commission should be changed accordingly.

F I N D I N G S

THE COMMISSION FINDS:

That the records of the Commission should be changed to properly show the trade name used in operations under PUC No. 353, as set forth in the Order following.

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 PUC No. 353 to be owned
and operated by:


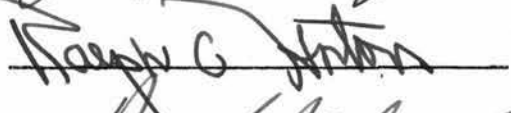
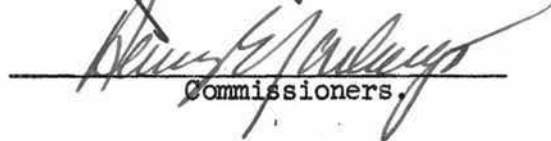
"Alvin Curry, Jr., and Marlene Curry,
co-partners, doing business as
'Jones Transfer Company,'"

in lieu of:

"Alvin Curry, Jr. and Marlene Curry,
co-partners, doing business as
'W. A. Jones Transfer Company.'"

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HENRY NUSS, 406 EAST 1ST, NEWTON,)
KANSAS.)

PERMIT NO. B-5373-I

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Henry Nuss.

Newton, Kansas

requesting that Permit No. B-5373-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5373-I, heretofore issued to Henry Nuss,

Newton, Kansas

be,

and the same is hereby, declared cancelled effective March 15, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Weston
Hend E. Zurlungo
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MISSOURI HARDWOOD FLOORING COMPANY,)
(A CORPORATION), 8866 LADUE ROAD,)
ST. LOUIS, MISSOURI.)
-----)

PERMIT NO. M-11954

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Missouri Hardwood
Flooring Company (A Corporation), St. Louis, Missouri
requesting that Permit No. M-11954 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11954, heretofore issued to Missouri Hardwood
Flooring Company (A Corporation), St. Louis, Missouri be,
and the same is hereby, declared cancelled effective April 11, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. [illegible]
Wm. E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MISSOURI HARDWOOD FLOORING COM-)
PANY, 8866 LADUE ROAD, ST.)
LOUIS, MISSOURI.)

PUC NO. 4399-I

April 27, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Missouri Hardwood
Flooring Company, St. Louis, Missouri

requesting that Certificate of Public Convenience and Necessity No. 4399-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. 4399-I heretofore issued to Missouri
Hardwood Flooring Company, St. Louis, Missouri

be, and the same is hereby, declared cancelled effective April 11, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH W. RICKERT, 1312 MARIPOSA)
STREET, DENVER 4, COLORADO.)
)
)
)
-----)

PERMIT NO. M-1997

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joseph W. Rickert,
Denver 4, Colorado
requesting that Permit No. M-1997 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1997, heretofore issued to Joseph W. Rickert,
Denver 4, Colorado be,
and the same is hereby, declared cancelled effective April 6, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Henry E. Zurlinger
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
H. L. CARTER, DOING BUSINESS AS,)
"HILLCREST SERVICE", 252 GRIFFIN,)
CANON CITY, COLORADO.)
-----)

PERMIT NO. M-11253

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. L. Carter, doing
business as, "Hillcrest Service", Canon City, Colorado
requesting that Permit No. M-11253 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11253, heretofore issued to H. L. Carter, doing
business as, "Hillcrest Service", Canon City, Colorado be,
and the same is hereby, declared cancelled effective March 16, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Robert C. Boston
Wm. E. Zank
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES FRY, P. O. BOX 2323,
CHEYENNE, WYOMING.

PERMIT NO. M-3427

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles Fry,
Cheyenne, Wyoming
requesting that Permit No. M-3427 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3427, heretofore issued to Charles Fry,
Cheyenne, Wyoming be,
and the same is hereby, declared cancelled effective February 24, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Francis C. Hordant
Wm. E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195/ 61.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 56331)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES FRY, P. O. BOX 2323,)
CHEYENNE, WYOMING.)
)
)
)
)

PERMIT NO. B-5477

April 27, 1961

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-5477 be suspended
for six months from February 24, 1961.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Charles Fry, Cheyenne, Wyoming

be, and is hereby, authorized to suspend his operations under Permit
No. B-5477 until August 24, 1961.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Johnson
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,
this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. O. MC CREA, 3449 WEST 81ST AVENUE,)
WESTMINSTER, COLORADO.)
)
)
-----)

PERMIT NO. M-8257

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. O. Mc Crea,
Westminster, Colorado
requesting that Permit No. M-8257 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8257, heretofore issued to W. O. Mc Crea,
Westminster, Colorado be,
and the same is hereby, declared cancelled effective May 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EARL F. HARRIS, DOING BUSINESS AS,)
"HARRIS CHEVROLET COMPANY", MINNEOLA,)
KANSAS.)
-----)

PERMIT NO. M-4291

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Earl F. Harris, doing
business as, "Harris Chevrolet Company", Minneola, Kansas
requesting that Permit No. M-4291 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4291, heretofore issued to Earl F. Harris, doing
business as, "Harris Chevrolet Company", Minneola, Kansas be,
and the same is hereby, declared cancelled effective March 15, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HEARL L. SOMSEL, 511 STOVER STREET,)
FORT COLLINS, COLORADO.)
)
)
)
-----)

PERMIT NO. M-13628

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Hearl L. Somsel,
Fort Collins, Colorado
requesting that Permit No. M-13628 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13628, heretofore issued to Hearl L. Somsel,
Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective March 20, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigro
Frank C. Houton
Wm. E. Zank
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. H. SHOCKEY, DOING BUSINESS AS,)
"J.I.R.O.", 36TH SOUTH 12TH STREET,)
BRIGHTON, COLORADO.)
-----)

PERMIT NO. M-11834

April 27, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. H. Shockey, doing
business as, "J.I.R.O.", Brighton, Colorado
requesting that Permit No. M-11834 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11834, heretofore issued to J. H. Shockey, doing
business as, "J.I.R.O.", Brighton, Colorado be,
and the same is hereby, declared cancelled effective March 29, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of April, 195 61.

original

(Decision No. 56336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HARRY ATTEBERY, DOING BUSINESS AS
"ATTEBERY TRUCK LINE," AKRON, COLO-
RADO, FOR AUTHORITY TO TRANSFER PUC
NO. 458 TO CARROLL ROSS, AKRON,
COLORADO, AND FOR CONSOLIDATION OF
SAID OPERATING RIGHTS WITH PUC NO.
1372.

APPLICATION NO. 18349-Transfer

IN THE MATTER OF THE APPLICATION OF
HARRY ATTEBERY, DOING BUSINESS AS
"ATTEBERY TRUCK LINE," AKRON, COLO-
RADO, FOR AUTHORITY TO TRANSFER PUC
NO. 1422 TO CARROLL ROSS, AKRON,
COLORADO, AND FOR CONSOLIDATION OF
SAID OPERATING RIGHTS WITH PUC NO.
1372.

APPLICATION NO. 18350-Transfer

IN THE MATTER OF THE APPLICATION OF
CARROLL ROSS, AKRON, COLORADO, FOR
AN EXTENSION OF OPERATING RIGHTS
UNDER PUC NO. 1372, VIZ., CONVERSION
OF OPERATING RIGHTS UNDER PERMIT NO.
B-2050 (OF WHICH APPLICANT IS OWNER)
TO COMMON CARRIER AUTHORITY, AND CON-
SOLIDATION OF SAID OPERATING RIGHTS
WITH PUC NO. 1372.

APPLICATION NO. 18351-Extension

SUPPLEMENTAL ORDER

April 21, 1961

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Transferor.

S T A T E M E N T

By the Commission:

On April 14, 1961, the Commission entered its Decision No.
56275 in the above-styled applications.

Attention of the Commission has now been directed to the
fact that, through oversight, complete description of operating
rights was not set forth in the Order contained in said Decision No.

56275.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 56275, of date April 14, 1961, should be amended, nunc pro tunc, so as to properly set forth operating rights under PUC No. 1372, as set forth in the Order following.

O R D E R

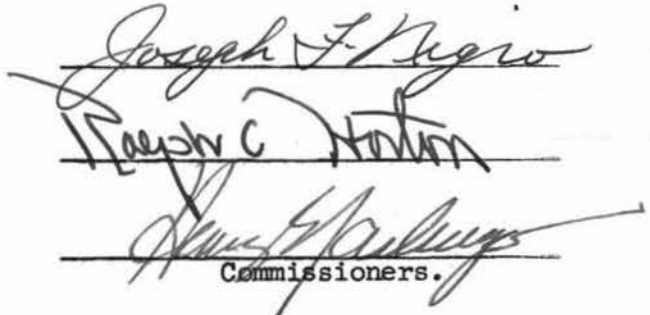
THE COMMISSION ORDERS:

That Decision No. 56275, of date April 14, 1961, be, and the same hereby is, amended, nunc pro tunc, as of said 14th day of April, 1961, by inserting the following, after the 7th paragraph appearing on page 4 thereof:

"and between points in said area, on the one hand, and, on the other, points in the State of Colorado."

That, except as herein amended, said Decision No. 56275 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1961.

mls

REINSTATEMENT OF SUSPENDED CERTIFICATE

(Decision No. 56337)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
COLLEEN BARNETTE, DOING BUS-)
INESS AS, "MOUNT EVANS MOTOR-)
WAY", P. O. BOX 81, IDAHO)
SPRINGS, COLORADO.)

PUC NO. 1167

April 24, 1961

S T A T E M E N T

By the Commission:

On October 31, 1960, the Commission authorized Colleen Barnette, doing business as, "Mount Evans Motorway", to suspend operations under her Certificate of Public Convenience and Necessity No. 1167, until May 1, 1961.

The Commission is now in receipt of a communication from the above-named certificate-holder requesting that her certificate be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate of Public Convenience and Necessity No. 1167 should be, and the same hereby is, reinstated as of April 20, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Nigro
Thomas C. Jackson
Henry E. Zurling
Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. A. BRITT, RAY BRITT, AND DAN)
MOORE, CO-PARTNERS, DOING BUSINESS)
AS "BRITT GRAIN COMPANY," 801 NORTH)
DALLAS, LAMESA, TEXAS, FOR AUTHORITY)
TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO BRITT, INC., A CORPORATION,)
801 NORTH DALLAS, LAMESA, TEXAS.)

PUC NO. 4679-I-Transfer

April 28, 1961

S T A T E M E N T

By the Commission:

Heretofore, W. A. Britt, Ray Britt, and Dan Moore, co-partners, doing business as "Britt Grain Company," Lamesa, Texas, were granted a certificate of public convenience and necessity (PUC No. 4679-I), authorizing operation as a common 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 certificate-holders now seek authority to transfer said operating rights to Britt, Inc., Lamesa, Texas.

The records and files of the Commission fail to disclose any reason why said transfer 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 W. A. Britt, Ray Britt, and Dan Moore, co-partners, doing business as "Britt Grain Company," Lamesa, Texas, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 4679-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Britt, Inc., a corporation, Lamesa, 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



Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of April, 1961.

mls

original

(Decision No. 56339)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT H. SCOTT, JR., DOING BUSINESS)
AS "SCOTT TRUCKING COMPANY," SPRING-)
ER, NEW MEXICO, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS)
TO SCOTT TRUCKING COMPANY, SPRINGER,)
NEW MEXICO.)

PUC NO. 2174-I-Transfer

April 28, 1961

S T A T E M E N T

By the Commission:

Heretofore, Robert H. Scott, Jr., doing business as "Scott Trucking Company," Springer, New Mexico, was granted a certificate of public convenience and necessity (PUC No. 2174-I), authorizing operation as a common 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 certificate-holder now seeks authority to transfer said operating rights to Scott Trucking Company, a corporation, Springer, New Mexico.

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.

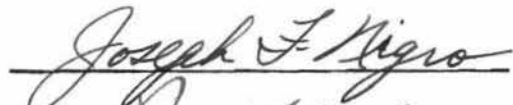
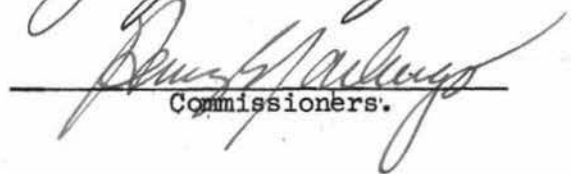
O R D E R

THE COMMISSION ORDERS:

That Robert H. Scott, Jr., doing business as "Scott Trucking Company," Springer, New Mexico, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2174-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Scott Trucking Company, a corporation, Springer, New Mexico, 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.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of April, 1961.

mls

original

(Decision No. 56340)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BENNIE W. HASKINS, DOING BUSINESS)
AS "HASKINS TRUCKING COMPANY," 1506)
JACKSONVILLE DRIVE, HENDERSON,)
TEXAS, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO)
GREAT WESTERN TRUCKING CO., INC.,)
1506 JACKSONVILLE DRIVE, HENDERSON,)
TEXAS.)

PUC NO. 3896-I-Transfer

April 28, 1961

S T A T E M E N T

By the Commission:

Heretofore, Bennie W. Haskins, doing business as "Haskins Trucking Company," Henderson, Texas, was granted a certificate of public convenience and necessity (PUC No. 3896-I), authorizing operation as a common 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 certificate-holder now seeks authority to transfer said operating rights to Great Western Trucking Company, Inc., Henderson, Texas.

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

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

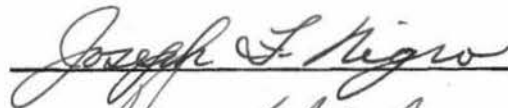
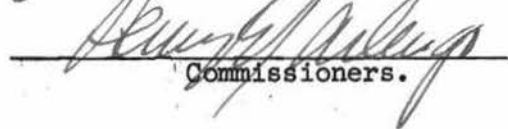
THE COMMISSION ORDERS:

That Bennie W. Haskins, doing business as "Haskins Trucking Company," Henderson, Texas, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3896-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Great Western Trucking Co., Inc., Henderson, 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

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.



Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1961.

mls

original

(Decision No. 56341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILFRID W. FOXHOVEN, 117 BEATTIE)
STREET, STERLING, COLORADO, FOR AU-)
THORITY TO TRANSFER INTERSTATE OPER-)
ATING RIGHTS TO W. W. FOXHOVEN &)
SONS, INC., LORENZO, NEBRASKA.)

PUC NO. 4486-I-Transfer

April 28, 1961

S T A T E M E N T

By the Commission:

Heretofore, Wilfrid W. Foxhoven, Sterling, Colorado, was granted a certificate of public convenience and necessity (PUC No. 4486-I, authorizing operation as a common 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 certificate-holder now seeks authority to transfer said operating rights to W. W. Foxhoven & Sons, Inc., Lorenzo, Nebraska.

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

F I N D I N G S

THE COMMISSION FINDS:

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

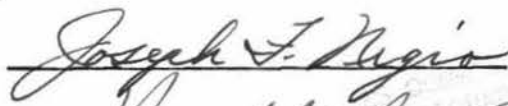
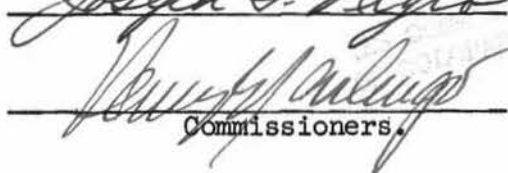
O R D E R

THE COMMISSION ORDERS:

That Wilfrid W. Foxhoven, Sterling, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 4486-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to W. W. Foxhoven & Sons, Inc., Lorenzo, Nebraska, 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.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of April, 1961.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE SALE OF ELECTRICAL ENERGY BY)	
THE CITY OF LONGMONT, COLORADO,)	
TO WESTERN FOUNDRIES, FOR USE)	CASE NO. 5197
AT PLANT ON SOUTH MARTIN STREET,)	
LONGMONT, COLORADO.)	
-----)	

April 28, 1961

S T A T E M E N T

By the Commission:

On October 24, 1960, the Commission entered its Decision No. 55281 in the above-styled matter, requiring the City of Longmont, Colorado, to show cause, on or before the 10th day of November, 1960, why Contract between said City of Longmont, Colorado, and Western Foundries, of Longmont, Colorado, is not preferential, discriminatory, and confiscatory.

The matter was set for hearing at ten o'clock A. M., on November 10, 1960, in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

On November 7, 1960, the Commission issued its Decision No. 55332, at the request of parties in interest, to vacate the hearing date and extend the time to show cause. By said Order, the time was extended for an indefinite period.

On February 20, 1961, the City of Longmont filed an Agreement, dated February 15, 1961, between said City and Western Foundries. This agreement revised the contract of May 13, 1958, between the parties, and also clarifies the same. The contract of May 13, 1958, is the subject of Show Cause Order in Case No. 5197, Decision No. 55281. The agreement, as revised, is not preferential, discriminatory nor confiscatory, and satisfies the objections which resulted in the Order to Show Cause.

F I N D I N G S

THE COMMISSION FINDS:

That Case No. 5197, Order to Show Cause and Notice of
Hearing in

"SALE OF ELECTRICAL ENERGY BY THE CITY OF
LONGMONT, COLORADO, TO WESTERN FOUNDRIES,
FOR USE AT PLANT ON SOUTH MARTIN STREET,
LONGMONT, COLORADO,"

should be dismissed.

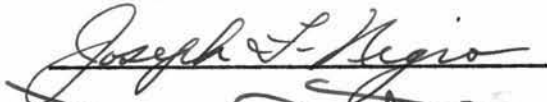
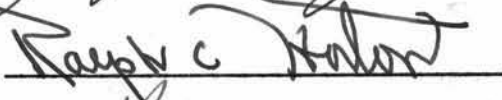

O R D E R

THE COMMISSION ORDERS:

That Case No. 5197 be, and 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 28th day of April, 1961.

ea

original

(Decision No. 56343)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ALVERNE A. JONES, DOING BUSINESS AS)	
"MOUNTAIN DISPOSAL SERVICE," 10670)	
WEST 47TH PLACE, WHEATRIDGE, COLO-)	APPLICATION NO. 18436-Extension
RADO, FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY, AUTHOR-)	
IZING EXTENSION OF OPERATIONS UNDER)	
PUC NO. 2875.)	
- - - - -)	

- - - - -
April 28, 1961
- - - - -

Appearances: Roy H. McVicker, Jr., Esq.,
Wheatridge, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein is the owner and operator of PUC No.
2875, authorizing operations as a common carrier by motor vehicle
for hire, for the transportation of:

trash, garbage, rubbish, and kindred matters,
on call and demand, within that portion of
Jefferson County lying west of an imaginary
line running north and south which would
parallel the West City Limits of the City
of Morrison, Colorado, excluding from said
area the City of Golden, Colorado.

By the instant application, said certificate-holder seeks
authority to extend operations under said PUC No. 2875, to include
the right to serve the area bounded on the north by Alameda Avenue;
on the east by Wadsworth Avenue, and on the south by Hampden Ave-
nue, all lying within the County of Jefferson, State of Colorado,
in the transportation of trash, garbage, rubbish, and kindred matters,
on call and demand.

Said application was regularly set for hearing, at the
Hearing Room of the Commission, 532 State Services Building, Denver,
Colorado, April 18, 1961, at two o'clock P. M., due notice thereof
being forwarded to all parties in interest.

On April 14, 1961, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

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

Report of said Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that he lives in Wheatridge, Colorado, and operates Mountain Disposal Service, under PUC No. 2875; that no carrier is presently serving the area he seeks to serve; that said territory is sparsely settled, but is building up; that he has received many requests for service; that he has ample and suitable equipment, net worth, and operating experience to render his proposed extended 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 Examiner.

Findings of the Examiner are that applicant is a fit and proper person, has sufficient equipment, and is financially able to render his proposed extended service; that there is a present need for said service; that public convenience and necessity require the service of applicant herein.

Report of the Examiner recommends that certificate of public convenience and necessity 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.

After reviewing the evidence adduced at the hearing, as

reported by the Examiner herein, we find:

That public convenience and necessity require applicant's extended motor vehicle common carrier service, under PUC No. 2875, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That public convenience and necessity require the ~~extended~~ motor vehicle common carrier service of Alverne A. Jones, doing business as "Mountain Disposal Service," Wheatridge, Colorado, under PUC No. 2875, so that in the future, said PUC No. 2875 shall authorize operations as a common carrier by motor vehicle for hire, for the transportation of:

Trash, garbage, rubbish, and kindred matters, on call and demand, within all that portion of Jefferson County lying west of a line described as follows:

beginning at a point where an imaginary line running north and south through Morrison, Colorado, would intersect the east boundary line of Jefferson County; thence north to Hampden Avenue; thence east on said Hampden Avenue to Wadsworth Avenue; thence north on Wadsworth Avenue to West Alameda; thence west to an imaginary line running north and south through Morrison, Colorado; thence north to the Jefferson-Boulder County Line,

excluding therefrom any service within the City of Golden, Colorado,

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Paul J. Spillings
Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of April, 1961.

ea

original

(Decision No. 56344)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
AREND LENDERINK, DOING BUSINESS)	PERMIT NO. B-5856
AS "ENGLEWOOD-LITTLETON PICK UP)	PUC NO. 3319
SERVICE," 3905 SOUTH BROADWAY,)	PUC NO. 2086
ENGLEWOOD, COLORADO.)	
- - - - -)	

- - - - -
April 28, 1961
- - - - -

S T A T E M E N T

By the Commission:

Heretofore, transfer of the above-styled operating rights to Arend Lenderink, doing business as "Englewood-Littleton Pick Up Service," Englewood, Colorado, was authorized by this Commission.

The Commission is now in receipt of a communication from said Arend Lenderink, stating he desires to operate under the firm name and style: "Freddie's Rubbish Removal," in lieu of: "Englewood-Littleton Pick Up Service," and requesting that the records of the Commission be changed so to show.

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 instructed to change the records of the Commission to show Permit No. B-5856, PUC No. 3319, and PUC No. 2086, to be owned by:

"Arend Lenderink, doing business as
'Freddie's Rubbish Removal,' "

in lieu of:

"Arend Lenderink, doing business as
'Englewood-Littleton Pick Up Service.' "

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Henry G. Adams
Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of April, 1961.

ea

original

(Decision No. 56345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD E. MC BRIDE AND BETTY J.)
MC BRIDE, CO-PARTNERS, DOING BUSI-)
NESS AS "GENERAL SERVICE COMPANY,")
2464 F¹/₄ ROAD, GRAND JUNCTION, COLO-)
RADO.)

APPLICATION NO. 18452

April 26, 1961

Appearances: Keith Mumby, Esq., Grand
Junction, Colorado,
for Applicants;
Harold J. Wells, Fruita,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 6, 1961, the applicants herein filed their application "for a certificate of public convenience and necessity authorizing the transportation of trash, garbage, rubbish, refuse, rocks, and sand. Permits for all trucks, enclosed pickup, ton and a half and dump trucks, as deemed necessary; 20 mile expanding radius of Grand Junction, including the Towns of Fruita, Palisade, Clifton, Fruitvale and such smaller places as Whitewater. (Clarify expanding radius) as City expands we want said permit to expand."

The above matter was regularly set for hearing, and heard at Grand Junction, Colorado, on April 19, 1961, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that the applicants desire to haul trash, garbage, rubbish, etc., to all points within a 20-mile radius of Grand Junction, Colorado.

The evidence further disclosed that there was not adequate service to take care of this need except in Fruita and a five-mile ra-

dius thereof. It does appear, however, that there is a carrier operating in the territory holding a private carrier permit, for his customers; however, he does not serve the general public and is not offering a common carrier service.

After considering all the evidence, it appears to the Commission that the public needs, and will use, applicants' proposed service. However, we feel that we should exclude the territory served by Harold J. Wells.

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

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Donald E. McBride and Betty J. McBride, co-partners, doing business as "General Service Company," Grand Junction, Colorado, for the transportation of trash, garbage, rubbish, refuse, rocks and sand, from point to point in the City of Grand Junction, Colorado, and a 20-mile radius thereof, excluding from said radius the transportation of ashes and trash from point to point within the Town of Fruita, and a 5-mile radius thereof, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

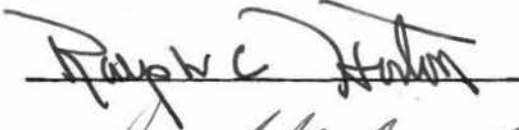

That applicants shall operate their carrier system in accordance with the Order of the Commission, except when prevented by Act of

God, the public enemy or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN DEE DILLON, BOX 326, NATURITA,)
COLORADO, FOR AUTHORITY TO EXTEND) APPLICATION NO. 18443-PP-Extension
OPERATIONS UNDER PERMIT NO. B-5839.)

April 26, 1961

Appearances: John Dee Dillon, Naturita,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant herein is the owner and operator of Permit
No. B-5839 and I, which authorize:

transportation of crude uranium and vanadium
ore, sand, gravel, dirt, rock, road-building
material, mine supplies, logs, poles and lum-
ber, from point to point within a radius of
75 miles of Norwood, Colorado, in interstate
and intrastate commerce.

By the instant application, said permit-holder seeks author-
ity to extend his operations to include the right to transport crude
uranium and vanadium ore, from points within a radius of 75 miles of
Norwood, Colorado, to Rifle Mill.

The application was regularly set for hearing, after appro-
priate notice to all interested parties, and was heard at the Court
House in Montrose, Colorado, at ten o'clock A. M., on April 20, 1961,
and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the applicant appeared in support of his
application for extension, stating that his present authority does
not include transportation to the mill at Rifle and desires to be able
to haul uranium and vanadium ore to that point.

No one appeared in opposition to the granting of the author-
ity sought and it did not appear that applicant's proposed extended
operation will impair the efficiency of any motor vehicle common car-

rier service with which he will compete.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

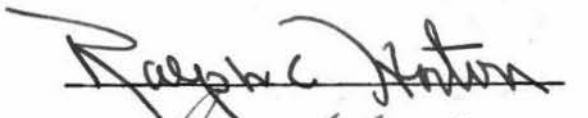
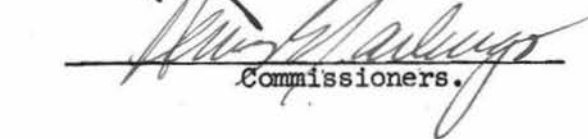
O R D E R

THE COMMISSION ORDERS:

That John Dee Dillon, Naturita, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-5839 to include the right to transport crude uranium and vanadium ore, from points within a radius of 75 miles of Norwood, Colorado, to Rifle Mill located near Rifle, 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.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1961.
mls

original

(Decision No. 56347)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DALE P. BLUMBERG, DOING BUSINESS AS)	
"DALE'S TRANSFER & STORAGE," 1110)	APPLICATION NO. 18442-Extension
MAIN STREET, DELTA, COLORADO, FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY, AUTHORIZING EXTENSION)	
OF OPERATIONS UNDER PUC NO. 3818.)	

April 26, 1961

Appearances: Conklin, Carroll & Willett,
Esqs., Delta, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

The applicant herein is the holder of Certificate of Public
Convenience and Necessity No. 3818, which authorizes:

transportation of household goods and furniture,
from point to point within the City of Delta,
Colorado, and a five-mile radius thereof.

The applicant, for many years, has been conducting a general
cartage business in the City of Delta while Delta was a home-rule City.
Our Enforcement Department discovered this situation and advised appli-
cant to file the instant application for authority under his "Grand-
father Rights."

The application was regularly set for hearing after appro-
priate notice to all interested parties, and was heard at the Court
House in Montrose, Colorado, at ten o'clock A. M., April 20, 1961, and
at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that the applicant
has been operating a general cartage business within the City of Delta,
and is now desirous of conducting a general transfer and cartage busi-

ness within said City; that he has ample equipment and experience to continue his operations and has sufficient financial responsibility also.

No one appeared at the hearing in opposition to the granting of the application for extension.

It would appear to the Commission that this application should be granted.

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Dale P. Blumberg, doing business as "Dale's Transfer & Storage," Delta, Colorado, to include the conduct of a general transfer and cartage business within the City of Delta, Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

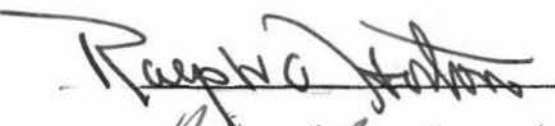

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

CHAIRMAN JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1961.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CAMPBELL AND CAMPBELL TRUCKING, INC.,)	
P. O. BOX 565, GRAND JUNCTION, COLO-)	
RADO, FOR AUTHORITY TO TRANSFER PUC)	APPLICATION NO. 18439-Transfer
NO. 943 TO BOYD OLIVER AND GALE)	
OLIVER, CO-PARTNERS, DOING BUSINESS)	
AS "NORWOOD TRUCK LINES," NORWOOD,)	
COLORADO.)	
-----)	

April 26, 1961

Appearances: William G. Waldeck, Esq.,
Montrose, Colorado, for
Transferor and Transferees.

S T A T E M E N T

By the Commission:

Campbell and Campbell Trucking, Inc., of Grand Junction,
Colorado, owner and operator of PUC No. 943, authorizing:

Transportation of ore, livestock, lumber,
grain, hay and general farm products, from
point to point in an area within a radius
of fifty miles of Norwood, Colorado, and
to and from points in said area, from and
to points within the State of Colorado,
provided no service shall be rendered in
competition with any line-haul common car-
rier serving said area,

and by the instant application said certificate-holder seeks auth-
ority to transfer said operating rights to Boyd Oliver and Gale
Oliver, co-partners, doing business as "Norwood Truck Lines,"
Norwood, Colorado.

The application was regularly set for hearing, after
appropriate notice to all interested parties, and was heard at the
Court House, Grand Junction, Colorado, on April 19, 1961, and at
the conclusion thereof, the matter was taken under advisement.

The evidence disclosed that an Agreement between the
parties has been executed, the purchase price for the certificate

and some equipment being the sum of \$22,100. According to the Agreement on file with the Commission, \$12,000 has been paid, \$3,000 to the transferor and \$9,000 to the third party on the indebtedness secured by a chattel mortgage heretofore executed by the transferor to said third party, covering the motor vehicle and the certificate, said equipment and certificate to be released and the lien discharged upon payment of the balance of \$10,100 when the transfer is approved by the Commission. The Commission was in receipt of a letter from the Colorado Motor Carriers' Association, stating the transferor owed the sum of \$63.68 to the association, but we are now notified that this indebtedness has been paid.

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 Campbell and Campbell Trucking, Inc., Grand Junction, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 943 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Boyd Oliver and Gale Oliver, co-partners, doing business as "Norwood Truck Lines," Norwood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

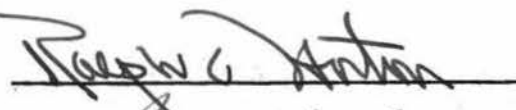

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1961.

ea



Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARTIN S. CHAVEZ, CMR 1575 ROAD,)
DELTA, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 18445-PP-Extension
EXTEND OPERATIONS UNDER PERMIT NO.)
B-4940.)
- - - - -)

- - - - -
April 26, 1961
- - - - -

Appearances: Martin S. Chavez, Delta,
Colorado, pro se;
Orville Dunlap, Montrose,
Colorado, for Orville
Dunlap & Son.

S T A T E M E N T

By the Commission:

Martin S. Chavez, Delta, Colorado, is the owner and
operator of Permit No. B-4940, authorizing:

Transportation of logs, from forests to
sawmills within a radius of fifty miles
of Delta, Colorado; lumber from sawmills
to lumber yards and storage places within
a radius of fifty miles of Delta, Colo-
rado, said service to be performed for
Jones Lumber Company, of Delta, Colorado,
only, without the right to add to the
number of customers served without per-
mission so to do first had and obtained
from this Commission.

By the instant application, said permit-holder seeks
authority to extend his authority under Permit No. B-4940, to
include the right to transport logs and rough lumber, from forests
west of a line drawn north and south parallel to the Continental
Divide at Leadville, Colorado, to sawmills, loading points, and
places of storage within a radius of seventy-five miles of said
forests, and to planing mills within a radius of fifteen miles of
Colorado Springs and Denver, Colorado, with no town-to-town service.

The application was regularly set for hearing, after
appropriate notice to all interested parties, at the Court House,

in Montrose, Colorado, on April 20, 1961, where the matter was heard and taken under advisement by the Commission.

At the hearing, the applicant appeared in support of his application for extension, testifying as to his financial status, his equipment, and experience. He stated he needed this extension to more completely round out his operations and the needs of his customers.

No testimony was presented by protestant, and it did not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which he will compete.

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 herein should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Martin S. Chavez, Delta, Colorado, be, and he is hereby, authorized to extend operations under Permit No. B-4940, to include the right to transport logs and rough lumber, from forests west of a line drawn north and south parallel to the Continental Divide at Leadville, Colorado, to sawmills, loading points, and place of storage, within a radius of seventy-five miles of said forests, and to planing mills within a radius of fifteen miles of Colorado Springs and Denver, Colorado, with no town-to-town service.

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

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.
Dated at Denver, Colorado,
this 26th day of April, 1961.
ea

Ralph C. Norton
James J. Sullivan
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NATALIE A. GIGNOUX, DOING BUSINESS)
AS "LITTLE PERCENT TAXI," 318 SOUTH)
MILL STREET, ASPEN, COLORADO, FOR) APPLICATION NO. 18437-Transfer
AUTHORITY TO TRANSFER PUC NO. 1681)
TO LITTLE PERCENT TAXI, INC., 318)
SOUTH MILL STREET, ASPEN, COLORADO.)
- - - - -)

- - - - -
April 26, 1961
- - - - -

Appearances: Natalie A. Gignoux,
Aspen, Colorado,
pro se;
O. E. Johnson, Esq., and
Alfred Craeger, Esq., Denver,
Colorado, for Continental
Bus System;
Harold L. Lesh, Glenwood
Springs, Colorado, for
Glenwood-Aspen Stages.

S T A T E M E N T

By the Commission:

Natalie A. Gignoux, doing business as "Little Percent
Taxi," Aspen, Colorado, is the owner and operator of PUC No. 1681,
authorizing:

Transportation of passengers and their baggage,
in taxicab service: Between points and places
in Garfield, Eagle, and Pitkin Counties, and
between points and places in those counties on
the one hand, and, on the other, points and
places in the State of Colorado;

Transportation of passengers in sightseeing service:
Between points and places in Garfield, Rio Blanco,
Eagle, Mesa, Delta, Gunnison, Pitkin, and Lake
Counties, Colorado; All service is to be restricted
to vehicles having a capacity of not to exceed
seven passengers, and further restricted against
having an office for solicitation of business in
any county except Garfield, Eagle, and Pitkin
Counties, Colorado; For the transportation of
passengers within the corporate limits of the
City of Glenwood Springs, certificate-holder
shall charge 30¢ for one person and 10¢ for each
additional person per one-way trip; service from
Glenwood Springs to Red Mountain Inn, 50¢ per
person per trip, one way; service from or to

Glenwood Springs, to and from all outside points within the twenty-five-mile radius, exclusive of Red Mountain Inn, 30¢ per mile one way, with fare and a half for round-trip for the first passenger, and 10¢ per mile for each additional passenger up to the capacity of automobile, either one way or round trip, with a charge of \$2.00 per hour waiting time; For service between points served by line-haul motor vehicle common carriers on schedule, certificate-holder shall charge rates which shall be computed on a basis of not less than 20¢ per mile, one way, for one passenger, and 5¢ per mile per passenger for each additional passenger; that round-trip fares shall be computed on a basis of one and one-half times the one-way fare, with a charge of \$2.00 per hour waiting time.

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Little Percent Taxi, Inc., a corporation, Aspen, Colorado.

The application was regularly set for hearing after appropriate notice to all interested parties, and was heard at the District Court Room, Court House, Glenwood Springs, Colorado, on April 18, 1961, and at the conclusion thereof, the matter was taken under advisement.

Natalie A. Gignoux, the certificate-holder, appeared at the hearing in support of her application, and testified that she has formed a corporation, viz., Little Percent Taxi, Inc., and now wishes to transfer the operating rights under PUC No. 1681 to the corporation, of which she is a director. A copy of the Articles of Incorporation of said Little Percent Taxi, Inc. is on file with the Commission. The certificate-holder further testified that there will be no change in the operation of the authority under the certificate, and testified as to her equipment, experience and financial standing.

No testimony was presented at the hearing in behalf of protestants who appeared at the hearing.

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

That Natalie A. Gignoux, doing business as "Little Percent Taxi," Aspen, Colorado, be, and hereby is, authorized to transfer all her right, title and interest in and to PUC No. 1681 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Little Percent Taxi, Inc., a corporation, Aspen, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

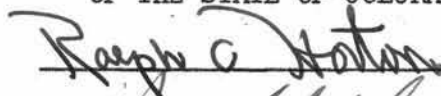
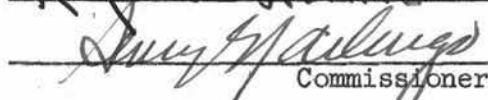
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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



Commissioners.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.
Dated at Denver, Colorado,
this 26th day of April, 1961.
ea

original

(Decision No. 56351)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLENN MARTIN, DOING BUSINESS AS)
"GLENN MARTIN CONSTRUCTION COMPANY,")
803 PITKIN, GLENWOOD SPRINGS, COLO-)
RADO; FOR A CLASS "B" PERMIT TO OP-)
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 18217-PP

April 26, 1961

Appearances: Glenn Martin, Glenwood
Springs, Colorado,
pro se;
Lesley Estes, Rifle,
Colorado, for Estes
Trucking Company;
Daryl Hinkle, Carbondale,
Colorado, pro se;
Marion R. Smyser, Esq.,
Denver, Colorado, for
Rio Grande Motor Way,
Inc.;
Ray Fulbright, Glenwood
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to 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; also, heavy equipment on low-boy truck, from point to point within a radius of seventy-five miles of Glenwood Springs, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, and was heard at the Court House, Glenwood Springs, Colorado, on April 18, 1961, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that all protestants appearing protested the transportation of heavy equipment hauling on lowboy truck, from point to point within a radius of seventy-five miles of Glenwood Springs, and Ray Fulbright, one of the protestants, protested the granting of the sand and gravel authority sought herein.

The Commission in the past has issued authorities for the transportation of sand and gravel, etc., and the instant application is an identical application. We have been issuing such authorities without protest for the past ten years, and are of the opinion that due to the large construction program of roads and highways in Colorado, to deny this application would not be in the public interest. Protestant Fulbright failed to establish that the granting of this sand and gravel authority would impair his operation, and it does not appear that the granting of the application would in any way impair his service. In actuality, we are adding one sand and gravel carrier to approximately thousands of carriers in Colorado who have this authority, and his loss of business, if any, would, in the judgment of the Commission, be infinitesimal.

Applicant, appearing in support of his application, testified as to his equipment and net worth, and stated that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in

the territory which applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought herein should be granted, as set forth in the Order following.

The Commission feels that due to the protests as set forth in the foregoing Statement, that that portion of applicant's application which involves heavy equipment hauling on lowboy trucks from point to point within a radius of seventy-five miles of Glenwood Springs, Colorado, should be denied.

O R D E R

THE COMMISSION ORDERS:

That Glenn Martin, doing business as "Glenn Martin Construction Company," Glenwood Springs, 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 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.

That, in all other respects, the application is hereby denied.

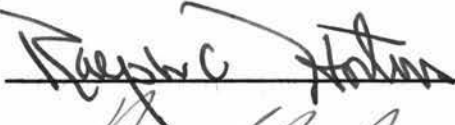
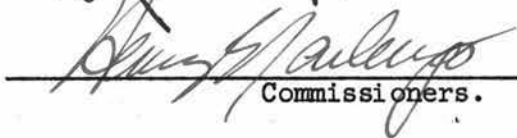
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1961.

ea

original

(Decision No. 56352)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE W. MC NEILL, DOING BUSINESS)
AS "TRAILER TOWING SERVICE," ROUTE)
2, BOX 43-A, BOULDER, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3511)
TO GEORGE W. MC NEILL AND DORIS L.)
MC NEILL, DOING BUSINESS AS "BOULDER)
TRAILER SERVICE," ROUTE 2, BOX 43-A,)
BOULDER, COLORADO.)

APPLICATION NO. 18456-Transfer

April 26, 1961

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Transferor
and Transferees.

STATEMENT AND FINDINGS OF FACT

By the Commission:

George W. McNeill, doing business as "Trailer Towing Service," Boulder, Colorado, is the owner and operator of PUC No. 3511, authorizing:

transportation of house trailers and other ball hitch trailers, in tow-away service, only, from point to point within a thirty-mile radius of Boulder, Colorado, and to and from points within said radius, from and to any point in the State of Colorado.

By the instant application, said certificate-holder seeks authority to transfer said PUC No. 3511 to George W. McNeill and Doris L. McNeill, doing business as "Boulder Trailer Service," Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 24, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant, George W. McNeill, testified in support of the application for transfer. The Commission finds that the transferees will consist of the applicant and his wife; that the operation will continue in substantially the same manner as heretofore; that the transferees will have sufficient finances, experience and equipment to satisfactorily carry on the operation.

The applicants requested that the transferees be authorized to operate under the name and style of "Boulder Trailer Service."

The Commission finds that the transfer will be in the public interest, that the application should be granted and the transferees authorized to operate under the name and style of "Boulder Trailer Service."

O R D E R

THE COMMISSION ORDERS:

That George W. McNeill, doing business as "Trailer Towing Service," Boulder, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3511 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to George W. McNeill and Doris L. McNeill, doing business as "Boulder Trailer Service," Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

CHAIRMAN JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE W. MC NEILL AND DORIS L.)
MC NEILL, DOING BUSINESS AS "BOULDER)
TRAILER SERVICE," ROUTE 2, BOX 43-A,) APPLICATION NO. 18457-Extension
BOULDER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY,)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 3511.)

April 27, 1961

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicants;
Harold D. Torgan, Esq., Den-
ver, Colorado, for Alfred's
Trailer Park & Sales Co.;
X-L Mobile Court; Colorado
Trailer Towing & Wrecker
Service; Roy Mead Trailer
Sales;
Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for
Morgan Drive Away, Inc.

STATEMENT AND FINDINGS OF FACT

By the Commission:

George W. McNeill and Doris L. McNeill, doing business as
"Boulder Trailer Service," Boulder, Colorado, are the owners and
operators of PUC No. 3511, authorizing:

transportation of house trailers and other
ball hitch trailers, in tow-away service,
only, from point to point within a thirty-
mile radius of Boulder, Colorado, and to
and from points within said radius, from
and to any point in the State of Colorado.

By the instant application, said certificate-holders seek
authority to extend operations under said PUC No. 3511 to include
the transportation of house trailers and other ball-hitched trailers
from point to point in the State of Colorado.

Said application, pursuant to prior setting, after appro-

priate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 24, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant, George W. McNeill, and a number of the witnesses who have used his services in the past testified in support of the application.

A number of carriers with whom the applicants would be in competition if the extension were granted testified in protest to the application.

Upon the evidence presented and the records, the Commission finds that the services heretofore and presently rendered by the applicants are satisfactory; that applicants' witnesses would like to use the applicants should the application be granted and should they have need for such service as the applicants propose to have authorized; that the scope of the authority sought is very broad, i.e., statewide; that many authorized carriers are based at points which could be served by the applicants, if successful, who could more efficiently serve the public needs in areas closer to their base of operations; that the services of the carriers based throughout the State have not been shown to be inadequate with the exception of one; that the evidence in support of the application is wholly out of proportion to show the public convenience and necessity required by statute to grant so extensive an authority; that the burden of proof to establish that the present or future public convenience and necessity require, or will require, the transportation services for which applicants seek authority has not been sustained; that the evidence adduced by the applicants to establish that the present or future public convenience and necessity require, or will require, the transportation services for which the applicants herein seek authority is insufficient; that inadequacy of the available similar transportation services of the common carriers

presently serving the public to satisfactorily meet the requirements of the present or future public convenience and necessity has not been established; that public convenience and necessity does not require the services proposed to be authorized.

That the application should be denied.

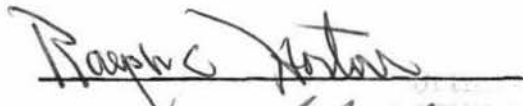
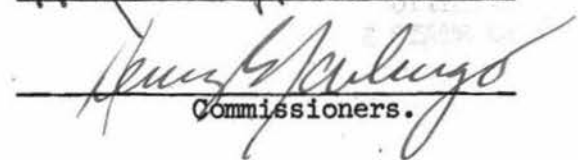
O R D E R

THE COMMISSION ORDERS:

That Application No. 18457-Extension be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
T. J. VOGELSANG, NATURITA, COLORADO, }
FOR AUTHORITY TO TRANSFER PUC NO. } APPLICATION NO. 18441-Transfer
4418 TO ARTHUR GREEN, P. O. BOX 291, }
NATURITA, COLORADO. }

April 27, 1961

Appearances: Arthur Green, Naturita,
Colorado, pro se.

S T A T E M E N T

By the Commission:

T. J. Vogelsang, Naturita, Colorado, is the owner and operator of PUC No. 4418, authorizing:

transportation of garbage and trash, in
and around the Town of Naturita, Colorado.

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Arthur Green, Naturita, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, and was heard at the Court House in Montrose, Colorado, at ten o'clock A. M., April 20, 1961, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that transferee has a net worth of approximately \$3,000; that the consideration for the transfer is the sum of \$150.00; that transferee has ample equipment with which to operate, and has had experience in trucking operations.

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

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

That T. J. Vogelsang, Naturita, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 4418 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Arthur Green, Naturita, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

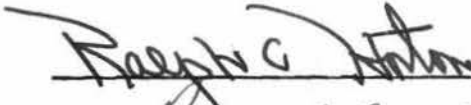

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements 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.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of April, 1961.

mls

original

(Decision No. 56355)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ED WOYNOWSKIE, DOING BUSINESS AS
"ED'S AUTOMOTIVE SERVICE," BOX 265,
FRUITA, COLORADO, FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE CAR-
RIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 18440-PP

April 27, 1961

Appearances: John Lafferty, Esq., Grand
Junction, Colorado, for
Applicant;
A. J. Meiklejohn, Esq., Den-
ver, Colorado, for Denver
Chicago Transport, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 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 75 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 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 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,

Grand Junction, Colorado, at ten o'clock A. M., April 19, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

In applications of this kind we have a standard application. Applicant did not conform to that application, wherein the transportation of road-surfacing materials would be restricted against the use of tank vehicles. Applicant failed to show that the public would be benefitted if this restriction is removed. It is therefore the opinion of the Commission that if this authority is to be granted that this restriction should be placed in the authority.

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, if restricted as set out above.

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

F I N D I N G S

THE COMMISSION FINDS:

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 Ed Woynowski, doing business as "Ed's Automotive Service," Box 265, Fruita, 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 75 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 75 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 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; the transportation of road-surfacing materials being restricted against the use of tank vehicles.

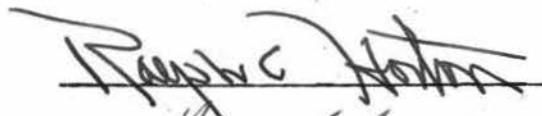
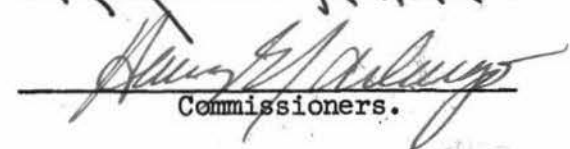
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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



Commissioners.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of April, 1961.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ACME TRAILER SALES OF DENVER, INC-)
ORPORATED, 3100 SOUTH BROADWAY,)
ENGLEWOOD, COLORADO.)
-----)

PERMIT NO. M-15199

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Acme Trailer Sales of
Denver, Inc., Englewood, Colorado
requesting that Permit No. M-15199 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15199, heretofore issued to Acme Trailer Sales of
Denver, Inc., Englewood, Colorado be,
and the same is hereby, declared cancelled effective March 18, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Thomas C. Houten
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 56357)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND E. FOSTER, 3324 WEST)
21ST AVENUE, DENVER 11, COLO-)
RADO.)
-----)

PERMIT NO. B-5222

May 4, 1961

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-5222 be suspended
for six months from March 13, 1961.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Raymond E. Foster, Denver 11, Colorado

be, and is hereby, authorized to suspend his operations under Permit
No. B-5222 until September 13, 1961.

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. Negro
Robert C. Rodon
Wm. E. Zuckers
Commissioners

Dated at Denver, Colorado,
this 4th day of May, 1961.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 56358)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIE HARRIS, 2112 LAFAYETTE)
STREET, DENVER 5, COLORADO.)
)
)
)
)

PERMIT NO. B-4639

May 4, 1961

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-4639 be suspended
for six months from March 19, 1961.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Willie Harris, Denver 5, Colorado

be, and is hereby, authorized to suspend his operations under Permit
No. B-4639 until September 19, 1961.

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. Negro
Frank C. Boston
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK D. JENNINGS, DOING BUSINESS AS,)
"JENNINGS FLOWERS", 520 CLAYTON)
STREET, DENVER 6, COLORADO.)
-----)

PERMIT NO. M-8963

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank D. Jennings,
doing business as, "Jennings Flowers", Denver 6, Colorado
requesting that Permit No. M-8963 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8963, heretofore issued to Frank D. Jennings,
doing business as, "Jennings Flowers", Denver 6, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Garth C. Norton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM BARTON, DOING BUSINESS AS,)
"B' TRUCK LINE", WALLACE,)
KANSAS.)

PUC NO. 4714-I

May 4, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tom Barton, doing
business as, "B' Truck Line", Wallace, Kansas

requesting that Certificate of Public Convenience and Necessity No. 4714-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. 4714-I heretofore issued to Tom Barton,
doing business as, "B' Truck Line", Wallace, Kansas

be, and the same is hereby, declared cancelled effective April 10, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. [unclear]
Henry E. [unclear]
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

PERMIT NO. B-3082

May 4, 1961
-----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-3082 be further suspended for one year from April 14, 1961.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Dan Drieth, Denver 21, Colorado

be, and is hereby, authorized to further suspend his operations under Permit No. B-3082 until April 14, 1962.

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. Negro
Joseph C. Norton
Henry E. Zurlings
Commissioners

Dated at Denver, Colorado,
this 4th day of May, 1961.

hc

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 56362)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DEAN A. CARNEAL, DOING BUSINESS)
AS, "CARNEAL SAND AND GRAVEL",)
604 LYNN AVENUE, COLORADO)
SPRINGS, COLORADO.)

PERMIT NO. B-5338

May 4, 1961

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-5338 be suspended
for six months from April 7, 1961.

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 A Carneal, Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit
No. B-5338 until October 7, 1961.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Samuel C. Holton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ECKLEY H. PHILLIPS, DOING BUSINESS AS,
"E. PHILLIPS PRODUCE", P. O. BOX
353, DENVER 8, COLORADO.
-----)

PERMIT NO. M-13308

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Eckley H. Phillips,
doing business as, "E. Phillips Produce", Denver 8, Colorado
requesting that Permit No. M-13308 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13308, heretofore issued to Eckley H. Phillips,
doing business as, "E. Phillips Produce", Denver 8, Colorado be,
and the same is hereby, declared cancelled effective April 11, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Gordon
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ECKLEY H. PHILLIPS, DOING BUS-)
INESS AS, "E. PHILLIPS PRODUCE")
P. O. BOX 353, DENVER 8, COLO-)
RADO.)

PUC NO. 4879-I

May 4, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Eckley H. Phillips,
doing business as, "E. Phillips Produce", Denver 8, Colorado

requesting that Certificate of Public Convenience and Necessity No. 4879-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. 4879-I heretofore issued to Eckley H.
Phillips, doing business as, "E. Phillips Produce", Denver 8, Colorado

be, and the same is hereby, declared cancelled effective April 11, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Nigro
Joseph C. Johnson
Henry L. Zandberg
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK TAYLOR AND ALFRED PHELPS,)
DOING BUSINESS AS, "TAYLOR AND PHELPS")
P. O. BOX 331, DOVE CREEK, COLORADO.)
-----)

PERMIT NO. M-14021

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank Taylor and
Alfred Phelps, dba "Taylor and Phelps", Dove Creek, Colorado
requesting that Permit No. M-14021 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14021, heretofore issued to Frank Taylor and Alfred
Phelps, dba "Taylor and Phelps", Dove Creek, Colorado be,
and the same is hereby, declared cancelled effective April 11, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hout
Henry E. Zurling
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE CHANGES IN SPECIFIC RATES ON
PETROLEUM PRODUCTS, WESTERN TANK
TRUCK CARRIERS' CONFERENCE, INC.,
AGENT, TARIFF C-3, COLORADO P.U.C.
NO. 3, PUBLISHED TO BE EFFECTIVE
APRIL 26, 1961.

CASE NO. 1585

April 25, 1961

S T A T E M E N T

BY THE COMMISSION:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective April 26, 1961, designated as set forth herein.

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 justification of the changes as appearing hereinafter, the carrier involved presented information to the Commission which is in part used herein.

Western Tank Truck Carriers' Conference, Inc., Agent Motor Freight Tariff No. C-3 Colorado P.U.C. No. 3									
SECTION NO. 3									
Rates in cents per gallon on Petroleum and Petroleum Products, as described in Item 10 herein, applicable on shipments originating at or destined to points in Mountain Territory. (See Item 30)									
AND BETWEEN	DENVER (Item 55)			LA JUNTA (Item 60)			ALAMOSA		
	Miles	Rate	Route No.	Miles	Rate	Route No.	Miles	Rate	Route No.
Naturita	393	4.290	115	378	4.158	116	289	3.168	117
Norwood	(A) 373	(R) 4.158	115	(R) 358	4.026	116	(A) 269	3.036	117

- (A) - Denotes increase
(R) - Denotes reduction
/ - Denotes addition

Route No. 115 - U. S. 85 - 87 Colorado Springs, Colorado, 115 Penrose, Colorado, U. S. 50 Montrose, Colorado, U. S. 550 Ridgway, Colorado, State 62 Placerville, Colorado, thence State 145.

Route No. 116 - U. S. 50 Montrose, Colorado, U. S. 550 Ridgway, Colorado, State 62 Placerville, Colorado, thence State 145.

Route No. 117 - Colorado 17 Mineral Hot Springs, Colorado, U. S. 285 Junction U. S. 50, U. S. 50 Montrose, Colorado, U. S. 550 Ridgway, Colorado, State 62 Placerville, Colorado, thence State 145.

D. S. Eno, General Manager for the above conference states the following in support of the changes.

"In the Commission's Decision 44247 of May 12, 1955, the distance from Denver to Norwood was prescribed as 394 miles with a rate of 4.092 cents per gallon. This rate was later increased to 4.290 cents per gallon.

"You will note the distance from Denver to Norwood is corrected to 373 miles with a rate of 4.158 cents per gallon and the distance from La Junta to Norwood is now shown as 358 miles instead of 359 miles and from Alamosa to Norwood the distance is corrected to 269 miles from 268. The revised mileages from La Junta and Alamosa make no change in the rates. I have also added the town of Naturita with distance of 393 miles from Denver at a rate of 4.290 cents per gallon, from La Junta 378 miles rate 4.158 cents per gallon and from Alamosa 289 miles, rate 3.168 cents per gallon.

"Apparently when the distance and rate Denver to Norwood was first prescribed, the distance to Naturita was erroneously applied to Norwood. In checking these distances, I have used the mileages to Placerville as prescribed, and to these have added 17 miles to Norwood plus another 20 miles to Naturita. The rates are from the distance scale."

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in the statement of this order and made a part hereof, on the basis of the facts presented and in our best judgment are 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 and Findings 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 the statement of this order shall on April 26, 1961, 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.

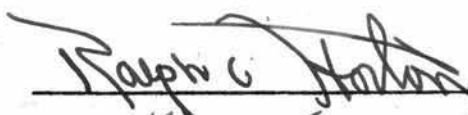
5. All private carriers by motor vehilce to the extent they are affected by the changes involved herein shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.


6. 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 subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING

Dated at Denver, Colorado,
this 25th day of April, 1961.

ph

original

(Decision No. 56367)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HARRY B. HAWKS, 421 SOUTH NINTH,
MONTROSE, COLORADO, FOR AUTHORITY
TO EXTEND OPERATIONS UNDER PERMITS
NOS. B-1365 AND B-1365-I.

APPLICATION NO. 18444-PP-Extension

April 26, 1961

Appearances: T. L. Brooks, Esq., Montrose,
Colorado, for Applicants;
Marion R. Smyser, Esq., Den-
ver, Colorado, for Rio
Grande Motor Way, Inc.;
C. J. Schuler, Telluride,
Colorado, for Telluride
Transfer;
Orville Dunlap, Montrose,
Colorado, for Orville Dun-
lap & Son;
Fellin Brothers, Ouray, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

Harry B. Hawks, the applicant herein, is the owner and operator of Permits Nos. B-1365 and B-1365-I, and by the instant application he wishes to extend his authority as set out in his application.

The application was regularly set for hearing, after appropriate notice to all interested parties, at the Court House in Montrose, Colorado, at ten o'clock A. M., April 20, 1961.

When the matter was called for hearing, the attorney for applicant stated that he had only recently been called into the case and that he would like to amend the application. He therefore asked that the matter be continued and re-set at some future date, at the convenience of the Commission.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:

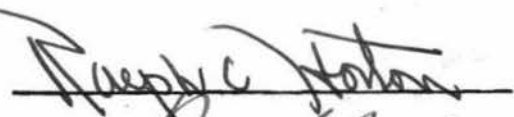
That the instant matter should be continued, to be re-set at some future time, at the convenience of the Commission, with notice to all interested parties.

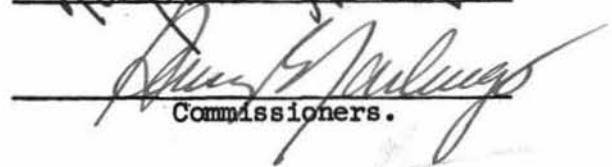
O R D E R

THE COMMISSION ORDERS:

That Application No. 18444-PP-Extension be, and hereby is, continued, to be re-set on some future date, at the convenience of the Commission, with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE CHANGES IN ITEM NO. 360 (CEMENT),)
COLORADO MOTOR CARRIERS' ASSOCIATION,)
AGENT, TARIFF NO. 14, COLORADO P.U.C.)
NO. 13 TO BECOME EFFECTIVE APRIL 26,)
1961.)

INVESTIGATION AND SUSPENSION

DOCKET NO. 451

April 25, 1961

S T A T E M E N T

BY THE COMMISSION:

There has been filed with The Public Utilities Commission of the State of Colorado by The Colorado Motor Carriers' Association, Agent, issued by J. R. Smith, Chief of Tariff Bureau, Denver 16, Colorado, for and on behalf of G. Barnhill d/b/a Barnhill Truck Line and Don Ward, Inc., on statutory notice and advertised to become effective April 26, 1961, as set forth in Appendix "A" attached hereto.

The said schedule makes certain reductions, increases and institutes new 50,000 pound minimum weight factor rates, on bags and bulk cement, etc., whereby the rights and interests of the public may be injuriously affected; and it being the opinion of the Commission that the effective date of said schedule in said tariff should be postponed, pending a hearing and decision thereon.

F I N D I N G S

THE COMMISSION FINDS:

That upon its own motion, without formal pleading, the schedule as set forth in the attached Appendix should be suspended and that it should enter upon a hearing concerning the lawfulness of the provisions contained therein.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings are hereby made a part hereof.
2. It shall, upon its own motion, enter upon a hearing concerning the lawfulness of the schedule set forth in Appendix "A" attached hereto.
3. The operation of said schedule shall be suspended and the use of the said schedule shall be deferred 120 days, or until August 23, 1961, unless otherwise ordered by the Commission, and no change shall be made during the said period of suspension.

4. The service, regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

5. A copy of this order shall be filed with said tariff in the office of the Commission and that copies hereof be forthwith served upon J. R. Smith, Chief of Tariff Bureau, The Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver 16, Colorado; John Norman, Manager, Motor Tariff Service, 1304 Cherokee Street, Denver 4, Colorado; Don Ward, Inc., 241 West 56th Avenue, Denver 16, Colorado; G. Barnhill, Barnhill Truck Line, Ramah, Colorado; and Paul S. Barnett, Ideal Cement Co., Denver National Bank Building, Denver 2, Colorado.

6. This Investigation and Suspension Docket No. 451 be and the same is hereby set for hearing before the Commission on May 22, 1961, at 10:00 A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING

Dated at Denver, Colorado,
this 25th day of April, 1961.

ph

APPENDIX "A"

Changes effective April 26, 1961.

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

SECTION NO. 1 Commodity Rates Rates in cents per 100 pounds

Item No.	Commodity Commodities in the same item may be shipped in straight or mixed truck loads.	From	To	Rates		
360	Cement, in bags; Lime, Plaster and their products, as described in Item No. 240 of this tariff. ② Min. Wt. 25,000 lbs. ③ Min. Wt. 35,000 lbs. ④ Min. Wt. 50,000 lbs. (Barnhill Truck Line and ⑤ Don Ward & Co.)	Portland, Colo.	Matheson, Colo.	② 27	③ 24	④ 21
			Simla, Colo.	25	23	20
			Ramah, Colo.	25	23	20
			Calhan, Colo.	24	② 21	19
			Peyton, Colo.	23	② 20	18
		Boettcher, Colo. Portland, Colo. Wild Spur, Colo.	Burlington, Colo.	35	32	29
			Stratton, Colo.	35	32	29
			Seibert, Colo.	35	32	29
			Flagler, Colo.	34	31	28
			Arriba, Colo.	② 32	② 29	27
			Genoa, Colo.	31	② 28	24
			Limon, Colo.	29	② 25	22
			Cheyenne Wells, Colo.	35	32	29
			Kit Carson, Colo.	33	30	27
			Hugo, Colo.	② 32	② 28	25
			Deertrail, Colo.	30	28	25
			Byers, Colo.	② 31	② 27	24
		Portland, Colo.	Calhan, Colo.	③ 20	④ 17	17
			Matheson, Colo.	22	19	19
			Peyton, Colo.	19	16	16
			Ramah, Colo.	21	18	18
			Simla, Colo.	② 20	18	18
			Arriba, Colo.	28	25	25
			Burlington, Colo.	30	27	27
			Byers, Colo.	24	22	22
			Cheyenne Wells, Colo.	30	27	27
			Deertrail, Colo.	26	23	23
			Flagler, Colo.	29	26	26
			Genoa, Colo.	27	23	23
			Hugo, Colo.	27	23	23
			Kit Carson, Colo.	28	25	25
			Limon, Colo.	24	20	20
			Seibert, Colo.	30	27	27
			Stratton, Colo.	30	27	27

- ② - Denotes increase
- ③ - Denotes reduction
- ④ - Denotes addition
- ⑤ - Denotes elimination

original

(Decision No. 56369)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUIS A. VIGIL, WESTON, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY FOR THE OPERA-)
TION OF DOMESTIC WATER SYSTEM IN)
THE VILLAGE OF WESTON, LAS ANIMAS)
COUNTY, COLORADO.)

APPLICATION NO. 6271
SUPPLEMENTAL ORDER

April 27, 1961

S T A T E M E N T

By the Commission:

The Commission by its Decision No. 20536, of March 6, 1943, issued a certificate of public convenience and necessity to Louis A. Vigil, to construct and operate a system for the storage and distribution of water for domestic purposes to the residents of Weston, Colorado, residing on Water Street and Main Street, in Blocks 1, 2, and 8 of the North Side Addition of Weston.

The last Annual Report to be filed with this Commission was for the year ended December 31, 1953, filed by Mrs. Louis A. Vigil, (widow of Louis A. Vigil, deceased) and contained a notation that water service was discontinued in March 1954, and the utility was being purchased by the City of Trinidad from the Estate of Louis A. Vigil, deceased. No protests to such a transfer were received by this Commission. Since that time it appears no water has been supplied to customers in the above designated area by Louis A. Vigil, but probably is served by the City of Trinidad.

The water utility of the City of Trinidad is a municipal water utility. Through inadvertence, the certificate of public convenience and necessity was not then cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be incorporated in and made a part of these Findings.

That the Commission is fully advised in the premises.

That Louis A. Vigil was a public utility, subject to the jurisdiction of this Commission.

That Louis A. Vigil transferred the customers, facilities and service in the above-mentioned area to the City of Trinidad.

That the requirements of a certificate of public convenience and necessity to supply the afore-mentioned water service no longer exists and that the certificate issued on March 6, 1943, to Louis A. Vigil should be cancelled.

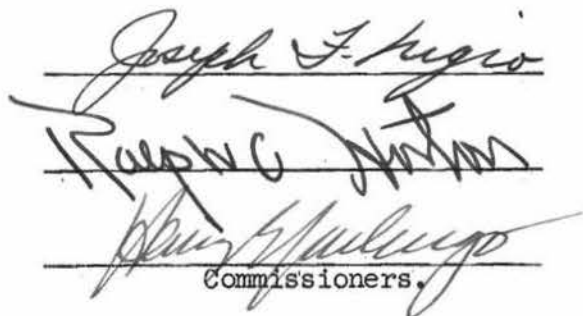
O R D E R

THE COMMISSION ORDERS:

That the certificate of public convenience and necessity issued in Decision No. 20536, of March 6, 1943, by this Commission to Louis A. Vigil, Weston, Colorado, to construct and operate a system for the storage and distribution of water for domestic purposes to the residents of Weston, Colorado, residing on Water Street and Main Street, in Blocks 1, 2 and 8 of the North Side Addition of Weston, Colorado, be, and hereby is, cancelled.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of April, 1961.

mls

original

(Decision No. 56370)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) MOREY TRANSFER COMPANY, 2425 BLAKE) STREET, DENVER, COLORADO, FOR AUTH-) ORITY TO EXTEND OPERATIONS UNDER) PERMIT NO. B-5196.) -----)	APPLICATION NO. 18460-PP-Extension
---	------------------------------------

April 27, 1961

Appearances: Irwin Wagner, Denver, Colo-
rado, for Applicant;
Hughes and Dorsey, Esqs.,
Denver, Colorado, by
R. B. Danks, Esq., for Colo-
rado, Transfer and Warehouse-
men's Association, Bekins
Moving & Storage, and Johnson
Moving & Storage Company;
John P. Thompson, Esq., Denver,
Colorado, for Intrastate Line
Haul Common Carriers Division
of The Motor Truck Common Car-
riers Association, Overland
Motor Express dba Boulder-Denver
Truck Line, Denver-Laramie-Walden
Truck Line, Inc., Denver-Limon-
Burlington Transfer Company,
Floyd A. Henrikson, dba Denver-
Loveland Transportation, The
McKie Transfer Company, North
Eastern Motor Freight, Inc.,
Rio Grande Motor Way, Inc.,
Richard H. and Lois Mae Eshe
dba South Park Motor Lines, West-
way Motor Freight, Inc., and
John B. Windecker dba Windecker
Truck Line.

S T A T E M E N T

By the Commission:

On March 21, 1961, the applicant herein filed application for authority to extend operations under Permit No. B-5196 by lifting the customer restriction to enable applicant to add another customer to its customer list.

The application was regularly set for hearing, after appropriate notice to all interested parties, at 532 State Services Building, Denver, Colorado, at two o'clock P. M., April 25, 1961.

When the matter was called for hearing, applicant stated that he desired to amend the application of his company, and asked that the matter be continued, to be heard at a future date convenient to the Commission. There was no objection to this motion.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be continued, to be heard at some future date, at the convenience of the Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application be, and hereby is, continued, to be heard at some future date, at the convenience of the Commission, with notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph G. John
Henry E. Padung
Commissioners.

Dated at Denver, Colorado,
this 27th day of April, 1961.

ea

original

(Decision No. 56371)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF COLORADO INTERSTATE)
GAS COMPANY, A CORPORATION, COLORADO)
SPRINGS, COLORADO.)

CASE NO. 5075

April 27, 1961

Appearances: James L. White, Esq., New York
City, New York, and
John Fleming Kelly, Esq., Den-
ver, Colorado, for Colorado
Interstate Gas Company;
Robert Welborn, Esq., Denver,
Colorado, for Colorado Fuel
and Iron Corporation;
William T. Secor, Esq., Colo-
rado Springs, Colorado, for
Air Force Academy Construc-
tion Agency;
John R. Stewart, Esq., La Junta,
Colorado, for Citizens
Utilities Company;
Henry E. Zarlengo, Esq., Denver,
Colorado, and
Anthony L. Mueller, Esq., Den-
ver, Colorado, for The Public
Utilities Commission of the
State of Colorado.

S T A T E M E N T

By the Commission:

On January 19, 1959, the Commission entered its Decision
No. 51598 in the above-styled case, ordering Colorado Interstate Gas
Company:

" . . . forthwith to apply to The Public Utilities
Commission of the State of Colorado, for a certi-
ficate of public convenience and necessity to
operate as a public utility for the sale of gas
not for resale to customers not under the juris-
diction of the Federal Power Commission.

"Pending such application and hearing, respondent
Colorado Interstate Gas Company, be, and it is
hereby, ordered to continue the same rates to
said customers in full force and effect as are

being charged under the terms of said contracts with said customers, and that all other conditions of service shall continue unchanged.

"That the Commission retains jurisdiction of this matter to enter such other appropriate orders as may be necessary with regard to service continuation, quality and nature of service and rates."

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, 351 p. 2d, 241, 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:

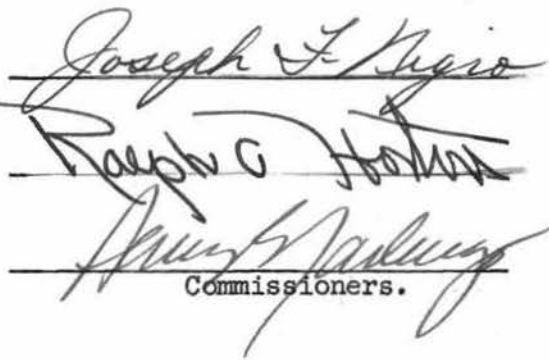
That the above-styled Case should be closed upon the docket of this Commission.

O R D E R

THE COMMISSION ORDERS:

That Case No. 5075 be, and the same hereby is, closed upon the docket of this Commission, Decision No. 51598, of date January 19, 1959, entered by the Commission in said Case, being hereby vacated, set aside, and held for naught, nunc pro tunc, as of April 11, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of April, 1961.

mls

(Decision No. 56372)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

Pot Creek Loggin & Lumber Co.
P.O. Box 2008
Santa Fe, New Mexico

AUTHORITY NO. M 3372

CASE NO. 4178 Insurance

S T A T E M E N T

By the Commission:

On April 10, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Robert C. Nigro
John F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1961

original

(Decision No. 56373)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN SLOPE GAS COMPANY FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AND OPERATE)
A NATURAL GAS TRANSMISSION PIPELINE) APPLICATION NO. 18360-Amended
FROM APPLICANT'S TRANSMISSION LINE)
IN RIO BLANCO COUNTY, COLORADO, TO)
A POINT NEAR THE TOWN OF MEEKER,)
RIO BLANCO COUNTY, COLORADO.)
-----)

April 28, 1961

Appearances: Lee, Bryans, Kelly & Stans-
field, Esqs., Denver,
Colorado, by Robert S.
Gast, Jr., Esq., for
Applicant;
Everett R. Thompson, Denver,
Colorado, and
Joseph M. McNulty, Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Pursuant to Article 5, Chapter 115, Colorado Revised
Statutes 1953, Western Slope Gas Company, a Colorado corporation,
herein called "Applicant," filed with the Commission an application
together with amendments thereto, for an order issuing to Applicant
a certificate of public convenience and necessity authorizing
Applicant to construct, operate and maintain a natural gas trans-
mission pipeline from Applicant's transmission line in Rio Blanco
County, Colorado, to a point near Meeker, Rio Blanco County, Colo-
rado, to enable Greeley Gas Company, a public utility operating
company subject to the jurisdiction of the Commission (hereinafter
called "Greeley Gas"), to supply natural gas service to consumers
in the Town of Meeker, Rio Blanco County, Colorado, and in the area
adjacent thereto, and for a further certificate of public convenience

and necessity for the maintenance and operation of a natural gas transmission pipeline formerly known as Applicant's Powell Park Gathering Line in Rio Blanco County, Colorado, heretofore constructed from the Piceance Creek compressor station located in Section 8, Township 3 South, Range 95 West running in a northerly direction to a point of connection with the Town of Meeker lateral to be constructed and located in Section 34, Township 1 North, Range 95 West.

The matter was set for hearing after due notice to all interested parties, on April 13, 1961, at ten o'clock A. M., at 532 State Services Building, Denver, Colorado, and was there heard by the Commission, and at the conclusion of the hearing, taken under advisement.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the application.

Applicant, a wholly-owned subsidiary of Public Service Company of Colorado, (herein called "Public Service") is a corporation organized and existing under and by virtue of the laws of the State of Colorado, with its principal place of business in the City and County of Denver, Colorado, and as such is authorized to do and is doing business in the State of Colorado. Pursuant to its certificate of incorporation, Applicant is authorized and empowered, among other things, to construct, operate and maintain pipelines and related facilities for the transportation, measuring and marketing of natural gas. A certified copy of such certificate of incorporation was attached to Applicant's Application No. 11801 as Exhibit A, and the Commission took judicial notice of the contents of said certificate.

By Decision No. 38959 of the Commission, dated July 15, 1952, Applicant was granted a certificate of public convenience and necessity to construct, operate and maintain a natural gas transmission and gathering system in western Colorado, extending from a point within the Douglas Creek Unit area near the south line of the

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, Township 3 South, Range 101 West of the 6th P. M., in Rio Blanco County, Colorado, through Garfield County, Colorado, to a terminal point at or near the City of Grand Junction, Mesa County, Colorado, as shown on the map of the system filed by the Applicant in such proceeding.

By Decision No. 40175 of the Commission, dated March 17, 1953, Applicant was granted a certificate of public convenience and necessity to construct, operate and maintain a natural gas transmission lateral in Mesa County, Colorado, from a point on Applicant's existing 10" transmission line starting near the center of the western section line of Section 12, Township 2 North, Range 2 West of the Ute Meridian extending thence in a southwesterly direction to a terminal point at the Town of Fruita, Colorado.

By Decision No. 42549 of the Commission, dated April 30, 1954, as supplemented by Decision No. 42714, dated May 27, 1954, Applicant was granted a certificate of public convenience and necessity to construct, operate and maintain a natural gas transmission lateral in Mesa County, Colorado, from a point on Applicant's existing 10" transmission line to the Town of Palisade and the unincorporated towns of Fruitvale and Clifton, in Mesa County, Colorado.

By Decision No. 48059 of the Commission, dated June 5, 1957, Applicant was granted a certificate of public convenience and necessity to construct, operate and maintain a natural gas transmission pipeline from the Piceance Creek Gas Field in Rio Blanco County, Colorado, to a point near the Town of Rifle, Garfield County, Colorado, for the transmission of natural gas to enable Public Service to supply natural gas service to the Town of Rifle, Garfield County, Colorado, and to the area adjacent thereto and to various industries located in the Rifle, Colorado area.

Applicant has constructed and is now operating a natural gas pipeline transmission system in western Colorado pursuant to the aforesaid certificates of convenience and necessity.

Applicant proposes, by the instant application, as amended, to conform to the evidence submitted at the hearing, to construct, operate and maintain a natural gas transmission pipeline from the point of interconnection of Applicant's 4" transmission line which brings natural gas from the Mannel No. 1 Well, Powell Park Unit, Section 27, Township 1 North, Range 95 West of the 6th P. M., Rio Blanco County, Colorado, to Applicant's Piceance Creek compressor station in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, Township 3 South, Range 95 West of the 6th P. M., in Rio Blanco County, Colorado, eastwardly to a point near the Town of Meeker, Rio Blanco County, Colorado, consisting of approximately 6.7 miles of 4 $\frac{1}{2}$ " O. D. pipeline, together with the necessary meter station and other related facilities and equipment and further to operate and maintain as a gas transmission line Applicant's former Powell Park Gathering Line in Rio Blanco County, Colorado, from the Piceance Creek compressor station located in Section 8, Township 3 South, Range 95 West running in a northerly direction to a point of connection to the Town of Meeker lateral to be constructed located in Section 34, Township 1 North, Range 95 West, all as approximately shown on the sketch map which was introduced at the hearing as Exhibit A.

Applicant has entered into two service agreements with El Paso Natural Gas Company (herein called "El Paso"), both dated December 15, 1960, one covering the purchase of firm gas for resale to Public Service to meet the firm peak day requirements in its Rifle service area and was introduced at the hearing as Exhibit B. The other service agreement covers the purchase of interruptible gas for resale to Public Service for resale to its industrial and irrigation consumers and was introduced as Exhibit B-1. Mr. Bruce MacCannon, who testified at the hearing as general superintendent of Applicant, stated that both of these agreements shall become effective only upon the date so designated by the Federal Power Commission and that the Federal Power Commission had not yet determined

the effective dates of said agreements. Mr. MacCannon further testified that until the two service agreements above referred to became effective through action of the Federal Power Commission, the two service agreements between El Paso and Public Service, each dated April 29, 1957, in which El Paso is a party as successor to Pacific Northwest Pipeline Corporation, together with a gas transportation agreement between Applicant and Public Service dated April 29, 1957, on file with this Commission as Exhibits D, D-1 and B, respectively, in Application No. 15384, are still in full force and effect. The Commission took judicial notice of the existing service agreements and transportation agreement on file with this Commission. The firm service agreement between El Paso and Applicant is for a primary term to and including the 31st of October, 1977. The term of the interruptible service agreement between Applicant and El Paso extends only to the 31st of October, 1962. Mr. MacCannon testified that it is anticipated that El Paso would have interruptible gas available for sale at the expiration of the interruptible service agreement. Applicant will receive natural gas from El Paso adjacent to El Paso's lateral line in the SW $\frac{1}{4}$ of Section 5, Township 2 South, Range 96 West, Rio Blanco County, Colorado.

Applicant shall further receive and purchase natural gas from Southern Union Gas Company pursuant to gas purchase agreement dated July 20, 1960, which was introduced at the hearing as Exhibit D involving two producing wells in the Rulison area.

Finally, Applicant will receive and purchase gas from Phillips Petroleum Company and others, pursuant to gas purchase agreement dated October 14, 1960, which was introduced in evidence at the hearing as Exhibit E covering one producing gas well in the Powell Park area. Applicant's gas purchase agreements above referred to are for twenty year periods and both gas purchase agreements provide the price of 12¢ per Mcf for all gas delivered prior to August 17, 1962, and an escalation of 1¢ per Mcf for each

additional next five years thereafter during the term of these agreements with pressure and heating value adjustments and a favored nation or price equalization clause pertaining to price of gas Applicant pays to producers in Mesa, Garfield and Rio Blanco Counties, Colorado.

Mr. MacCannon testified that a gas reserve study had been made by his department under his supervision as to the Rulison area and the Powell Park area. Applicant's Exhibit D-2 on determination of reserve in the Rulison area was introduced at the hearing as well as Applicant's Exhibit E-2 as to the determination of reserve in Powell Park unit. These exhibits showed that the gas reserve for the Rulison area is estimated at 16,500,000 Mcf herein dedicated by the Southern Union Gas Company at 7,228,460 Mcf for the Powell Park unit. Mr. MacCannon stated that these estimates would be changed upon obtaining an additional production history.

Applicant estimates its overall cost of constructing facilities from its gas transmission line to the Town of Meeker for which the certificate of public convenience and necessity is sought by the instant application to be \$92,000. Applicant has further estimated that the cost of its 4" transmission line formerly known as Applicant's Powell Park Gathering Line in Rio Blanco County, Colorado, from the Piceance Creek compressor station to a point of connection with the Town of Meeker lateral as \$213,000.00. Applicant's estimated investment in the Rifle gathering and transmission system and proposed rate of depreciation is shown on Exhibit H, pages 1 and 2, a copy of which was introduced as evidence at the hearing.

Applicant proposes to finance the proposed project by obtaining a construction loan from its parent corporation, Public Service, or by cash generated internally by the Applicant until such time as additional permanent financing can be arranged.

Applicant proposes to sell natural gas to Public Service pursuant to two agreements between Applicant and Public Service,

copies of which marked Exhibits F and F-1 were introduced as evidence at the hearing. Exhibit F is dated January 13, 1961, is for a primary term of twenty years and provides firm gas for resale by Public Service in the Town of Rifle, Colorado, and areas immediately adjacent thereto. Exhibit F-1 is dated January 23, 1961, and is an interruptible gas contract between Applicant and Public Service for resale by Public Service to Union Carbide Nuclear Company, Division of the Union Carbide and Carbon Corporation's plant west of Rifle in which it is specifically stated that Applicant shall not be required under the industrial contract to furnish gas to Public Service in excess of 3,000,000 cubic feet of gas per day at the pressure of 120 lb. psig. Both agreements by their specific terms terminate the agreement dated April 29, 1957, between Applicant and Public Service for the transportation of natural gas as hereinbefore set forth. Applicant further proposes to sell natural gas to Greeley Gas Company pursuant to an agreement between applicant and Greeley Gas Company, a copy of which marked Exhibit G was introduced in evidence at the hearing. Exhibit G is dated January 12, 1961, is for the primary term of twenty years and provides firm gas to Greeley Gas Company for resale in the Town of Meeker, Colorado, and areas immediately adjacent thereto.

From the testimony of Homer Lanning, Vice President and Treasurer of Greeley Gas Company, it was shown that the Greeley Gas Company holds a twenty-five year franchise to distribute natural gas to consumers in the Town of Meeker, Colorado, and in areas adjacent thereto, and that Greeley Gas Company has already made application to this Commission for the necessary certificate of public convenience and necessity to exercise such franchise rights and to serve areas adjacent to said town. In order to determine the economic feasibility of providing natural gas transmission service in the Town of Rifle and in the areas immediately adjacent thereto, including the industrial customer above referred

to, and of providing natural gas transmission service in the Town of Meeker, and the areas adjacent thereto, both Public Service and Greeley Gas Company prepared a market study of the Rifle, Colorado area and the Meeker, Colorado area, respectively. The results of the market study of the Rifle area was presented by Raymond R. Lucore of the Gas Department of Public Service in Exhibit J, pages 1 through 4 inclusive. Exhibit J shows the estimated number of year-end natural gas customers projected to 1963 and shows an increase of said customers from an actual figure of 466 at the end of the year 1960 to 538 at the end of the year 1963, further projects annual sales in the Rifle area for the year 1963 to \$967,090 and finally estimates revenues to Applicant for the Rifle, Colorado area in the approximate total figure of \$407,000 for the year 1963.

Mr. Homer Lanning then testified as to the market study for the Meeker, Colorado service area prepared under his supervision for the Greeley Gas Company in Exhibit I, pages 1 and 2, introduced in evidence at the hearing. Exhibit I estimates year-end gas customers for the year 1961 at 180 projected to the end of 1963 at 315, projects annual sales for the year 1963 at 53,860 Mcf, and finally, projects revenues to the Applicant from the Meeker, Colorado service areas of \$30,640 in 1963.

F I N D I N G S

THE COMMISSION FINDS:

The above Statement should be made a part hereof by reference.

The Applicant, Western Slope Gas Company, is a public utility as defined by 115-1-3, Colorado Revised Statutes, 1953.

That Applicant is a Colorado corporation duly qualified to do business in Colorado and that it has heretofore filed with this Commission a certified copy of its certificate of incorporation.

The Commission has jurisdiction of said Applicant and the subject matter of the application herein.

That the Commission is fully advised in the premises.

That public convenience and necessity require and will require the construction, operation and maintenance of the natural gas transmission pipeline from Applicant's transmission line in Rio Blanco County, Colorado, to a point near Meeker, Rio Blanco County, Colorado, to enable Greeley Gas Company to supply natural gas service in the Town of Meeker, Colorado, and in areas adjacent thereto, and further that public convenience and necessity require and will require the operation and maintenance of the natural gas transmission pipeline heretofore constructed and formerly known as Applicant's Powell Park Gathering Line in Rio Blanco County, Colorado, from the Piceance Creek compressor station located in Section 8, Township 3 South, Range 95 West running in a northerly direction to a point of connection with the Town of Meeker lateral to be constructed and located in Section 34, Township 1 North, Range 95 West.

That the order sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That this order shall be taken, deemed and held to be a certificate of public convenience and necessity to Western Slope Gas Company, Applicant herein, to construct, operate and maintain a natural gas transmission pipeline from Applicant's 4" transmission line, Rio Blanco County, Colorado, to a point near the Town of Meeker, Rio Blanco County, Colorado, for the transmission of natural gas to enable Greeley Gas Company to supply natural gas service to consumers in the Town of Meeker, Rio Blanco County, Colorado, and in the areas adjacent thereto and for a further certificate of public convenience and necessity to Western Slope Gas Company, Applicant herein, for the maintenance and operation of a natural gas transmission pipeline heretofore constructed and formerly known as Applicant's Powell Park Gathering Line in Rio Blanco County, Colorado, from the Piceance Creek compressor station located in Section 8, Township 3 South, Range 95 West running in a northerly

direction to a point of connection with the Town of Meeker lateral to be constructed as authorized herein and located in Section 34, Township 1 North, Range 95 West, all as set forth more particularly and in accordance with the above and foregoing Statement which, by reference, is made a part hereof.

That the Applicant shall commence construction of said natural gas transmission pipeline within six months after the date of the issue of this order and complete such construction within six months after the start of construction or this certificate shall become null and void.

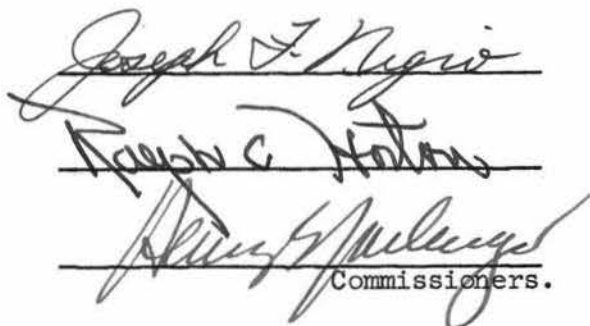
That Applicant shall advise the Commission in writing of the date of commencement of construction and of the date of completion thereof.

That Applicant shall within ninety days after the completion of the construction of the facilities proposed herein, file with this Commission a map showing the location of the pipeline as finally constructed, together with detailed actual costs of said construction.

The Commission shall retain jurisdiction of the instant matter to make such further order or orders as may be required in the premises.

That this order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1961.

ea

original

(Decision No. 56374)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
YAMPA VALLEY ELECTRIC ASSOCIATION,)
INC., A CORPORATION, STEAMBOAT)
SPRINGS, COLORADO, FOR AN ORDER)
AUTHORIZING THE ISSUANCE OF SECUR-)
ITIES, AND THE APPLICATION OF THE)
PROCEEDS THEREFROM TO CERTAIN LAW-)
FUL PURPOSES.)

APPLICATION NO. 16509-Securities
SECOND SUPPLEMENTAL ORDER

April 28, 1961

Appearances: Marvin L. Brown, Esq., Steam-
boat Springs, Colorado, for
Applicant;
E. R. Thompson, Denver, Colo-
rado, and
J. M. McNulty, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On April 21, 1961, the Yampa Valley Electric Association, Inc., filed with this Commission an application for authority to modify its loan agreement with the United States of America pertaining to the REA project designation "Colorado 36L Routt" principal amount of \$1,122,000, dated May 26, 1958. This loan was authorized and approved by this Commission on August 28, 1958, in its Order, Decision No. 50850, Application No. 16509-Securities; the Commission, in this instance, also authorized and approved the Amendment, dated May 22, 1958, to Amending Loan Contract, dated as of August 20, 1954, and the Supplemental Mortgage, dated May 27, 1958.

The parties above-mentioned have now entered into an agreement which would modify the repayment obligations of Applicant. All of the \$1,122,000 has not been "drawn down" by Applicant and, therefore, it seeks to renew the loan on the unadvanced balance

(\$500,968.82), known as "principal balance;" thus, we understand that the provisions of the note as applied in the beginning will, in effect, be moved later in time to the date of this agreement, May 29, 1961, and thence will apply in the same manner to the payment of interest and repayment of "principal balance" over thirty-five years from this date.

In view of the fact that this Commission has previously authorized and approved the borrowing of the \$1,122,000 and that Applicant asked for no changes in the provision other than moving the period of the note to a later date (relative to the unadvanced portion), we see no need for a public hearing on this matter; and therefore, in the Order to follow, will authorize and approve the Agreement between the United States of America and Yampa Valley Electric Association, Inc., dated as of May 29, 1961, pertaining to REA Project designation "Colorado 36L Routt."

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of this supplemental application of Yampa Valley Electric Association, Inc., and of the date and records on file with this Commission pertaining hereto, the Commission is of the opinion that the agreement, subject herein, should be authorized and approved.

That this Commission has jurisdiction of Yampa Valley Electric Association, Inc., as to the subject matter of the instant application, as defined in 115-1-4, Colorado Revised Statutes, 1953.

That the Commission is fully advised in the premises.

That the Commission has retained jurisdiction of these proceedings to the end that it may make further Order, or Orders, in the premises as it may deem proper and desirable.

That the above and foregoing Statement is incorporated in these Findings by reference.

That the Agreement between Yampa Valley Electric Association, Inc., and the United States of America, dated May 29, 1961, referred to above and filed with this Commission April 21, 1961, is not inconsistent with the public interest.

O R D E R

THE COMMISSION ORDERS:

That the agreement between Yampa Valley Electric Association, Inc., and the United States of America, dated May 29, 1961, and entitled "Colorado 36L Routt" as set forth fully in the copy of the agreement attached to Application No. 16509-Securities, Second Supplemental Order, be, and the same is hereby, authorized and approved.

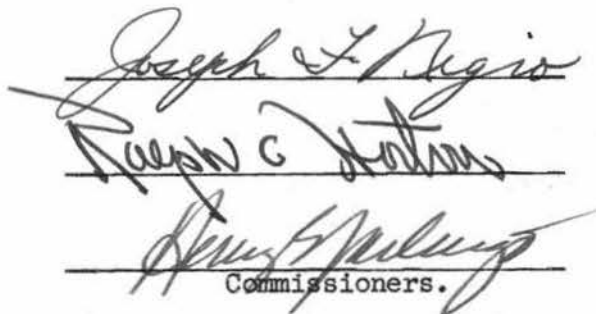
That Yampa Valley Electric Association, Inc., within one hundred twenty (120) days of the date hereof, or date of execution, shall file with this Commission a conformed copy of the executed agreement authorized and approved herein.

That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities on the part of the State of Colorado, and

That in all other respects the Decision and Order No. 50830, Application No. 16509-Securities, Supplemental Order, shall remain in full force and effect.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1961.

mls

original

(Decision No. 56375)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WARREN DORRANCE, DOING BUSINESS AS)
"CENTRAL UNLOADING AND DISTRIBUTING,")
500 WALNUT STREET, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 18453-PP

April 28, 1961

Appearances: George M. Graber, Esq.,
Arvada, Colorado, for
Applicant;
Hughes and Dorsey, Esqs.,
Denver, Colorado, by
Raymond B. Danks, Esq.,
for Colorado Transfer &
Warehousemen's Association.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, Warren Dorrance, doing business as "Central Unloading and Distributing," Denver, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sheet rock and lumber, from rail cars located within a radius of twenty miles of the City and County of Denver, State of Colorado, to lumber yards and building construction jobs within said twenty-mile radius, and requests that in the event authority herein sought is granted, operating rights be known as "Permit No. B-4869," being the number of a permit formerly held by him.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, April 27, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of the application to the effect that he has railroad facilities at West 5th and Walnut Streets, Denver, Colorado, which will serve as his base of operations; that he also has storage facilities to store sheet rock and lumber for his customers at said location; that in addition to the transportation of the sheet rock and lumber, he furnishes the customers with labor service in unloading railroad cars which the customers have spotted at his yard; that some of the materials are delivered out of the car directly to destination as directed by the customer and some of the materials at times are stored for future delivery; that at destination applicant provides additional services in delivering the materials in the building, at times, on floors above the first floor; that the customers have no available service providing the "package" services as will be provided by him; that there is a need for his services and he has a number of customers who already have indicated that they would use his service; that by integrating the specialized service as indicated with the transportation services more efficient overall delivery is obtained which will prove beneficial to the public.

Joseph J. Scavo, President of Standard Lumber Company, and Darrell Barhm, Manager for Residential Builders Supply, also testified in support of the application in substance to the same effect as the applicant.

No evidence was offered in protest to the granting of the application.

The Commission having considered the evidence and the record, finds:

That there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience to properly carry on the proposed operation, and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as is provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Warren Dorrance, doing business as "Central Unloading and Distributing," Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sheet rock and lumber, from rail cars at his base of operations, to lumber yards and building construction jobs within a twenty-mile radius of the City and County of Denver, Colorado; that the base of operations of the applicant shall be restricted to his yard at West 5th and Walnut Streets, Denver, Colorado; that said permit shall be restricted to a list not to exceed fifteen customers at any one time; that applicant may unload railroad cars and make delivery therefrom at locations other than at West 5th and Walnut Streets, Denver, Colorado, for only such railroad cars as have been on order prior to the date of this Order.

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

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

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

That operating rights granted herein shall bear the number "Permit No. B-4869."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Rigio
Joseph G. Hinton
Miss Pauline
Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1961.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY TO ABANDON PUBLIC)
CROSSING AT GRADE AND REMOVE FLASH-)
ING LIGHT SIGNALS AT MILE POST 74.05) APPLICATION NO. 18327
FORMERLY MESA ROAD CROSSING, AND)
INSTALL A CONTINUOUS FLASHING PE-)
DESTRIAN WARNING LIGHT, COLORADO)
SPRINGS, EL PASO COUNTY, COLORADO.)
-----)

May 2, 1961

Appearances: Royce D. Sickler, Esq.,
Denver, Colorado, for
Applicant Rio Grande
Western 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 was filed with the Commission on February 15, 1961, and was thereafter set to be heard in Colorado Springs, Colorado, at the New County Building, on April 17, 1961. After appropriate notice to all interested parties, the matter was there heard by Edwin R. Lundborg, as a duly appointed Examiner for the Commission. Evidence was received, testimony taken, and the files in the matter, together with the Examiner's Report and recommendations, were all submitted to the Commission and the matter taken under advisement.

The purpose of the application is to secure Commission approval for the abandonment of a public crossing at Mesa Road due to closure of the street by recent construction of the Monument Valley Freeway as a part of the Federal Interstate Highway System. Involved also is removal of the street protection signals at the grade crossing and substitution of a pedestrian warning device.

At the hearing, the following exhibits were offered and explained by Mr. R. W. Clark, Freight Agent for Rio Grande Railroad at Colorado Springs, Colorado:

Exhibit A: Railroad Map of area near Mile Post 74 to show new Freeway construction and pedestrian overpass at Mesa Road crossing.

Exhibit B: Rio Grande Drawing. File No. 321, to show proposed type of flashing red signal light unit for installation at west side of rail tracks for pedestrian warning.

Exhibit C: Copy of letter of November 2, 1960, to Rio Grande Western Railroad showing approval by City of Colorado Springs for removal of street crossing signals and substitution of pedestrian warning flasher.

According to the explanation of Mr. Clark, it appears that need for the proposed change in signals results from the closing of the Mesa Road grade crossing over the railroad due to construction of the Monument Valley Freeway along the west side of the rail line. Only remaining traffic at the grade crossing now consists of pedestrians who use a new pedestrian overpass for movement across the new highway.

The flashing signals as formerly installed for protection of vehicular traffic at Mesa Road are no longer required and are to be removed for more useful installation at an active grade crossing. Alternate protection for pedestrians is to consist of a continuous flashing red light to be located near the pedestrian sidewalk.

According to Mr. Clark, there are three tracks involved. One at the east side is used for north and south movements of Rock Island trains; center track is for passing movements; while westerly track is used in southbound direction by Rio Grande, Colorado & Southern and Santa Fe trains -- both freight and passenger. Total train movements over the crossing are variable, consisting of five passenger trains and six to seven freight trains, for an average of twelve to sixteen movements daily at speeds up to 25 miles per hour.

According to Mr. Clark, the overpass is used by pedestrians -- both old and young -- and by elementary school students riding bicycles. The structure is fully enclosed by heavy wire-mesh fencing for protection above the Freeway. A specially paved or smooth-surfaced walkway is to be provided across the three rail tracks. The continuous flashing light will be connected to local power line service and operate independent of train movements.

Mr. Clark explained that vision at the crossing is open for approximately one mile in each direction from the crossing; that trains will be readily visible since the diesel headlamp is kept lighted for both day and night movements; that the train bell is sounded at the crossing, since local ordinances forbid use of train whistle in the City. Any backing movements are made under protection of the rear brakemen.

All costs of the change-over work will be at Rio Grande expense. Due to construction of the Freeway and closure of the Mesa Road crossing, railroad is desirous to remove the street flashers for more effective protection at a vehicular crossing.

It appears that approval and cooperation of City of Colorado Springs is assured for street and sidewalk work. No objections were received at the hearing and none appear in the files of the Commission. No public utilities are affected and adjacent land is publicly owned by City of Colorado Springs or Department of Highways. Further accord with the proposed work is noted in letters of "no objection" as filed with the Commission, by: Colorado Department of Highways, Rock Island Railroad, Colorado & Southern Railway and Atchison, Topeka and Santa Fe Railway Company.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter and the Report of the Examiner should be approved.

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

That public safety, convenience and necessity require the installation and maintenance of the pedestrian warning signal as proposed herein.

That authority should be granted to the Denver and Rio Grande Western Railroad Company to abandon and dismantle the public grade crossing and remove the automatic flashing light signals therefrom; all as located at Mile Post 74.05, Colorado Springs, El Paso County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner as submitted in the instant matter, should be, and the same is hereby, approved.

That Applicant, The Denver and Rio Grande Western Railroad Company, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the following grade crossing changes, all as located at Railroad Mile Post 74.05, Colorado Springs, El Paso County, Colorado:

- (a) To abandon and remove the public highway-railroad grade crossing known as Mesa Road crossing.
- (b) To remove the automatic flashing light signals formerly installed at the grade crossing for vehicular protection.
- (3) To install, operate and maintain a continuous flashing pedestrian warning light and pedestrian walkway at or adjacent to the former street crossing location.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Robert C. Hutton

Harry B. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 2nd day of May, 1961.

ea

(Decision No.)
56377

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

SHAVEY CORTESE
Route 2, Box 295
Pueblo, Colorado

AUTHORITY NO. M 3416

CASE NO. 4315 Insurance

May 18, 1961

S T A T E M E N T

By the Commission:

On May 4, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Holton
Henry J. Puley
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MARCY-SHENANDOAH CORPORATION, JARVIS,)
BUILDING, DURANGO, COLORADO.)
)
)
)
-----)

PERMIT NO. M-15559

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Marcy-Shenandoah
Corporation, Durango, Colorado

requesting that Permit No. M-15559 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15559, heretofore issued to Marcy-Shenandoah
Corporation, Durango, Colorado be,
and the same is hereby, declared cancelled effective December 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of May, 195/ 61.

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.)

PUC NO. 4327-I

May 4, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Everett E. Gorgen,
O'Neill, Nebraska

requesting that Certificate of Public Convenience and Necessity No. 4327-I
be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 4327-I heretofore issued to Everett E.
Gorgen, O'Neill, Nebraska

be, and the same is hereby, declared cancelled effective April 16, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Norton
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TED SMITH AND W. E. LUCAS, DOING)
BUSINESS AS, "SMITH AND LUCAS",)
P. O. BOX 157, COLORADO SPRINGS,)
COLORADO.)
-----)

PERMIT NO. B-5687

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ted Smith and W. E. Lucas, doing business as, "Smith and Lucas", Colorado Springs, Colorado requesting that Permit No. B-5687 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5687, heretofore issued to Ted Smith and W. E. Lucas, doing business as, "Smith and Lucas", Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective April 13, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm. E. Zaulings
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROLLAND D. HENNESS, 902 PROSPECT)
STREET, FORT MORGAN, COLORADO.)
)
)
-----)

PERMIT NO. M-1802

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Rolland D. Henness,
Fort Morgan, Colorado
requesting that Permit No. M-1802 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1802, heretofore issued to Rolland D. Henness,
Fort Morgan, Colorado be,
and the same is hereby, declared cancelled effective April 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph G. Rodant
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DEWEY FIELDS AND IVAN FIELDS, DOING)
BUSINESS AS, "MAYTAG DISTRICT STORE",)
1214 WALNUT, BOULDER, COLORADO.)
-----)

PERMIT NO. M-10031

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dewey Fields and
Ivan Fields, doing business as, "Maytag District Store", Boulder, Colorado
requesting that Permit No. M-10031 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10031, heretofore issued to Dewey Fields and Ivan
Fields, doing business as, "Maytag District Store", Boulder, Colorado be,
and the same is hereby, declared cancelled effective April 15, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. A. EMERSON AND THEODORE EMERSON,)
DOING BUSINESS AS, "EMERSON BROTHERS")
STRASBURG, COLORADO.)
-----)

PERMIT NO. B-5052

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. A. Emerson and
Theodore Emerson, doing business as, "Emerson Brothers," Strasburg, Colo.
requesting that Permit No. B-5052 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5052, heretofore issued to C. A. Emerson and
Theodore Emerson, doing business as, "Emerson Brothers," Strasburg, Colo. be,
and the same is hereby, declared cancelled effective March 31, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Henry L. Zurling
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. R. CARRUTH, DOING BUSINESS AS,)
"W. R. CARRUTH AND DEVELOPMENT COM-)
PANY", P. O. BOX 196, RIDGWAY, COLO-)
RADO.)
-----)

PERMIT NO. M-1197

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. R. Carruth, dba
"W. R. Carruth and Development Company", Ridgway, Colorado
requesting that Permit No. M-1197 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1197, heretofore issued to W. R. Carruth, dba "W. A.
Carruth and Development Company", Ridgway, Colorado be,
and the same is hereby, declared cancelled effective April 22, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zepher
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
H. N. LEE, 12391 WEST 38TH AVENUE,)
WHEATRIDGE, COLORADO.)
)
)
)
-----)

PERMIT NO. M-1465

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. N. Lee,
Wheatridge, Colorado
requesting that Permit No. M-1465 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1465, heretofore issued to H. N. Lee,
Wheatridge, Colorado be,
and the same is hereby, declared cancelled effective March 20, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 4th day of May, 1961.

he

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CY PENNIE, 80 PEARL STREET, DENVER 3,)
COLORADO.)
)
)
)
-----)

PERMIT NO. M-4799

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Cy Pennie, Denver 3,
Colorado
requesting that Permit No. M-4799 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4799, heretofore issued to Cy Pennie, Denver 3,
Colorado be,
and the same is hereby, declared cancelled effective April 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Norton
Wm. E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
PETER WHEAT BAKERS OF COLORADO, INC-)
ORPORATED, 700 NICHOLS BOULEVARD,)
COLORADO SPRINGS, COLORADO.)
-----)

PERMIT NO. M-12100

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Peter Wheat Bakers of
Colorado, Inc., Colorado Springs, Colorado
requesting that Permit No. M-12100 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12100, heretofore issued to Peter Wheat Bakers of
Colorado, Inc., Colorado Springs, Colo. be,
and the same is hereby, declared cancelled effective March 27, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Heston
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EMPIRE CONCRETE COMPANY (A CORPORA-)
TION), P. O. BOX 36, WESTMINSTER,)
COLORADO.)
-----)

PERMIT NO. M-15594

May 4, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Empire Concrete Com-
pany (A Corporation), Westminster, Colorado
requesting that Permit No. M-15594 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15594, heretofore issued to Empire State Company
(A Corporation), Westminster, Colorado be,
and the same is hereby, declared cancelled effective October 4, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Norton
Henry E. Zurlungo
Commissioners

Dated at Denver, Colorado,

this 4th day of May, 19561.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION OF CURNOW TRANSPORTATION CO.,)
INC., BY JOHN P. NORMAN, DENVER, COLORADO,)
FOR AUTHORITY TO PUBLISH ON ONE DAY'S)
NOTICE A RATE OF 27½ CENTS PER 100 POUNDS)
ON CEMENT IN BAGS FROM BOETTCHER, COLORADO,)
TO MONTEZUMA SHAFT NEAR MONTEZUMA, COLORADO,)
MINIMUM WEIGHT 45,000 POUNDS.)

CASE NO. 1585

May 1, 1961

S T A T E M E N T

By the Commission:

On May 1, 1961, there was filed with the Commission a letter by John P. Norman, for and on behalf of Curnow Transportation Co., Inc., requesting authority to withdraw its application in the above instance and cancel public hearing set for May 3, 1961, at 10:00 A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

F I N D I N G S

The Commission finds that the request should be authorized canceling the application and hearing set for May 3, 1961.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings be, and they are hereby made a part hereof.
2. This Order shall become effective forthwith.
3. The application as submitted by John Norman for and on behalf of Curnow Transportation Co., Inc., requesting authority to publish on one day's notice a rate of 27½ cents per 100 pounds on cement in bags from Boettcher, Colorado, to Montezuma Shaft near Montezuma,

Colorado, and public hearing set for May 3, 1961, at 10:00 A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, should be canceled and withdrawn per applicant's request.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Hobart
Albert J. Salinger
Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE ESTABLISHMENT OF A REDUCED SPECIFIC
COMMODITY RATE ON CEMENT BETWEEN PORTLAND,
COLORADO, AND THE HARRISON ENGINEERING CO.,
JOBSITE AT OR NEAR AGUILAR, COLORADO, IN
THE COLORADO MOTOR CARRIERS' ASSOCIATION,
AGENT, MOTOR FREIGHT TARIFF NO. 14, COLO.
P.U.C. NO. 13, ISSUED BY J. R. SMITH, CHIEF
OF TARIFF BUREAU, 4060 ELATI STREET, DENVER,
COLORADO.

CASE NO. 1585

- - - - -
May 1, 1961
- - - - -

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 1, 1961, designated as set forth hereinafter.

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.

Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, 5th Revised Page No. 48, reflects the following:

SECTION NO. 1 Commodity Rates Rates are in cents per 100 pounds				
Item No.	Commodity	From	To	Rates
495 Ⓡ	Cement, in bulk in tank vehicles, minimum weight 50,000 pounds. (Don Ward, Inc.)	Portland, Colo.	Harrison Engineering Co. jobsite at or near Aguilar, Colo.	18½
THIS ITEM EXPIRES WITH DECEMBER 31, 1961, UNLESS SOONER CANCELED, CHANGED OR EXTENDED.				

⚡ Denotes - Addition
Ⓡ Denotes - Reduction

In support and as justification of this item Bud Dodson of Don Ward & Company states:

"I would like to point out at this time that this proposed rate will produce more revenue per running mile than the present rate at 35,000 pounds.

35,000 pounds minimum, 186 miles	
Present rate 21 cents per cwt.	
Revenue per running mile	\$.395
50,000 pounds minimum, 186 miles	
Revenue per running mile	\$.497

"This rate is necessary for us to be on a competitive basis with the present rail rates to this location."

The present rail rate is 18 cents per 100 pounds, carload minimum weight 60,000 pounds, from Portland to Lynn, routing Atchison Topeka & Santa Fe, Pueblo, Colorado and Southern Ry. The actual one-way miles from Portland to Aguilar is 91 miles via U. S. 50 Pueblo, Colorado, and thence U. S. 85. The Rate Department of the Commission has been informed by J. R. Smith that due notices had been given to all carriers concerned under its docket procedures and no objections have been received.

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in the preceding statement and made a part hereof, on the basis of the facts presented and in our best judgment are 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 and Findings, 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 the Statement of this order shall on May 1, 1961, 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. 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 subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Henry H. Hargrett

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING

Dated at Denver, Colorado,
this 1st day of May, 1961.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ITEM NO. 446 (CEMENT), MOTOR FREIGHT)
TARIFF NO. 14, COLORADO P.U.C. NO. 13,)
ISSUED BY COLORADO MOTOR CARRIERS' ASSOCI-)
ATION, AGENT, J. R. SMITH, CHIEF OF TARIFF)
BUREAU, 4060 ELATI STREET, DENVER 16,)
COLORADO.)

INVESTIGATION AND SUSPENSION

DOCKET NO. 452

May 3, 1961

S T A T E M E N T

BY THE COMMISSION:

On April 5, 1961, Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, 4060 Elati Street, Denver 16, Colorado, filed a schedule, 9th Revised Page No. 47, to its Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, containing a new Item No. 446 as follows:

<u>Commodity</u>	<u>From</u>	<u>To</u>	<u>Rate</u>
Cement, in bags, minimum weight 50,000 pounds		(1) Cortez, Colo.	37
	Portland, Colo.	(1) Durango, Colo.	35

- (1) Rates also apply to points within a radius of 25 miles of points named. Rates provided in this item will apply only on shipments transported at the convenience of the carrier.
(Applies only via Montezuma Truck Lines, Inc.)

This item is scheduled to become effective May 5, 1961.

On April 10, 1961, the Commission received a protest from Don Ward, Inc., complaining of the level of the proposed rates, also the condition that the proposed rates would apply only on shipments transported at the convenience of the carrier.

The present rates on cement, in bulk or in bags, minimum weight 45,000 pounds, from Portland, Colorado, to Durango and Cortez, Colorado, are 42 and 46 cents per 100 pounds, subject to the condition that on shipments in bags the consignor shall load and the consignee shall unload. In addition to these specific commodity rates, the Commission has prescribed mileage rates on cement in bags based on minimum weights of 25,000, 35,000, and 45,000 pounds and in bulk based on a minimum weight of 35,000.

Considering the level of the proposed rates in comparison with other existing motor rates on cement, it appears a suspension and a public hearing for the benefit of all concerned is in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That Item No. 446, 9th Revised Page No. 47, Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, should be suspended, and that it should enter upon a hearing concerning the lawfulness of the rates and conditions stated in the said schedule contained in said tariff.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings are made a part hereof.
2. Item No. 446, 9th Revised Page No. 47, Colorado Motor Carriers' Association, Agent, Tariff No. 14, Colorado P.U.C. No. 13, be suspended and that it enter upon a hearing concerning the lawfulness of the rates and conditions stated in the said schedules contained in said tariff.
3. The operation of said schedule (Item No. 446) contained in said tariff shall be suspended and that the use of the rates, charges, regulations and practices therein stated be deferred 120 days, or until September 3, 1961, unless otherwise ordered by the Commission, and no change shall be made in such rates, charges, regulations and practices during the said period of suspension.
4. The rates and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.
5. A copy of this order be filed with said schedules in the office of the Commission and that copies hereof be forthwith served upon Mr. J. R. Smith, Chief of Tariff Bureau, The Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver 16, Colorado; Mr. John Norman, Manager, Motor Tariff Service, 1304 Cherokee Street, Denver 4, Colorado; Mr. Harold W. Holt, Don Ward, Inc., 241 West 56th Avenue, Denver 16, Colorado; John B. Able, Montezuma Truck Lines, Inc., Box 637, Durango, Colorado, Paul S. Barnett, Ideal Cement Co., Denver National Bank Building, Denver 2, Colorado; Ralph Turano, T. M., Rio Grande Motor Way, Inc., 775 Wazee Street, Denver 4, Colorado.
6. This Investigation and Suspension Docket No. 452 be, and the same is hereby set for hearing before the Commission on May 25, 1961, at

10:00 A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Holton
Albert J. Mulvey
Commissioners.

Dated at Denver, Colorado,
this 3rd day of May, 1961.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OUTWEST AERO-SERVICE, INC., PETERSON)
FIELD, COLORADO SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER TO EMPIRE)
AVIATION, INC., COLORADO MUNICIPAL) APPLICATION NO. 18008-Transfer
AIRPORT, LA JUNTA, COLORADO, CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY TO OPERATE AS A COMMON CAR-)
RIER BY AIRPLANE, GRANTED BY DECISION)
NO. 46860, OF DATE NOVEMBER 26, 1956,)
IN APPLICATION NO. 14756.)
-----)

May 4, 1961

Appearances: George L. Strain, Esq.,
La Junta, Colorado,
for Transferor and
Transferee.

S T A T E M E N T

By the Commission:

The above application was filed for authority to transfer to Empire Aviation, Inc., of La Junta, Colorado, a certificate of public convenience and necessity authorizing air service in Colorado.

Hearing was held thereon in Pueblo, Colorado, on September 29, 1960, at which time it was indicated that transferor herein was in the process of going into bankruptcy. Nevertheless, the hearing was held. A few days thereafter, the transferor did go into bankruptcy and the certificate of public convenience and necessity was taken over by the bankruptcy court.

On March 3, 1961, application was made by the Referee in Bankruptcy to transfer this authority to Kensair Corporation. Inasmuch as the Bankruptcy Court has taken jurisdiction of the above certificate, the Commission has no other alternative than to deny the application for transfer.

F I N D I N G S

THE COMMISSION FINDS:

That, under the circumstances above stated, the Commission has no other alternative than to deny the application.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Holant
Don H. Zaulings
Commissioners.

Dated at Denver, Colorado,
this 4th day of May, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ITEM NO. 486 (FRUITS AND VEGETABLES),)
FREIGHT TARIFF NO. 10-I, COLORADO P.U.C.)
NO. 56, RIO GRANDE MOTOR WAY, INC., DENVER,)
COLORADO; ITEM NO. 95 (REJECTED SHIPMENTS))
AND ITEM NO. 317 (PETROLEUM PRODUCTS) MOTOR)
FREIGHT TARIFF C-3, COLORADO P.U.C. NO. 3,)
WESTERN STATES TANK TRUCK CARRIERS' CONFER-)
ENCE, INC., AGENT, DENVER, COLORADO.)

CASE NO. 1585

May 3, 1961

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 11, 1961, Item No. 486 (Fruits and Vegetables), Freight Tariff No. 10-I, Colorado P.U.C. No. 56, Rio Grande Motor Way, Inc., issued by R. E. Turano, General Traffic Manager, 775 Wazee Street, Denver 4, Colorado; effective May 12, 1961, Item No. 95 (Rejected Shipments) and effective May 13, 1961, Item No. 317 (Petroleum Products) Motor Freight Tariff No. C-3, Colorado P.U.C. No. 3, Western Tank Truck Carriers' Conference, Inc., Agent, issued by D. S. Eno, General Manager, 1077 South Gilpin Street, Denver 9, Colorado, designated as set forth in Appendix "A," attached hereto and made a part hereof.

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

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

Amendments to Motor Tariff No. 10-I:

In support and justification for Item No. 486, Ralph H. Knull, Traffic Manager, states:

"We find that there is a steady movement of these commodities from Denver to Grand Junction but they are moving via private carriage and we have been told by the customer that establishment of these rates will divert this traffic to our line."

Amendments to Motor Freight Tariff No. C-3:

D. S. Eno, General Manager, in support of the following changes states that:

"Item 95 presently provides charges for the return of rejected shipments on the basis of 25 per cent of the outbound rate, such additional charges to be computed on basis of actual gallonage returned. The revised rule provides charges for the return of rejected shipments based on 50 per cent of the outbound charges of the shipment. This charge would apply regardless of the number of gallons actually returned.

"The proposal to change this rule was docketed by our Conference, with docket bulletin going to all interested shippers as well as to all members of the Conference. No objections to the proposal were received.

"When a shipment or part of a shipment of bulk petroleum products is returned to the refinery or pipe line terminal, the unloading of the product from the transport tank involves the installation of special equipment for such unloading but prior to this equipment installation, permission must be obtained by the refinery or terminal to receive the product back in stock, and this sometimes causes extra expenses in long-distance telephone calls. Tests of the product must also be taken before being unloaded and all in all experience has shown that from three to five hours delay to the truck and driver occurs before the shipment is unloaded. The demurrage charge for delaying transport equipment of \$4.00 per hour, as now published in the tariff, can hardly be collected on unloading of a rejected shipment as the refinery or terminal is not responsible for the delay and collection from the original consignee would be impossible.

"Some additional fuel expense is occasioned by hauling a load versus an empty tank and additional driver pay of one cent per mile is called for when the truck contains a load or portion of of load. Also there is the ton mile tax of 2 mills per ton mile due on the weight of the commodity returned. As an example, we will take an average haul of 100 miles one way which in Plains Territory carries a distance rate of .924 cents per gallon on refined petroleum products. This rate based on an average 7,000 gallon load will produce revenue of \$64.68 for the outbound haul. Assuming the entire load is rejected and returned to point of origin, additional charges would be assessed on half of the outbound freight charge or \$32.34. The ton mile tax for the returned portion of the load would be \$4.34, extra driver's pay \$1.00 and average waiting time of 4 hours at \$4.00 per hour which would equal \$16.00, bringing a total extra cost to the carrier of \$21.34 to say nothing of other costs that might be incurred through telegraph and telephone expense. For a longer haul, of course, these costs would increase along with the rate and for a shorter haul they would decrease with the rate, so that on this proposal it is felt by the motor carriers that the resulting charge would be reasonably compensatory.

"I should like to quote an example of an actual shipment that moved recently consisting of a 6,000 gallon load of gasoline moving at a rate of .66 cents per gallon which produced freight charges of \$39.60. 1,200 gallons of this shipment were rejected

because of insufficient storage space at destination and returned to the refinery. Under the present Rule 95, 25 per cent of the outbound rate was assessed or .165 cents per gallon on the 1,200 gallons returned or total charges of \$1.98 for returning this shipment which I am sure you will agree is far from compensatory."

Item No. 317 is a new item being instituted for petroleum products as defined in the tariff from the Denver area refineries to Norad Combat Operation Center.

"Norad Combat Operation Center is reached by traveling 6 miles southwest of Colorado Springs via State Highway 115 thence $2\frac{1}{2}$ miles west via unnumbered highway making its total distance $8\frac{1}{2}$ miles southwest of Colorado Springs and located in Mountain Territory.

"Using the prescribed mileage to Colorado Springs from Denver of 71 miles, and to this adding the $8\frac{1}{2}$ miles will give a total distance of $79\frac{1}{2}$ miles from Denver to Norad. This mileage applied to the 'Mountain' distance scale will produce 1.683 cents per gallon and if applied to the 'Plains' distance scale will produce a rate of .792 cents per gallon.

"While the Norad site is technically in Mountain Territory, it is not in mountainous terrain and has a good paved road running from State Highway 115 to the site. The published rate of .800 cents per gallon is only slightly higher than the rate produced by the application of the 'Plains' distance scale and it is felt by applicants that in view of the volume of business anticipated and the highway conditions, the requested rate will be both reasonable and compensatory."

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 11, 1961, for amendments to Tariff No. 10-I and May 12 and 13, 1961, for Tariff No. C-3, be the prescribed rates, rules, regulations and provisions of the Commission.
4. On and after May 11, 12, and 13, 1961, the carriers affected by the transportation of the aforesaid commodities shall cease and desist from

demanding, charging and collecting rates greater or less than those herein prescribed.

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

6. All private carriers by motor vehicle to the extent they are affected by the changes involved herein shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

7. On and after May 11, 12, and 13, 1961, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent, for amendment to Tariff No. 10-I, Colorado P.U.C. No. 56.

8. On and after May 11, 12, and 13, 1961, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent, for amendments to Tariff No. 10-I, Colorado P.U.C. No. 56.

9. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Rueben C. Holm
Alvin E. Zedeno

Dated at Denver, Colorado,
this 3rd day of May, 1961.

ph

APPENDIX "A"

Changes effective May 11, 1961.

Rio Grande Motor Way, Inc.
Freight Tariff No. 10-I
Colorado P.U.C. No. 56

SECTION 2					
GENERAL COMMODITY RATES					
Item No.	Commodity	From (Colo.)	To (Colo.)	Rates in Cents per 100 Pounds.	
486	FRUITS AND VEGETABLES, Fresh (not frozen), minimum weight as shown in connection with rate.	Denver	Grand Junction	5,000	10,000
				<u>Pounds</u>	<u>Pounds</u>
				150	120

Western Tank Truck Carriers' Conference, Inc., Agent
Motor Freight Tariff No. C-3
Colorado P.U.C. No. 3

Changes effective May 12, 1961.

Item No.	RULES AND REGULATIONS
95	<p><u>REJECTED SHIPMENTS</u></p> <p>If, for any reason not ascribable to the Carrier, all or a portion of a shipment is rejected or refused by consignee at destination, and upon instructions from the shipper or his Agent, is returned to point of origin, shipment will be subject to outbound charges based on rate applicable from origin to original destination plus 50% of such outbound charges for the return of the rejected or refused lading back to point of origin.</p>

Changes effective May 13, 1961.

SECTION NO. 3				
COMMODITY RATES IN CENTS PER GALLON				
Item No.	COMMODITY	FROM	TO	RATE
317 Ⓡ +	Petroleum and Petroleum Products, as described in Item No. 10.	Denver, as described in Item 55.	NORAD Combat Operation Center, southwest of Colorado Springs	.800

- + - Denotes addition
- Ⓢ - Denotes increase
- Ⓡ - Denotes reduction

original

(Decision No. 56394)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD E. HUFF AND EDWARD L. HUFF,)
DOING BUSINESS AS "MURPH'S EXPRESS,")
1401 ZUNI STREET, DENVER, COLORADO,) APPLICATION NO. 18459-PP-Extension
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-3669.)
-----)

May 4, 1961

Appearances: John P. Thompson, Esq.,
Denver, Colorado,
for Applicant;
Raymond B. Danks, Esq.,
Denver, Colorado, for
Colorado Transfer and Ware-
housemen's Association,
Weicker Transfer and
Storage Company;
Hubert Work, Denver, Colorado,
of Weicker Transfer and
Storage Company, for
copy of Order.

S T A T E M E N T

By the Commission:

This is an application by applicants for authority to extend operations under Permit No. B-3669, to include the right to transport displays, scaffolding, goods, wares, merchandise, and electrical supplies, to and from warehouses, wholesale distributors, and retailers located in Denver and points within fifteen miles thereof, from and to points in Denver and within fifteen miles thereof; provided, however, that no service shall be rendered to or from the Towns and Cities of Golden, Boulder, Broomfield, Brighton, Castle Rock, and Morrison, and that no service shall be rendered in competition with line-haul common carriers, for the following customers, only: Colorado Appliance Company, Safeway Steel Scaffolds Company, General Electric Company, Public Service Company, Western Appliance Company, E. T. Vonier Company,

and for customers warehousing at Applicants' warehouse, to and from said warehouse, and Powers Regulator Company.

This application includes cancellation and a substitution to bring Permit No. B-3669 to current status, as well as extension; involves substituting General Electric Company for presently-authorized B. K. Sweeney Electric Company, General Electric having taken over the distribution function formerly performed by Sweeney; and striking twelve customers from the presently-authorized list.

The above application was regularly set for hearing, after appropriate notice to all interested parties, and was heard on April 25, 1961, at 532 State Services Building, Denver, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that on March 11, 1957, by Decision No. 47509, the applicants herein acquired Private Carrier Permit No. B-3669 and PUC No. 3589, authorizing:

PUC No. 3589:

Transportation of general commodities, except commodities which, because of their size or weight, require special equipment, between points in the City and County of Denver, State of Colorado.

Permit No. B-3669:

Transportation of goods, wares, and merchandise sold at retail, only, from Denver to points within a radius of fifteen miles of Denver, Colorado, excluding service, however, to towns or cities of Golden, Boulder, Broomfield, Brighton, Castle Rock, and Morrison, with back-haul of tradeins and rejected merchandise, service to be rendered for retail store customers, only, as follows:

B. K. Sweeney Electric Company,
Gamble Stores,
Western Auto Supply Company,
Colorado Appliance Company,
Thomas Linoleum Studio, Inc.,
Safeway Steel Scaffolds Company,
Viggers Draperies,
Ray Jones Washing Machine Co.,
Sherwin-Williams Company,
Friend's Appliance Company,
Friend's Heating and Appliance Company,
Walter P. Slagle,
General Appliance Company,
Pan-American Wall Paper and Paint Co.,
Joslin Dry Goods Company,

without the right to add to the number thereof, except by Order of the Commission, after hearing,

upon notice to parties in interest, and without the right to furnish service in competition with line-haul motor vehicle common carriers on schedule.

This authority was acquired from John C. Murphy, doing business as "Murph's Express."

As the record discloses, they also acquired Certificate of Public Convenience and Necessity No. 3589.

Richard E. Huff and Edward L. Huff, co-partners, doing business as "Murph's Express," who acquired Permit No. B-3669, stated they retained the manager of the prior owner, who instructed them as to the conduct of their operation and in making the various reports to the Commission, which included the filing of their customer list. They state he instructed them to file all customers served under both PUC No. 3589 and Permit No. B-3669. This, they did, and in 1959 they filed their list showing 56 customers, which was received by the Commission; that in compliance with the rules of the Commission they again filed their customer list in 1960, which was turned down by the staff of the Commission as it included more customers than permitted under their private carrier permit.

The record indicates that applicants have served customers outside their authority, and the above application is to take care of their present customers. Applicants presently have the right to serve the public generally under their certificate of public convenience and necessity within the city limits of the City and County of Denver, and under private carrier authority can serve only the customers designated in their present authority.

It would appear from the evidence that applicants did not serve all the customers listed under their 1959 filing, but it also appears they did serve customers for whom their private carrier permit did not authorize beyond the city limits. They now ask authority to serve additional customers and delete from said list those customers whom they are authorized to serve but for whom they are not rendering service.

Representatives appeared from Powers Regulator Company, Western Appliance Company, General Electric Company, who testified they needed applicants' service in making deliveries beyond the city limits and were presently using their service in Denver.

In addition, applicants also produced several witnesses who stated they warehoused their goods at applicants' warehouse, who would also like applicants' service to Metropolitan Denver.

Hubert Work, of Weickers Transfer and Storage Company, who conducts a general cartage business under authority from this Commission and who, in addition, conducts a warehouse business in Denver, appeared protesting the application. After listening to Witness Work's testimony, we have the feeling that his company is more interested in the warehouse operation than in the transportation. The Commission has no authority over warehouses, although many state commissions do have that authority, but the Colorado Legislature did not delegate any authority over warehouses to the Colorado Public Utilities Commission.

The only question for us to determine is the transportation application. We feel there are some extenuating circumstances in the record that confirm applicant's story as to their ignorance of the law and our rules and regulations. However, we cannot say that applicants should be permitted to profit by their ignorance which resulted in irregularities. It might be said that the acceptance of the customer list in 1956, and prior, indicated approval by the Commission. This is not true. However, on the other hand, the authority under applicants' private carrier permit is clear, and the order authorizing transfer set out clearly their rights under the permit. It is difficult for the Commission to understand how applicants, if they had read the order of transfer and their cab cards, could justify their operation under Permit No. B-3669.

Applicant now asks directly to serve the following-named customers, viz.: Colorado Appliance Company, Safeway Steel Scaffolds Company, General Electric Company, Public Service Company, Western

Appliance Company, E. T. Vonier, Inc., and Powers Regulator Company. It is the opinion of the Commission that they presently have authority to serve Safeway Steel Scaffolds Company and Colorado Appliance Company, and it appears that General Electric Company has taken over the business of B. K. Sweeney Company. This leaves three additional customers who appeared and testified as to their need for service, as set forth in the application. Other witnesses appeared, however, asking for service based on the reason that applicant furnishes them with warehouse service.

The instant application presents a knotty problem. Applicants do not come before the Commission with entirely clean hands. However, as we stated before, there may be some extenuating circumstances, and the Commission does not wish to condone or encourage, or in any way promote unlawful operations. On the other hand, protestant failed to show impairment of service. We believe that the public interest will best be served by considering this problem in its entirety, which we believe is in conformity with the intent of the Legislature which designated to us this authority, so we make the following findings of fact.

F I N D I N G S

THE COMMISSION FINDS:

That applicants should be permitted to serve the following customers only under Private Carrier Permit No. B-3669:

1. Colorado Appliance Company,
Safeway Steel Scaffolds Company,
General Electric Company,
Western Appliance Company,
E. T. Vonier, Inc., and
Powers Regulator Company.
2. That in all other respects the application should be denied.
3. That applicants are well qualified financially and by experience to operate as a private carrier by motor vehicle for hire.
4. We are of the opinion that the granting of this application, as hereinafter restricted, will not seriously endanger the operations of protestant Weicker Transfer and Storage Company, or

impair the efficient public service of any authorized motor vehicle common carrier adequately serving the territory, and we are further of the opinion that the hereinbefore named customers should not be deprived of an improved service merely because it may divert some traffic from other carriers. If that principle had been followed in Colorado, no motor vehicle carrier service could have been developed.

5. While other shippers testified as to the desirability of applicant's service, they were not directly specified in the application, and the Commission was not impressed with their need for applicants' proposed transportation service. The Commission cannot and does not take too seriously the "Johnny-come-lately customers" who, apparently, were not known at the date of the application, and were carried in a "bushel basket approach" as warehouse customers.

6. The Commission seriously considered the application of applicant for extending private carrier authority but, after due consideration, we are of the opinion that the granting of a restricted authority as above set forth is in the public interest.

O R D E R

THE COMMISSION ORDERS:

That the authority under Private Carrier Permit No. B-3669 be, and the same is, as follows:

That Richard E. Huff and Edward L. Huff, doing business as "Murph's Express," should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of displays, scaffolding, goods, wares and merchandise, and electrical supplies, to and from warehouses, wholesale distributors and retailers, in Denver, Colorado, to points within a radius of fifteen miles of Denver, Colorado, provided, however, that no service shall be rendered to or from the towns and cities of Golden, Boulder, Broomfield, Brighton, Castle Rock, and Morrison, and that no service shall be rendered hereunder in competition with

line-haul scheduled common carriers, for the following customers,
only:

Colorado Appliance Company,
Safeway Steel Scaffolds Company,
General Electric Company,
Western Appliance Company,
E. T. Vonier, Inc., and
Powers Regulator Company.

IT IS FURTHER ORDERED, That the authority granted in
Private Carrier Permit No. B-3669, by Decision No. 28530, dated
June 27, 1947, and as amended April 27, 1948, by Decision No. 30306,
be, and the same is hereby revoked, cancelled and held for naught.

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 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
Robert C. Hobart
Alvin E. Zulung
Commissioners.

Dated at Denver, Colorado,
this 4th day of May, 1961.

original

(Decision No. 56395)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GALE HANKEL, GILBERT HANKEL, AND)
EULA HANKEL, DOING BUSINESS AS)
"HIGH COUNTRY TOURS," P. O. BOX 26,)
EMPIRE, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18461

May 4, 1961

Appearances: Edward P. Kurz, Esq., Denver,
Colorado, for Applicant;
Colleen Burnett, Idaho Springs,
Colorado, for Mt. Evans
Motorways.

S T A T E M E N T

By the Commission:

On March 15, 1961, the applicants herein filed their application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

The matter was regularly set for hearing, after appropriate notice to all interested parties, at 532 State Services Building, Denver, Colorado, for ten o'clock A. M., May 1, 1961.

When the matter was called for hearing, the attorney for applicants moved for a continuance of the matter to a later date, at the convenience of the Commission, for the reason that applicant could not get his witnesses here for the hearing.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:


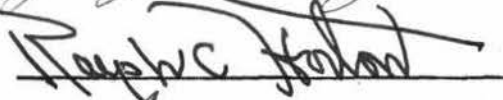

That the instant application should be continued, to be heard on some future date, at the convenience of the Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application set for May 1, 1961, at ten o'clock A. M., at 532 State Services Building, Denver, Colorado, be, and the same is hereby, vacated, the same to be re-set for hearing on some future date, at the convenience of the Commission, with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 4th day of May, 1961.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY, 1605)
SOUTH TEJON STREET, COLORADO)
SPRINGS, COLORADO, FOR A DETERMINA-)
TION OF A FAIR RATE OF RETURN ON)
THE VALUE OF ITS GAS PROPERTIES) APPLICATION NO. 17733
DEVOTED TO PUBLIC USE IN THE STATE)
OF COLORADO, AND THE GROSS REVENUES)
TO WHICH APPLICANT MAY BE ENTITLED)
FROM ITS OPERATION OF SUCH PROPERTIES.)
-----)

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY FOR AN)
ORDER AUTHORIZING CERTAIN PROPOSED) APPLICATION NO. 18241
CHANGES IN ITS GAS RATES, CLASSI-)
FICATIONS, RULES AND REGULATIONS.)
-----)

SUPPLEMENTAL ORDER

May 4, 1961

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., Denver, Colorado,
by
Bryant o'Donnell, Esq.,
Robert Thompson, Esq., and
E. A. Stansfield, Esq., Denver,
Colorado, for Applicant;
Harlan Johnson, Esq., Lamar,
Colorado, for the City of Lamar;
Henry S. Sherman, Esq., Denver,
Colorado, for the Cities of Lamar,
Springfield, Holly, Walsh, Wiley,
Hartman, and Prowers County;
Leonard M. Campbell, Esq., Denver,
Colorado, for the Cities of Eads,
Limon, Florence, Castle Rock,
and Penrose;
Paul V. Evans, Esq., Colorado Springs,
Colorado, for the Town of Fountain;
John J. Lefferdink, Esq., Eads, Colo-
rado, for the Town of Eads;
Howard S. Pine, Esq., Castle Rock,
Colorado, for the City of Castle
Rock;
E. R. Lundborg, Esq., Denver, Colo-
rado, and
Paul M. Brown, Denver, Colorado, for
the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 19, 1961, the Commission entered its Decision No. 56308 in the above-styled matters.

On April 28, 1961, "Petition for Rehearing by Protestants (Northern Division)," was filed with the Commission by Leonard M. Campbell, Esq., for the Cities of the Northern Division, and John J. Lefferdink, Esq., for the Town of Eads.

On May 1, 1961, "Application for Rehearing and for Stay or Suspension" was filed with the Commission by Henry S. Sherman, Esq., on behalf of the Cities of Lamar, Springfield, Holly, Walsh, Wiley, Hartman, and Prowers County, Colorado, Protestants.

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

F I N D I N G S

THE COMMISSION FINDS:

That said Petitions should be denied.

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing by Protestants (Northern Division)" filed with the Commission in Applications Nos. 17733 and 18241, by Leonard M. Campbell, Esq., and John J. Lefferdink, Esq., on April 28, 1961, and "Application for Rehearing and for Stay or Suspension," filed with the Commission in said Applications on May 1, 1961, by Henry S. Sherman, Esq., be, and the same hereby are, denied.

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. Hinton
Alvin J. Mulvey
Commissioners.

Dated at Denver, Colorado,
this 4th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PETITION OF CENTENNIAL TRUCK
LINES, INC., 2120 DELGANY STREET,
DENVER, COLORADO, AND GOLDSTEIN
TRANSPORTATION & STORAGE, INC.,
3434 WALNUT STREET, DENVER, COLO-
RADO, FOR APPROVAL OF CONSOLIDA-
TION OF PHYSICAL OPERATIONS UNDER
PUC NO. 8, PUC NO. 8-I, AND PERMIT
NO. A-787.

CASE NO. 5178

May 4, 1961

Appearances: Raymond B. Danks, Esq., Denver,
Colorado, for Centennial
Truck Lines, Inc.;
Julius I. Ginsberg, Esq., Den-
ver, Colorado, for Goldstein
Transportation & Storage Com-
pany;
Marion F. Jones, Esq., Denver,
Colorado, for Bethke Truck
Lines, Capron Truck Company,
Lee Freight, Inc., A. T. Bur-
bridge;
Ernest Porter, Esq., Denver,
Colorado, for The Denver &
Rio Grande Western Railroad
Company, Rio Grande Motor Way,
Inc., Larson Transportation
Company;
Leo S. Altman, Esq., Pueblo,
Colorado, for Missouri Pacific
Railroad Company;
John R. Barry, Esq., Denver,
Colorado, for Colorado Express,
Navajo Freight Lines;
Truman A. Stockton, Esq., Denver,
Colorado, and
John H. Lewis, Esq., Denver, Colo-
rado, for Denver-Climax Truck
Line, D. L. W. Truck Line,
Clementi Truck Line, B. C. Truck
Line;
Royce D. Sickler, Esq., Denver,
Colorado, for The Atchison,
Topeka and Santa Fe Railway Com-
pany;
W. L. Peck, Esq., Denver, Colorado,
for The Colorado and Southern
Railway Company;

Ed Tuxhorn, Byers, Colorado, for
Byers-Denver Truck Line;
J. R. Arnold, Denver, Colorado,
for North Eastern Motor Freight;
Kenneth Williamson, Golden, Colo-
rado, for Westway Motor Freight;
Hubert Work, Denver, Colorado, for
Weicker Transfer and Storage Com-
pany;
Louis J. Carter, Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

By the above-styled proceedings, Centennial Truck Lines, Inc., Denver, Colorado, and Goldstein Transportation & Storage, Inc., Denver, Colorado, sought approval of consolidation of physical operations under PUC No. 8, PUC No. 8-I, and Permit No. A-787.

Said matter was regularly set for hearing, and heard, at the Hearing Room of the Commission, March 7, 1960, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement, time for filing of briefs being allowed interested parties.

Inasmuch as Centennial Truck Lines, Inc. has now gone into bankruptcy, no useful purpose would be served by either denying or granting authority herein sought. Therefore,

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled case should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Case No. 5178 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 F. Negro
Ralph C. Anton
Robert J. Zuluaga
Commissioners

Dated at Denver, Colorado,
this 4th day of May, 1961.

mls

original

(Decision No. 56398)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CHARLES L. COOPER, 215 MICHIGAN,)	
PUEBLO, COLORADO, FOR AUTHORITY TO)	
TRANSFER PERMIT NO. B-5752 TO ELOY)	APPLICATION NO. 18415-PP-Transfer
E. ARAGON AND JOSEPH C. MARTINEZ,)	
2722 DENVER BOULEVARD, PUEBLO,)	
COLORADO.)	

May 5, 1961

Appearances: Eloy E. Aragon, Pueblo,
Colorado, for Trans-
feror and Transferees.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Charles L. Cooper, Pueblo, Colorado, is the owner and
operator of Permit No. B-5752, authorizing:

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

By the instant application, said permit-holder seeks author-
ity to transfer said Permit No. B-5752 to Eloy E. Aragon and Joseph
C. Martinez, Pueblo, Colorado.

The application was set for hearing on April 14, 1961, at 10:00 o'clock A. M., in the Court House, Pueblo, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That the transferees will have sufficient equipment and experience to properly carry on the operation and the transferees' financial standing is established to the satisfaction of the Commission.

That granting the transfer will be in the public interest and the same should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Charles L. Cooper, Pueblo, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5752 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Eloy E. Aragon and Joseph C. Martinez, Pueblo, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

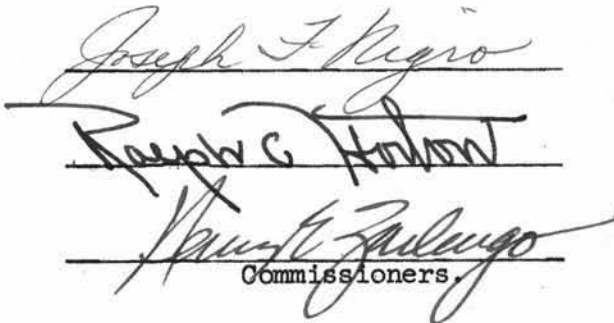
the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of 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


Commissioners.

Dated at Denver, Colorado,
this 5th day of April, 1961.

mls

original

(Decision No. 56399)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL DEL DUCA, EAST MESA, FLORENCE,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18413-PP

May 5, 1961

Appearances: Carl Del Duca, Florence,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of coal and wood, from coal fields south of Florence, Colorado, to Florence, Canon City, Rockvale, Coal Creek, and Penrose, and requests that in the event authority herein sought is granted, permit be known as "Permit No. B-3088," being the number of a permit formerly held by him.

The application was set for hearing on April 14, 1961, at 10:00 o'clock A. M., at the Court House, Pueblo, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience

to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Carl Del Duca, Florence, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal and wood, from coal fields south of Florence, Colorado, to Florence, Canon City, Rockvale, Coal Creek, and Penrose, Colorado, and this Order is a permit therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 5th day of May, 1961.

mls

original

(Decision No. 56400)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
VERL F. MC ELWAIN, ROUTE 2, LIMON,
COLORADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 18419-PP

May 5, 1961

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 sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

The application was set for hearing on April 17, 1961, at the New County Building, Colorado Springs, Colorado, at ten o'clock A. M. The same was then and there called for hearing by an Examiner duly designated and to whom the hearing was assigned by the Commission.

Said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

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

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

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Verl F. McElwain, Limon, 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 seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, the

transportation of road-surfacing materials to be restricted against the use of tank vehicles.

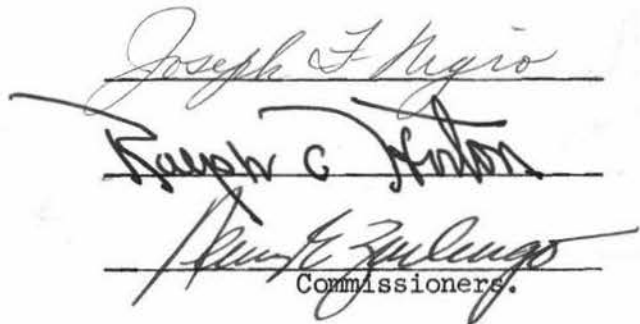
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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


Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1961.

mls

* * *

APPLICATION NO. 18420-PP

May 5, 1961

pro se.

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 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.

The application was set for hearing on April 17, 1961, at ten o'clock A. M., at the New County Building, Colorado Springs, Colorado. The same was then and there heard by an Examiner duly

designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceedings, together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner, states and finds:

That no one protests the granting of the application.

That there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience to properly carry on the proposed operation, and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted, as provided in the following Order:

O R D E R

THE COMMISSION ORDERS:

That Edward A. Moser, Colorado Springs, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of 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; the transportation of road-surfacing materials to be 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. Higgin
Ralph C. Nelson
Samuel J. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1961.

ea

original

(Decision No. 56402)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REYNOLDS CONSTRUCTION COMPANY, A)
CORPORATION, 3407 NORTH EL PASO,)
COLORADO SPRINGS, COLORADO, FOR A) APPLICATION NO. 18421-PP
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

May 5, 1961

Appearances: Earl F. Reynolds, Colorado
Springs, Colorado, for
Applicant.

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 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.

The application was set for hearing on April 17, 1961, at ten o'clock A. M., at the New County Building, Colorado Springs, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the

conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding, together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner, states and finds:

That no one protests the granting of the application.

That there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted, as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Reynolds Construction Company, a corporation, Colorado Springs, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of 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; the transportation of road-surfacing materials to be 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 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 T. Negro
Ralph C. Horton
Henry E. Salas
Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRADY WALKER, 1204 ROCKWOOD AVENUE,)
COLORADO SPRINGS, COLORADO, FOR A) APPLICATION NO. 18422-PP
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

May 5, 1961

Appearances: Grady Walker, Colorado Springs,
Colorado, pro se.

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 sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicle.

The application was set for hearing on April 17, 1961, at ten o'clock A. M., at the New County Building, Colorado Springs, Colorado. The same was then and there heard by an Examiner duly

designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding, together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner, states and finds:

That no one protests the granting of the application.

That there is a need for the proposed transportation service and the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Grady Walker, Colorado Springs, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of seventy-five miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points; the transportation of road-surfacing materials to be 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
Joseph A. Holton
Alvin S. Pauling
Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WATSON, INCORPORATED, 718 SYMES)
BUILDING, DENVER 2, COLORADO.)
-----)

PUC NO. 4542

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that their PUC No. 4542 be suspended for six months from April 1, 1961.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Watson, Incorporated, Denver 2, Colorado

be, and is hereby, authorized to suspend operations under PUC No. 4542 until October 1, 1961.

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
Raymond C. Horton
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,
this 11th day of May 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. B. DAVIS, DOING BUSINESS AS,)
"RIFLE CAB SERVICE", P. O. BOX)
272, RIFLE, COLORADO.)

PUC NO. 1787

May 11, 1961
-----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. 1787 be further suspended for one year from April 15, 1961.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That W. B. Davis, doing business as, "Rifle Cab Service",
Rifle, Colorado
_____ be, and is hereby, authorized to further suspend
operations under PUC No. 1787 until April 15, 1962.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Johnston
Henry E. Zalkow
Commissioners

Dated at Denver, Colorado
this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROBERT A MILLER, 1575 WEST)
BYERS PLACE, DENVER 23, COLO-)
RADO.)
)
-----)

PERMIT NO. B-5804

May 11, 1961

S T A T E M E N T

By the Commission:

On December 23, 1960, the Commission authorized Robert A. Miller to suspend operations under his Permit No. B-5804, until June 23, 1961.

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-5804, should be, and the same hereby is, reinstated as of April 18, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
George C. [unclear]
Henry E. Zaulings
Commissioners

Dated at Denver, Colorado,
this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HARRY L. HOLLOWAY, DOING BUSINESS AS,)
"RIO GRANDE COAL COMPANY", P. O. BOX)
207, ALAMOSA, COLORADO.)
-----)

PERMIT NO. M-1672

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry L. Holloway,
doing business as, "Rio Grande Coal Company", Alamosa, Colorado
requesting that Permit No. M-1672 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1672, heretofore issued to Harry L. Holloway, doing
business as, "Rio Grande Coal Company", Alamosa, Colorado be,
and the same is hereby, declared cancelled effective April 20, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of May, 195/ 61.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 56408)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY L. HOLLOWAY, DOING BUSINESS)
AS, "RIO GRANDE COAL COMPANY",)
P. O. BOX 207, ALAMOSA, COLO-)
RADO.)

PERMIT NO. B-1862

May 11, 1961

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-1862 be suspended
for six months from April 20, 1961.

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 Harry L. Holloway, doing business as, "Rio Grande Coal Company",
Alamosa, Colorado
be, and is hereby, authorized to suspend his operations under Permit
No. B-1862 until October 20, 1961.

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
Joseph C. Norton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ED L. ANDERSON, P. O. BOX 73,)
SEDALIA, COLORADO.)
)
)
)
-----)

PERMIT NO. M-7307

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ed L. Anderson,
Sedalia, Colorado
requesting that Permit No. M-7307 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7307, heretofore issued to Ed L. Anderson,
Sedalia, Colorado be,
and the same is hereby, declared cancelled effective July 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BACEL J. TELLIER, SR. AND MARY E.)
TELLIER, P. O. BOX 385, TABERNASH,)
COLORADO.)
-----)

PERMIT NO. M-15353

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bacel J. Tellier, Sr.
and Mary E. Tellier, Tabernash, Colorado
requesting that Permit No. M-15353 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15353, heretofore issued to Bacel J. Tellier, Sr. and
Mary E. Tellier, Tabernash, Colorado be,
and the same is hereby, declared cancelled effective April 6, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HENRY J. TRUJILLO, P. O. BOX 373,)
CENTER, COLORADO.)
)
)
)
-----)

PERMIT NO. M-1918

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Henry J. Trujillo,
Center, Colorado
requesting that Permit No. M-1918 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1918, heretofore issued to Henry J. Trujillo,
Center, Colorado be,
and the same is hereby, declared cancelled effective April 6, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
UNITED MOBILE HOMES (A CORPORATION),)
DOING BUSINESS AS, "MAVERICK MOBILE)
HOMES", 3616 EAST ADMIRAL PLACE,)
TULSA, OKLAHOMA.)

PERMIT NO. M-7788

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from United Mobile Homes
(A Corporation), doing business as, "Maverick Mobile Homes", Tulsa, Oklahoma
requesting that Permit No. M-7788 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7788, heretofore issued to United Mobile Homes (A
Corporation), doing business as, "Maverick Mobile Homes", Tulsa, Oklahoma be,
and the same is hereby, declared cancelled effective February 16, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Woodson
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. J. ADAMS, DOING BUSINESS AS,)
"ADAMS SYRUP COMPANY", 1306 WEST)
KIOWA, COLORADO SPRINGS, COLORADO.)
-----)

PERMIT NO. M-821

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. J. Adams, doing
business as, "Adams Syrup Company", Colorado Springs, Colorado
requesting that Permit No. M-821 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-821, heretofore issued to E. J. Adams, doing
business as, "Adams Syrup Company", Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective April 19, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Holton
Henry L. Zaulinger
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF SOUTHERN UNION GAS COMPANY,)
FIDELITY UNION TOWER, DALLAS,)
TEXAS, FOR AUTHORITY TO ISSUE)
SECURITIES.)

APPLICATION NO. 18491
Securities

May 4, 1961

S T A T E M E N T

By the Commission:

Upon consideration of the application filed
May 3, 1961, by Southern Union Gas Company in the above-
styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on
May 24, 1961, at 10:00 o'clock A. M., at the Hearing Room of
the Commission, 532 State Services Building, Denver, Colorado,
respecting the matters involved and the issues presented in
this proceeding. Any interested municipality or any repre-
sentative of interested consumers or security holders of
applicant corporation, and any other person whose participation
herein is in the public interest, may intervene in said pro-
ceedings. Intervention petitions should be filed with the
Commission on or before May 18, 1961, and should set forth the
grounds of the proposed intervention, and the position and
interest of the petitioners in the proceeding, and must be sub-
scribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Sigro
Ralph C. Horton
Alvin E. Zalusky
Commissioners

Dated at Denver, Colorado,
this 4th day of May, 1961.

original

(Decision No. 56415)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OUTWEST AERO SERVICE, INC., PETERSON)
FIELD, COLORADO SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER TO KENSAIR)
CORPORATION, c/o ROBERT M. LAURA,)
ESQ., LAWYERS BUILDING, 231 EAST)
VERMIJO AVENUE, COLORADO SPRINGS,)
COLORADO, CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY, AUTHORIZING)
OPERATIONS AS A COMMON CARRIER, BY)
AIRPLANE, VIZ., AUTHORITY GRANTED)
BY DECISION NO. 46860, OF DATE)
NOVEMBER 26, 1956, IN APPLICATION)
NO. 14756.)

APPLICATION NO. 18416-Transfer

May 8, 1961

Appearances: Robert M. Laura, Esq.,
Colorado Springs, Colo-
rado, for Transferor
and Transferee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the above-styled application, Outwest Aero Service, Inc., Colorado Springs, Colorado, seeks authority to transfer to Kensair Corporation, Colorado Springs, Colorado, certificate of public convenience and necessity authorizing operation as a common carrier, by airplane, viz., authority granted by Decision No. 46860, dated November 26, 1956, in Application No. 14756.

The application was set for hearing on April 17, 1961, at ten o'clock A. M., at the New County Building, Colorado Springs, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That the transferee will have sufficient equipment and experience to properly carry on the operation under the certificate and the transferee's financial standing is established to the satisfaction of the Commission.

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

O R D E R

THE COMMISSION ORDERS:

That Outwest Aero Service, Inc., Colorado Springs, Colorado, be, and hereby is, authorized to transfer to Kensair Corporation, Colorado Springs, Colorado, all its right, title and interest in and to certificate of public convenience and necessity, authorizing operation as a common carrier, by airplane, viz., authority granted by Decision No. 46860, dated November 26, 1956, in Application No. 14756.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Holton
Alvin E. Zuckerman
Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1961.

mls

original

(Decision No. 56416)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RED BALL MOTOR FREIGHT, INC., P. O.)	
BOX 10837, DALLAS, TEXAS, FOR AUTHOR-)	APPLICATION NO. 18417-Lease
ITY TO LEASE PUC NO. 319 TO L & E)	
FREIGHT LINE, INC., RAMAH, COLORADO.)	

May 8, 1961

Appearances: Robert D. Means, Esq., Den-
ver, Colorado, for Lessor
and Lessee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Red Ball Motor Freight, Inc., Dallas, Texas, is the owner
and operator of PUC No. 319, authorizing:

transportation of freight between Colorado
Springs and Matheson, and intermediate
points; and freight, except lumber, coal
and grain, between Matheson and Burlington,
and intermediate points,

and by the instant application seeks authority to lease said PUC No.
319 to L & E Freight Line, Inc., Ramah, Colorado.

The application was set for hearing on April 17, 1961, at
10:00 o'clock A. M., at the New County Building, Colorado Springs,
Colorado. The same was then and there heard by an Examiner duly
designated and to whom the hearing was assigned by the Commission.
After the conclusion of the hearing, said Examiner transmitted to the
Commission the record and exhibits of said proceeding together with
a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written
report of the Examiner states and finds:

That no one protests the granting of the proposed lease.

That the lessee will have sufficient equipment and experience to properly carry on the operation and the lessee's financial standing is established to the satisfaction of the Commission.

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

O R D E R

THE COMMISSION ORDERS:

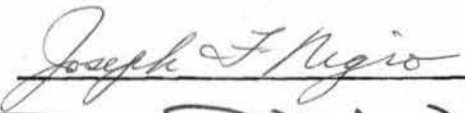
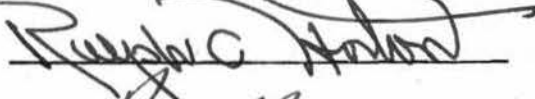

That Red Ball Motor Freight, Inc., Dallas, Texas, be, and hereby is, authorized to lease PUC No. 319 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to L & E Freight Line, Inc., Ramah, Colorado, subject to the terms and conditions of written lease agreement on file with this Commission.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1961.

original

(Decision No. 56417)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L & E FREIGHT LINE, INC., RAMAH,)
COLORADO, FOR A CERTIFICATE OF PUB-) APPLICATION NO. 18418-Extension
LIC CONVENIENCE AND NECESSITY, AU-)
THORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 4693.)

May 8, 1961

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

STATEMENT AND FINDINGS OF FACT

By the Commission:

L & E Freight Line, Inc., Ramah, Colorado, is the owner and
operator of PUC No. 4693, authorizing:

1. Transportation, on schedule, of freight,
generally, excluding livestock and milk and
cream, between Denver, Colorado, and points
within the following-described territory,
including Deertrail, Colorado:

commencing at the northeast corner of Section
4, Township 4-South, Range 60-West; thence
east on North Township Line 4 through Ranges
60, 59, 58 and 57, to the northeast corner of
Arapahoe County; thence due south on County
Line between Arapahoe and Washington Counties
to the southeast corner of Section 13, Town-
ship 5-South, Range 57-West; thence west on
the center Township Line 5 through Ranges 57
and 58 to the southeast corner of Section 13,
Township 5-South, Range 59-West; thence south
on the east line of Range 59 three miles to
the southeast corner of Section 36, Township
5-South, Range 59-West; thence west on Arapa-
hoe and Elbert County Line six miles to the
southeast corner of Section 36, Township 5-
South, Range 60-West; thence south on the
east line of Range 60-West five miles to the
southeast corner of Section 26, Township 6-
South, Range 60-West; thence due west on South Section
Lines 25 to 30, inclusive; thence north on
West Range Line 60 to the southwest corner of
Township 4-South, Range 60-West; thence east

on South Line Township 4-South two miles to the southeast corner of Section 32, Township 4-South, Range 60-West; thence north six miles to place of beginning, together with the intermediate points of Watkins, Bennett, and Strasburg, Colorado, restricted against transportation of commodities to and from points on U. S. Highway No. 36.

2. Transportation of general commodities, excluding milk and cream, on schedule, between Denver, Colorado, on the one hand, and, on the other, the towns or communities of Agate, Buick, River Bend, Matheson, Simla, Ramah, and Calhan, via U. S. Highway No. 40 and U. S. Highway No. 24; also via U. S. Highways Nos. 85 and 24, without service to intermediate points;

and by the instant application seeks authority to extend operations under said PUC No. 4693 to include the transportation of milk and cream between all points and places now authorized.

The application was set for hearing on April 17, 1961, at 10:00 o'clock A. M., in the New County Building, Colorado Springs, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That the applicant will have sufficient equipment and experience to properly carry on the proposed transportation services and the applicant's financial standing is established to the satisfaction of the Commission.

That public convenience and necessity require the transportation services for which applicant herein seeks authority, and the application should be granted.

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 L & E Freight Line, Inc., Ramah, Colorado, under PUC No. 4693, to include:

1. Transportation, on schedule, of freight, generally, including milk and cream, excluding livestock, between Denver, Colorado, and points within the following described territory, including Deertrail, Colorado:

commencing at the northeast corner of Section 4, Township 4-South, Range 60-West; thence east on North Township Line 4 through Ranges 60, 59, 58, and 57, to the northeast corner of Arapahoe County; thence due south on County Line between Arapahoe and Washington Counties to the southeast corner of Section 13, Township 5-South, Range 57-West; thence west on the center Township Line 5 through Ranges 57 and 58 to the southeast corner of Section 13, Township 5-South, Range 59-West; thence south on the east line of Range 59 3 miles to the southeast corner of Section 36, Township 5-South, Range 59-West; thence west on Arapahoe and Elbert County Line 6 miles to the southeast corner of Section 36, Township 5-South, Range 60-West; thence south on the east line of Range 60-West 5 miles to the southeast corner of Section 26, Township 6-South, Range 60-West; thence due west on South Section Lines 25 to 30, inclusive; thence north on West Range Line 60 to the southwest corner of Township 4-South, Range 60-West; thence east on South Line Township 4-South 2 miles to the southeast corner of Section 32, Township 4-South, Range 60-West; thence north 6 miles to place of beginning, together with the intermediate points of Watkins, Bennett, and Strasburg, Colorado, restricted against transportation of commodities to and from points on U. S. Highway No. 36;

2. Transportation of general commodities, including milk and cream, on schedule, between Denver, Colorado, on the one hand, and, on the other, the towns or communities of Agate, Buick, River Bend, Matheson, Simla, Ramah, and Calhan, via U. S. Highway No. 40 and U. S. Highway No. 24; also via U. S. Highways Nos. 85 and 24, without service to intermediate points,

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 regu-

lations 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. Nigro
Joseph C. Nigro
Paul J. Nigro
Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES L. COOPER, 215)
MICHIGAN, PUEBLO, COLORADO.)

PERMIT NO. B-5752

May 8, 1961

S T A T E M E N T

By the Commission:

On December 1, 1960, the Commission authorized Charles L. Cooper to suspend operations under his Permit No. B-5752, until June 1, 1961.

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-5752, should be, and the same hereby is, reinstated as of May 5, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Francis C. Johnston
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 8th day of May, 1961.

hc

original

(Decision No. 56419)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY, 1605)
SOUTH TEJON STREET, COLORADO SPRINGS,)
COLORADO, FOR AN ORDER AUTHORIZING)
THE ISSUANCE OF 80,000 SHARES OF ITS)
COMMON STOCK AND THE ISSUANCE OF A)
COMMON STOCK WARRANT FOR THE PUR-)
CHASE OF 50,001 SHARES OF ITS COMMON)
STOCK IN EXCHANGE FOR THREE ISSUED)
AND OUTSTANDING COMMON STOCK)
WARRANTS FOR THE PURCHASE OF A LIKE)
AGGREGATE NUMBER OF SHARES OF THE)
COMPANY'S COMMON STOCK.)

APPLICATION NO. 18455-Securities

May 9, 1961

Appearances: Lee, Bryans, Kelly & Stansfield,
Esqs., Denver, Colorado, by E.
A. Stansfield, Esq., for Appli-
cant;
Joseph M. McNulty, Denver, Colo-
rado, and
E. R. Thompson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

Pursuant to Section 115-1-4, Colorado Revised Statutes, 1953,
Plateau Natural Gas Company, a Colorado corporation, herein called
"Applicant," filed with the Commission on April 12, 1961, its applica-
tion for an Order of this Commission authorizing (1) the issuance and
sale at private sale of 80,000 shares of Applicant's common stock hav-
ing a par value of \$1.00 per share, at the price of \$1.25 per share,
and (2) the issuance in exchange for three outstanding common stock
warrants of Applicant containing a right to purchase 50,001 shares of
Applicant's common stock at \$1.00 per share, which by their terms ex-
pire respectively on March 1, 1964, March 1, 1965, and March 1, 1966,
of a new common stock warrant for an equivalent amount of shares at

the same price per share expiring on March 1, 1971, or in the alternative, the authority to endorse on such outstanding warrants by an appropriate legend, an extension of the expiration dates thereof to March 1, 1971.

By notice dated April 14, 1961, this Commission ordered that a public hearing be held on said application at ten o'clock A. M., on April 28, 1961, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. Interested parties, municipalities, representatives of interested consumers or security holders of Applicant, and other persons whose participation in said proceedings may be in the public interest, were invited to intervene in the proceedings. Petitions of intervention were to be filed with the Commission on or before April 21, 1961.

The hearing on the aforesaid application was held at the designated time and place, after due notice to all interested parties, and after the conclusion thereof, the matter was taken under advisement. No petitions of intervention were filed with the Commission prior to the hearing and no one appeared at the hearing in opposition to the application.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company, subject to the jurisdiction of this Commission, engaged in the distribution and sale at retail of natural gas to domestic, commercial, and industrial customers in several towns and communities in Colorado and areas adjacent thereto. Applicant is also engaged in the distribution and sale at retail of natural gas in the State of Kansas and in respect of such sales is subject to the jurisdiction of the State Corporation Commission of the State of Kansas. Applicant was organized for the purpose of acquiring, and did acquire on August 15, 1956, pursuant to Order of this Commission issued April 19, 1956, Decision No. 45691, as supplemented by Order of the Commis-

sion issued August 10, 1956, Decision No. 46283, all the assets and business of the Pikes Peak Natural Gas Company and the Midwest Natural Gas, Inc., and the local distribution assets and business formerly owned by the Kansas-Colorado Utilities, Inc.

Applicant's principal executive offices are located in Colorado Springs, Colorado. Applicant is the owner of all of the issued and outstanding capital stock of Kansas-Colorado Utilities, Inc., a Kansas corporation authorized to do business in the states of Colorado and Kansas, which is engaged, inter alia, in the interstate transmission and sale of natural gas. The latter company is a "natural gas company" under the provisions of the Natural Gas Act, as amended, and is subject to the jurisdiction of the Federal Power Commission in respect of its rates and services.

A copy of Applicant's Certificate of Incorporation, as amended, is on file with the Commission. Such Certificate of Incorporation, as amended, provides for an authorized capital stock of \$2,950,000 divided into 6,000 shares of 5½% Cumulative Preferred Stock of the par value of \$100 per share, 5,750 shares of 6% Cumulative Preferred Stock of the par value of \$100 per share, 2,750 shares of 3% Convertible Cumulative Preferred Stock of the par value of \$100 per share, and 1,500,000 shares of Common Stock of the par value of \$1 per share. Of such authorized capital stock, Applicant had issued and outstanding, as of March 31, 1961, 5,700 shares of its 5½% Cumulative Preferred Stock, 5,750 shares of 6% Cumulative Preferred Stock of the par value of \$100 per share, 2,750 shares of 3% Cumulative Preferred Stock of the par value of \$100 per share, and 916,666 shares of Common Stock. Of the 583,334 shares authorized but unissued Common Stock, 83,334 shares are subject to certain common stock warrants outstanding in the hands of the holders of the 5½% Cumulative Preferred Stock, the issuance and sale of which warrants were authorized by the Commission, Decision No. 45691, dated April 19, 1956, and 105,000

shares of Common Stock are subject to issuance upon the exercise of options granted pursuant to a stock option plan adopted by Applicant and authorized by Commission Decision No. 48203, dated June 21, 1957.

Applicant has heretofore issued and as of April 28, 1961, there were outstanding under, and secured by, the Indenture of Mortgage and Deed of Trust, dated March 1, 1956, as supplemented between Applicant and Continental Illinois National Bank and Trust Company of Chicago and Edward J. Friedrich, as Trustee, \$1,571,000 principal amount of its 4-3/8% Series A First Mortgage and Collateral ~~Trust Bonds~~, due March 1, 1976, \$1,216,000 principal amount of its 6 1/4% Series B Bonds, due March 1, 1979, and \$500,000 principal amount of its 6% Series C. Bonds, due March 1, 1981. The issuance of Series A, Series B, and Series C. Bonds was authorized by Commission Decisions Nos. 45691, 52147, and 56013, respectively. As of April 28, 1961, Applicant had outstanding \$150,000 of short-term indebtedness.

Applicant proposes to issue and sell 80,000 shares of its Common Stock of the par value of \$1 per share, at private sale at the price of \$1.25 per share and anticipates receiving from such sale the aggregate sum of \$100,000 less expenses incident to such issuance and sale. Applicant will not pay any underwriting or other fee in respect of the proposed sale of the additional Common Stock and all of the proceeds of such sale will be used to retire or reduce Applicant's unsecured, short-term indebtedness, and for reimbursing Applicant's treasury for money expended on additional plant facilities and improvements.

The Bankers Life Insurance Company of Nebraska originally purchased 3,000 shares of Applicant's 5 1/2% Cumulative Preferred Stock of the par value of \$100 per share and acquired, in connection with such purchase, warrants to purchase 100,000 shares of Applicant's Common Stock at \$1 per share. The rights to subscribe to Applicant's

Common Stock were evidenced by six warrants: two warrants for 16,666 shares each expiring on March 1, 1961, and March 1, 1962, respectively; and four warrants for 16,667 shares each expiring respectively on March 1 of the years 1963, 1964, 1965 and 1966. The warrant which expired on March 1, 1961, was exercised by said insurance company prior to its expiration date. The Common Stock warrants now held by such insurance company are represented by five separate warrants expiring respectively on March 1 of the years 1962 through 1966. Said insurance company has agreed to exercise promptly the two Common Stock warrants which it now holds which expire by their terms on March 1, 1962, and March 1, 1963, respectively, for a total of 33,334 shares of Common Stock at \$1 per share, provided Applicant will issue to it in exchange for the three remaining warrants which said insurance company now holds and which expire on March 1, 1964, March 1, 1965, and March 1, 1966, respectively, containing rights to purchase a total of 50,001 shares of Applicant's Common Stock at \$1 per share, a new warrant giving such company the right to purchase 50,001 shares of Applicant's Common Stock at the price of \$1 per share at any time up to March 1, 1971, or, in the alternative, will endorse the outstanding warrants which expire on March 1, 1964, March 1, 1965 and March 1, 1966, by legend extending their respective expiration dates to March 1, 1971. Applicant's witness testified that in his opinion it is to Applicant's best interest to make the exchange requested by the insurance company and accordingly proposes to either issue, with Commission approval, one new Common Stock warrant giving such insurance company the right to purchase 50,001 shares of Applicant's Common Stock at \$1 per share at any time up to March 1, 1971, in exchange for the aforesaid three issued and outstanding Common Stock warrants now held by the said insurance company or to endorse on such warrants an extension of the expiration dates thereof to March 1, 1971, by an appro-

priate legend. As of the date of the hearing, Applicant had not been informed which of the alternate methods said insurance company desires.

The Commission has carefully reviewed all of the evidence adduced at the hearing in this matter and is of the opinion that the authority sought by Applicant should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, Plateau Natural Gas Company, Colorado Springs, Colorado, a Colorado corporation, is a public utility as defined by 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Applicant and the subject matter of the application herein.

That the Commission is fully advised in the premises.

That the foregoing Statement is fully supported by testimony and exhibits and is made a part of these Findings by reference.

That the proposed issuance and sale at private sale by Applicant of 80,000 shares of its Common Stock at the price of \$1.25 per share, and the issuance of a Common Stock warrant expiring on March 1, 1971, for the purchase of 50,001 shares of Applicant's Common Stock at the price of \$1 per share, in exchange for three issued and outstanding Common Stock warrants expiring on March 1, of the years 1964, 1965 and 1966, for the purchase of a like aggregate number of shares of Applicant's Common Stock at the same price per share, or in the alternative, the endorsement on such outstanding warrants by appropriate legend of an extension of the expiration dates thereof to March 1, 1971, as hereinabove set forth, is reasonably required and necessary for the Applicant's proper corporate financing.

That the proposed securities transaction is not inconsistent with the public interest; and that the purpose or purposes thereof are permitted by, and are consistent with, the provisions of Chapter 115,

Colorado Revised Statutes, 1953.

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

O R D E R

THE COMMISSION ORDERS:

That Applicant, Plateau Natural Gas Company, Colorado Springs, Colorado, be, and it hereby is, authorized and empowered to:

(a) issue and sell at private sale 80,000 shares of Applicant's Common Stock having a par value of \$1 per share, at the price of \$1.25 per share; and

(b) issue in exchange for the three issued and outstanding Common Stock warrants of Applicant now held by Bankers Life Insurance Company of Nebraska, which by their terms expire on March 1 of the years 1964 through 1966, containing a right to purchase 50,001 shares of Applicant's Common Stock at \$1 per share, a new Common Stock warrant giving such insurance company the right to purchase an equivalent amount of shares of Applicant's Common Stock at the price of \$1 per share up to March 1, 1971, or in the alternative, to endorse on such outstanding warrants, by an appropriate legend, an extension of the expiration dates of such warrants to March 1, 1971.

That Applicant be, and it hereby is, authorized to use and apply the proceedings from the issuance and the sale of the 80,000 shares of Applicant's Common Stock to retire or reduce Applicant's unsecured, short-term indebtedness, and for reimbursing Applicant's treasury for money expended on additional plant facilities and improvements.

That Applicant be, and it hereby is, authorized in reflecting in its accounts the consummation of the financing outlined above, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by this Commission.

That nothing herein shall be construed to imply any recommendation or guaranty of said Common Stock on the part of the State of Colorado.

That within sixty (60) days after the issuance and sale of the Common Stock hereinabove referred to, and of the issuance by Applicant of a new Common Stock warrant to the Bankers Life Insurance Company of Nebraska containing the right to purchase 50,001 shares of Applicant's Common Stock at the price of \$1 per share at any time up to March 1, 1971, in exchange for the issued and outstanding Common Stock warrants now held by said insurance company which by their terms expire on March 1 of the years 1964 through 1966, or the endorsement on such outstanding warrants by an appropriate legend of an extension of the expiration dates thereof up to March 1, 1971, Applicant shall make a verified report to this Commission of such security transactions, the expenses incident thereto, accompanying such report with a new balance sheet reflecting the action taken.

That the Commission shall retain jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as to it may seem to be proper and desirable.

That the authority herein granted shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

mls

original

(Decision No. 56420)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARRIE W. FOWLER, DOING BUSINESS AS)
"TEN-ELEVEN COMPANY," 1425 SOUTH)
ELM STREET, DENVER, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)
-----)

APPLICATION NO. 18462-PP

May 9, 1961

Appearances: Henry S. Sherman, Esq.,
Denver, Colorado,
for Applicant;
Edward T. Lyons, Jr.,
Esq., Denver, Colorado,
for Red Ball Freight and
Centennial Truck Lines.

S T A T E M E N T

By the Commission:

On March 24, 1961, Carrie W. Fowler, doing business as "Ten-Eleven Company," filed her application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of edible canned goods, from warehouse of applicant at 1011 West 45th Avenue, Denver, Colorado, to military installations at or near Denver, Colorado, and Colorado Springs, Colorado, over any and all routes.

The application was regularly set for hearing, and heard, at 532 State Services Building, Denver, Colorado, at two o'clock P. M., on May 1, 1961, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that the applicant herein operates a warehouse and that among her customers is the Hunt Food Company and grocery brokers Francois-Schwarz. It appears that the applicant has handled groceries for the above people who sell to military installations. In the past, applicant has purchased

the groceries from Hunt Food Company through their brokers, Francois-Schwarz, and delivered them under a Commercial Carrier Permit. It now appears that Hunt Food Company is willing to finance the operation, so it becomes necessary for applicant to have a private carrier permit. The service rendered is the delivery to the various military reservations and putting the goods on the shelves. Applicant further is the representative of the above customers in the Denver area. Red Ball Freight, having acquired from the Bankruptcy Court in Denver the certificate of public convenience and necessity formerly held by Centennial Truck Lines, now has an application before the Commission asking for approval of the transfer. They protested the granting of authority under the instant application.

There is a serious question in the mind of the Commission as to whether or not the protestants herein can serve all of the military installations asked for in the application, as the authority generally being acquired by protestants is for scheduled line-haul service on U. S. Highway 85 north and south, together with U. S. Highway 50 south of Pueblo.

We realize that Centennial failed to operate at a profit and as a result went into bankruptcy, but it does appear, however, that Centennial failed to handle this traffic, and applicant states that if this authority is not granted, she will continue her purchase of these groceries and canned goods and haul them under her M-permit.

One of the tests for the denying of a private carrier permit is impairment of service of common carriers. We cannot see from the record before us that common carrier service would be impaired, and, in our judgment, a restricted permit should be granted to the applicant herein.

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.

2. That applicant is fit, willing and able to perform the aforesaid transportation service properly.

3. That applicant has two customers who will enter into a contract for service.

4. We are of the opinion that the granting of this permit will not seriously endanger the operations of protestant or impair the efficient public service of any authorized motor vehicle common carrier adequately serving the same territory over the same general highway route or routes, and we are of the further opinion that applicant's customers should not be deprived of an improved service merely because it may divert some traffic from common carriers.

5. The evidence warrants the conclusion that the proposed operations will have inherent advantages of consequence over existing and available common carrier transportation service. It will provide the shipper with faster and more flexible transportation service and better enable it to meet the needs of its customers.

O R D E R

THE COMMISSION ORDERS:

That Carrie W. Fowler, doing business as "Ten-Eleven Company," 1425 South Elm Street, Denver, Colorado, be, and she hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of edible canned goods from warehouse of applicant at 1011 West 45th Avenue, Denver, Colorado, to military installations at or near Denver, Colorado, and Colorado Springs, Colorado, for Hunt Food Company and Francois-Schwarz, only, and applicant will not be permitted to add to her list of customers without authority so to do first had and obtained from this Commission.

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

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of 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

Joseph F. Negro
Russell C. Hoban
Paul E. Saleney
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

ea

original

(Decision No. 56421)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARVIN WESTLAKE, BOX 61, GLENWOOD)
SPRINGS, COLORADO, FOR A CLASS "B") APPLICATION NO. 18464-PP-Amended
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

May 2, 1961

Appearances: Stockton, Linville, Lewis
and Mitchell, Esqs.,
Denver, Colorado, for
Applicant.

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 beer, for wholesalers and distributors of Adolph Coors Company, of Golden, Colorado, from Golden, Colorado, to Leadville, Colorado, and to points in Colorado west of the Continental Divide, transporting empty containers on return.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, May 2, 1961, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, Attorney for Applicant herein appeared and stated said applicant no longer desired to prosecute said application, and requested dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That hearing of the above-styled application, set for two o'clock P. M., May 2, 1961, at 532 State Services Building, Denver, Colorado, should be vacated.

That Application No. 18464-PP-Amended should be dismissed, upon request of Attorney for Applicant herein.

O R D E R

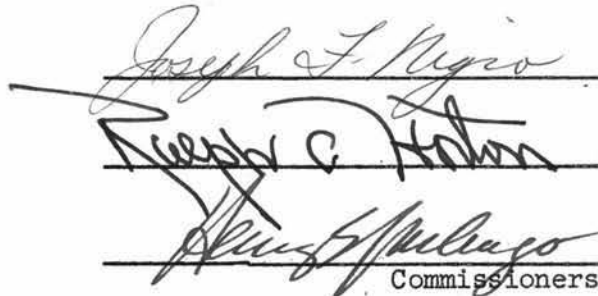
THE COMMISSION ORDERS:

That hearing of Application No. 18464-PP-Amended, set for two o'clock P. M., May 2, 1961, at 532 State Services Building, Denver, Colorado, be, and the same hereby is, vacated.

That said Application No. 18464-PP-Amended be, and the same hereby is, dismissed, upon request of Attorney for Applicant herein.

This Order shall become effective as of the day and date

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of May, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. J. WEBER, DOING BUSINESS AS)
"WEBER'S HAULING SERVICE," 3645 IVY)
STREET, DENVER, COLORADO, FOR AU-)
THORITY TO TRANSFER TO TRASH, INC.,)
AND GEORGE REICHERT, JR., DOING)
BUSINESS AS "TRASH, INC.," THAT)
PORTION OF CERTIFICATE TO OPERATE)
AS A COMMON CARRIER BY MOTOR VE-)
HICLE FOR HIRE GRANTED BY DECISION)
NO. 54631, OF DATE JULY 6, 1960.)
-----)

APPLICATION NO. 18123-Transfer
Amended

May 9, 1961

Appearances: McLean and McLean, Esqs.,
Denver, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

On September 15, 1960, the above-styled application was filed with the Commission, seeking authority to transfer operating rights granted by Decision No. 54631, of date July 6, 1960, from W. J. Weber, doing business as "Weber's Hauling Service," Denver, Colorado, to Trash, Inc., Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, October 24, 1960, at 11:00 A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing said application, requests were made for continuance of said matter, to be later re-set for hearing, with notice to all parties in interest, and on October 27, 1960, the Commission entered its Decision No. 55300, continuing said application, to be re-set at some future date, at the convenience of the Commission, with notice to all parties in interest.

On November 3, 1960, an Amendment to said application was filed with the Commission, changing transferee to: "Trash, Inc., and George Reichert, Jr., doing business as 'Trash, Inc.,' " in lieu of: "Trash, Inc."

On May 1, 1961, a communication was received by the Commission from Attorneys for Applicants herein, stating said applicants no longer desire to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 18123-Transfer-Amended be, and the same hereby is, dismissed, upon request of Attorneys for Applicants herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Nigro
Ralph C. Hobart
Paul J. Paulys
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
T. D. NELSON, 3545 N. W. 10TH,)
OKLAHOMA CITY, OKLAHOMA, FOR AUTHOR-)
ITY TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO NELSON COOPERATIVE MARKET-)
ING ASSOCIATION, 3545 N. W. 10TH)
STREET, OKLAHOMA CITY, OKLAHOMA.)

PUC NO. 4771-I-Transfer

May 9, 1961

S T A T E M E N T

By the Commission:

Heretofore, T. D. Nelson, Oklahoma City, Oklahoma, was granted a certificate of public convenience and necessity (PUC No. 4771-I), authorizing operation as a common 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 certificate-holder now seeks authority to transfer said operating rights to Nelson Cooperative Marketing Association, Oklahoma City, Oklahoma.

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 T. D. Nelson, Oklahoma City, Oklahoma, be, and hereby

is, authorized to transfer all right, title, and interest in and to PUC No. 4771-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Nelson Cooperative Marketing Association, Oklahoma City, Oklahoma, subject to 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. Regio
Joseph G. Hobart
August Zandberg
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IMPERIAL MEAT COMPANY, P. O. BOX)
6536, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO CARDINAL MEAT COMPANY, P.)
O. BOX 6928, DENVER, COLORADO.)

PUC NO. 4012-I-Transfer

May 9, 1961

S T A T E M E N T

By the Commission:

Heretofore, Imperial Meat Company, Denver, Colorado, was granted a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

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

said operating rights being designated "PUC No. 4012-I."

Said certificate-holder now seeks authority to transfer said operating rights to Cardinal Meat Company, Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

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




O R D E R

THE COMMISSION ORDERS:

That Imperial Meat Company, Denver, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 4012-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Cardinal Meat Company, Denver, 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 9th day of May, 1961.

mls

original

(Decision No. 56425)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE NEW SEVEN FALLS COMPANY, INC.,)
SOUTH CHEYENNE CANYON, COLORADO)
SPRINGS, COLORADO, FOR AUTHORITY TO)
LEASE PUC NO. 166 TO E. F. ROWLETT)
AND MAYNARD T. BINKERD, DOING BUSI-)
NESS AS "R & P SCENIC TOURS," 120)
EAST PIKES PEAK AVENUE, COLORADO)
SPRINGS, COLORADO.)

APPLICATION NO. 17076-Lease
SUPPLEMENTAL ORDER

May 9, 1961

S T A T E M E N T

By the Commission:

The New Seven Falls Company, Inc., Colorado Springs, Colorado, is the owner of PUC No. 166, being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

passengers, from Seven Falls, Stratton Park, Colorado, to the various scenic attractions in the Pikes Peak Region,

with the proviso that all service under PUC No. 166, issued under Decision No. 1789, should be limited to round-trip operations originating and terminating at Seven Falls, Stratton Park, Colorado, and in furnishing said service, The Seven Falls Company shall be limited to the use of three automobiles,

including the right to serve all points located within the City of Colorado Springs, Colorado.

On March 16, 1960, the Commission entered its Decision No. 54029, authorizing said certificate-holder to lease said PUC No. 166 to E. F. Rowlett and Maynard T. Binkerd, doing business as "R & P Scenic Tours," Colorado Springs, Colorado, for a period of one year, viz., from April 1, 1960, to April 1, 1961, as set forth in said Decision No. 54029.

Said certificate-holder now seeks authority to further lease said operating rights for a period of one year, viz., from April 1, 1961, to April 1, 1962, to said E. F. Rowlett and Maynard T. Binkerd, doing business as "R & P Scenic Tours," Colorado Springs, Colorado, for a rental of \$200 for the year, payment to be made within ten days after approval of said Lease Agreement by this Commission, lessees agreeing to carry on said operation in accordance with and subject to the law and rules and regulations of this Commission.

The records and files of the Commission fail to disclose any reason why said Lease Agreement should not be approved.

F I N D I N G S

THE COMMISSION FINDS:

That said Lease Agreement should be approved, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That The New Seven Falls Company, Inc., Colorado Springs, Colorado, be, and hereby is, authorized to lease to E. F. Rowlett and Maynard T. Binkerd, doing business as "R & P Scenic Tours," Colorado Springs, Colorado, its operating rights under PUC No. 166, upon the terms and conditions set forth in Lease Agreement, of date April 6, 1961, which is made a part hereof, by reference, operations of lessees to be conducted in accordance with, and subject to, the laws of the State of Colorado and the Rules and Regulations of this Commission, and within authority granted by Decisions Nos. 1789 and 49706, subject to conditions and restrictions therein contained, as set forth in the preceding Statement, which is made a part hereof, by reference.

The tariff of rates, rules, and regulations of lessor shall, upon proper adoption notice, become and remain those of lessees

until changed according to law and the rules and regulations of this Commission.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Holton
Ralph E. Pauling
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

A. R. AND E. F. BROYLES)
AULT GRAIN AND BEAN ELEVATORS)
Box 356)
Ault, Colorado)
-----)

AUTHORITY NO. M 14703

CASE NO. 4298 Ins.

May 10, 1961

S T A T E M E N T

By the Commission:

On May 4, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hutton
James B. Mulvey
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1961

Original

(Decision No. 56427)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES OF PRACTICE }
AND PROCEDURE GOVERNING MATTERS }
BEFORE THE PUBLIC UTILITIES COMMISS- }
SION OF THE STATE OF COLORADO. }

CASE NO. 5202

May 9, 1961

S T A T E M E N T

By the Commission:

By Decision No. 35628, of date December 11, 1950, in Case No. 5022, this Commission adopted and promulgated Rules of Practice and Procedure, effective January 1, 1951.

It was deemed necessary that the Rules of Practice and Procedure governing matters before this Commission be amended in certain respects, and recompiled for issuance to the public. To that end, this Case was instituted by the Commission, on its own motion, and on March 16, 1961, a public hearing was held on proposed new Rules of Practice and Procedure.

F I N D I N G S

THE COMMISSION FINDS:

That after consideration of the record made at the hearing, and the suggestions made, and after careful consideration of the statutes governing operations of public utilities, including all amendments thereto, and pursuant to the provisions thereof, the Commission should promulgate, adopt, approve, and issue its revised "Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado," which Rules are attached hereto, and by reference, made a part hereof.

That inasmuch as certain Rules therein contained conflict with Rule 4(a) of Rules and Regulations Governing Common Carriers by Motor Vehicle, and with Rule 4(a) of Rules and Regulations Governing Private Carriers by Motor Vehicle, heretofore issued by this Commission, said

Rules 4(a) of said respective Rules and Regulations should be superseded and repealed hereby.

O R D E R

THE COMMISSION ORDERS:

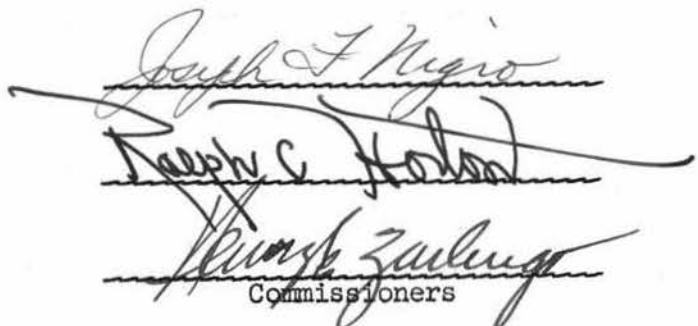
That the revised Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado above-mentioned be, and the same hereby are, promulgated, adopted, approved, and issued, and shall hereafter be designated as "Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado."

That all "Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado," previously issued by this Commission, shall be, and hereby are, revoked, cancelled, and henceforth of no effect, the same being superseded by the Revised Rules of Practice and Procedure hereby adopted and issued.

That Rule 4(a) of Rules and Regulations Governing Common Carriers by Motor Vehicle (Case No. 5176, Decision No. 54132, of date May 16, 1960), and Rule 4(a) of Rules and Regulations Governing Private Carriers by Motor Vehicle (Case No. 5177, Decision No. 54133, of date May 16, 1960), be, and the same hereby are, superseded and repealed.

This Order shall become effective May 10th, 1961, and these Rules of Practice and Procedure shall become effective on May 11, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 9th day of May, 1961.

PROPOSED RULES OF PRACTICE AND PROCEDURE
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RULE 1.

SCOPE OF RULES

(a) Procedure Governed. These Rules shall govern all practice and procedure before The Public Utilities Commission of the State of Colorado (hereinafter referred to as the "Commission") unless otherwise ordered by the Commission in any proceeding, and subject to such special rules or amendments which may hereafter be adopted.

(b) Other Rules Applicable. In addition to these Rules, all carriers and other utilities should consult the substantive Rules and Regulations governing particular utilities for information as to procedure in matters relating primarily to that utility.

RULE 2.

LIBERAL CONSTRUCTION

These Rules shall be liberally construed to secure just, speedy and inexpensive determination of all issues presented to the Commission.

RULE 3.

COMMUNICATIONS

(a) Address of Commission. All correspondence with the Commission shall be addressed to The Public Utilities Commission, 506 State Services Building, Denver 3, Colorado, and not to individual members of the Commission's staff, unless otherwise specifically ordered.

(b) One Subject in Letter. Letters should embrace but one subject. Writing about different subjects in the same letter causes delay, since the subject matter may have to be referred to different departments of the Commission.

(c) Address of Writer. Every holder of a certificate or permit issued by the Commission, when addressing communications to the Commission, should use the name and address shown on the certificate or permit and give the number thereof. When the subject matter pertains to a pending docket, the name and address of applicant and the docket number should be given.

RULE 4.

SECRETARY AS CUSTODIAN OF FILES; DOCKETS

(a) Secretary is Custodian. The Secretary of the Commission is designated as custodian of the property and files, and keeper of the records of the Commission, and will upon request furnish such blank forms as are prescribed by the Commission. Copies of pleadings on file, and orders and decisions of the Commission will be furnished upon payment of the statutory fees therefor.

Rule 4 (continued)

(b) Numbers Assigned to Proceedings. The Secretary of the Commission shall assign to each formal proceeding a number which the parties shall place on all subsequent papers filed in such proceedings.

(c) Division of Docket. The formal docket of the Commission shall be divided into the following divisions and designations: "Case;" "Formal Complaint;" "Application;" and "Investigation and Suspension;" and the numbers assigned upon the commencement or institution of proceedings thereunder shall be in consecutive order. Investigations instituted by the Commission on its own motion shall be classified upon the "Formal Complaint" or "Investigation and Suspension" docket.

RULE 5.

FEES AND REMITTANCES

All fees or other remittances due the Commission shall be made payable by draft, check, or money order to "Colorado Public Utilities Commission," and sent to the Commission at 506 State Services Building, Denver 3, Colorado.

RULE 6.

PARTIES

Parties to proceedings before the Commission shall be styled applicants, petitioners, protestants, interveners, complainants or respondents according to the nature of the proceeding and the relationship of the parties thereto, as follows:

(a) Applicants. Persons applying for any authority from the Commission shall be styled "applicants."

(b) Petitioners. Persons applying to the Commission for affirmative relief shall be styled "petitioners."

(c) Protestants. Persons opposing applications or petitions shall be styled "protestants."

(d) Interveners. Persons permitted to intervene as hereinafter provided shall be styled "interveners."

(e) Complainants. Persons who complain to the Commission of any act or omission by any person shall be styled "complainants."

(f) Respondents. Persons against whom any complaint is filed or investigation is started shall be styled "respondents."

(g) Staff. The Commission's staff may appear at any hearing and shall have all rights of participation as a party to the proceeding, and if counsel is desired, the attorney for the staff of the Commission shall represent said staff.

RULE 7.

APPEARANCES

(a) Rights of Parties. At any hearing, all parties named in the preceding Rule who are directly affected by the proceeding, shall be entitled to enter an appearance, to introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding.

Rule 7 (continued)

(b) Who May Represent Parties. Appearances and representation of parties shall be made as follows:

- (1) An individual may appear and be heard in his own behalf.
- (2) A co-partnership may appear and be represented by a co-partner..
- (3) A corporation may appear and be represented by a corporate officer or full-time employee of such corporation.
- (4) A municipal corporation may appear and be represented by a duly authorized officer, agent, or employee of such municipality.
- (5) An unincorporated association may appear and be represented by any bona fide general officer or full-time employee of such association.
- (6) Any party to a proceeding may appear and be represented therein by an attorney-at-law, duly admitted to practice and in good standing, before the Supreme Court of the State of Colorado, and in rate matters, any party may be represented by a Practitioner duly admitted to practice before the Interstate Commerce Commission; provided, however, an attorney-at-law, duly admitted to practice before the highest tribunal of a foreign state may appear in proceedings before the Commission if joined of record by duly admitted Colorado counsel.

(c) Withdrawal of Attorney. Any attorney of record wishing to withdraw from a proceeding before this Commission shall immediately notify the Commission or the presiding officer and the party whom he represents, in writing, setting forth in detail the reasons therefor.

(d) Ethical Conduct Required. Any person appearing in a proceeding shall conform to the recognized standards of ethical conduct.

RULE 8.

INTERVENTIONS

(a) When Leave to Intervene Necessary. Persons not directly affected by the proceeding shall secure an order from the Commission granting leave to intervene before being allowed to participate.

(b) Form and Contents of Petition. Petitions for leave to intervene must be in writing and must clearly identify the proceeding in which it is sought to intervene by title, file and docket number, set forth the name and address of the petitioner, a clear and concise statement of the interest of petitioner in such proceeding, the manner in which such petitioner will be affected by such proceeding, a statement of the matters and things relied upon by such petitioner as a basis for his request to intervene in such case, and if affirmative relief is sought, a clear and concise statement of relief sought and the basis therefor, together with a statement as to the nature and quantity of evidence petitioner will present if such petition is granted.

(c) When Petitions Must be Filed. Intervening petitions and proof of service of copy thereof on all other parties of record should be filed within five days after receiving notice of the filing of an application, or if no notice is received, not less than five days prior to the date set for hearing and, if filed thereafter, shall state a substantial reason for such delay, otherwise such petition will not be considered.

Rule 8 (continued)

(d) When Petition May Be Granted. If an intervening petition shows substantial interest in the subject matter of the proceeding or any part thereof and does not unduly broaden the issues, the Commission or the hearing officer may grant the prayer for leave to intervene and thereupon the intervenor shall become a party to the proceeding with respect to the matters set out in his intervening petition and be subject to such reasonable conditions as may be prescribed.

RULE 9.

PLEADINGS

(a) Pleadings Enumerated. Pleadings before the Commission shall be styled as applications, petitions, complaints, cross-complaints, answers, replies, protests, and motions.

(b) Form and Size of Pleadings. As hereinafter provided, pleadings shall be typewritten or printed, properly entitled, filed, and signed by the appropriate authorized individual or officer. All pleadings shall be on paper approximately $8\frac{1}{2}$ x 13 inches in size, shall state the name and address of each party thereto, shall clearly identify the proceeding by title, file and docket number, if known, and shall set forth a clear and concise statement of the matters relied upon as a basis for such pleading, together with an appropriate prayer, when relief is sought.

(c) Amendments to Pleadings; Construction. The Commission may, in its discretion, allow any pleadings to be amended or corrected or any omission therein to be supplied. Pleadings will be liberally construed and defects which do not affect substantial rights of the parties will be disregarded.

(d) Petitions for Rehearing. Petitions for Rehearing shall set forth specifically the ground or grounds upon which petitioner considers the order, decision, rule, direction, or regulation to be unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence such petitioner will offer if rehearing is granted.

(e) Protests. Any person who may be affected by the granting of a certificate or permit to an applicant shall have the right to file his written protest (in duplicate) to the granting of such certificate or permit, or, in the discretion of the Commission, be heard as a protestant without written pleadings.

(f) Answers. Whenever a complaint is filed with the Commission setting forth a violation or omission by any utility or carrier subject to Commission jurisdiction, an order will be entered requiring the respondent to satisfy or answer the complaint. Any party against whom such a complaint or petition is directed who desires to defend or contest the same or make any representation to the Commission in connection therewith, may file in duplicate with the Commission a written answer thereto within twenty (20) days after service of said complaint or petition upon him, unless for good cause, the Commission extends the time within which answer may be made. Answers shall be so drawn as to advise the Commission and all parties of record fully and completely of the nature of such answer and shall specifically admit or deny in detail all material allegations of the complaint or petition. Matters alleged by way of cross-complaint or affirmative defense shall be separately stated and numbered. A sample form appears as Appendix B hereto.

Rule 9 (continued)

(g) Replies. A complainant or petitioner desiring to reply to an answer shall file the same in duplicate with the Commission within five (5) days after service of answer.

(h) Service of Pleadings. If the Commission so orders in any particular case, a copy of all applications, petitions, complaints and other papers designated by the Commission, must be served by the party filing same on all persons whom the Commission determines may be affected by the proceedings. In such case, the proof of service must be made by affidavit in accordance with 1953 C.R.S. 115-6-8 (3).

After any proceeding has been instituted, all answers, motions and subsequent papers filed by any party must be served on all attorneys and parties of record concurrently with the filing thereof, and proof of service filed, in accordance with said Section 8 (3) as above stated.

If the Commission so orders in any particular case, persons requesting continuances, postponements, setting or resetting of hearings may be required to prepare copies of the Commission's order entered pursuant to such request, and serve same on all attorneys and parties of record and such other persons as the Commission may determine to be affected by the order.

(i) Miscellaneous Petitions. When the subject matter of any desired relief is not specifically covered by these Rules, a petition seeking such relief and stating the reason therefor may be filed, and will be handled in the same manner as other applications or petitions.

RULE 10.

COMPLAINTS

(a) Who May File. Complaint may be made by the Commission on its own motion or by any corporation, or persons, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility in violation or claimed to be in violation, of any provision of law or of any order or rule of the Commission. Any public utility shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

(b) Complaint on Rates. (For Non-Carrier Utilities). If the complaint is against the reasonableness of any rate or charge of any gas, electrical, water or telephone utility, the Commission cannot entertain the same, except upon its own motion, unless such complaint be signed by the mayor or the president or the chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city and county, or city or town, if any, within which the alleged violation occurred, or by not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water or telephone service, in accordance with 1953 C.R.S. 115-6-8.

(c) Formal Complaints. (Involving all Utilities)

(1) Form and Service. Formal written complaints involving all utilities shall specifically set forth the facts claimed to constitute a violation of law or the rules, regulations, orders, decisions, directions or requirements of the Commission. The name and address of the party complained against and the name and

Rule 10 (continued)

address of the complainant must be clearly stated. The complainant must state therein that he will cooperate in the prosecution of such complaint and will appear at a hearing thereon if such complaint is set for hearing. Formal complaints shall be filed in triplicate with sufficient additional copies for the party or parties complained against and must be verified under oath. The Commission will cause a copy of such complaint to be served upon the party complained against when it issues its order to satisfy or answer. A suggested form of complaint appears as Appendix A hereto.

- (2) Hearing on Complaints. The Commission will set a time in which an answer to the complaint shall be filed, said time to be not less than twenty (20) days. Formal complaints will be set for hearing at the earliest convenience of the Commission, unless notice of satisfaction of the complaint, by answer or otherwise, is received by the Commission within twenty (20) days after service of notice of complaint. If satisfaction of the complaint has been made the Commission will notify the complainant thereof and take appropriate action thereon.
- (3) Consolidation of Complaints. Two or more grounds of complaint concerning the same subject matter may be included in one complaint, but should be stated and numbered separately. Two or more complainants may join in one complaint if their respective causes of action are against the same person, and deal with substantially the same violation of the law, or rule, regulation, or order of the Commission. A formal complaint should be so drawn as to fully and completely advise the parties complained against and the Commission in what respects the provisions of the law, rule, regulation, requirement, order or decision of the Commission has been violated.
- (4) Receivers as Respondents. If a utility is operated by a receiver or trustee, both the utility and its receiver or trustee must be made respondents in cases involving such utility.

(d) Informal Complaints (Involving all Utilities).

- (1) Form and Content. Informal complaints may be made by letter or other writing. No form of informal complaint is suggested but, in substance, a letter or other writing must contain the essential elements of a formal complaint and must state the correct name and address of the party complained against. It may embrace supporting papers or documents. It need not be verified but must be signed by the complainant or attorney, and the address of the complainant and attorney shown.
- (2) Handling of Informal Complaints. Informal complaints may be handled by the Commission, by correspondence or otherwise, with the parties affected in an endeavor to bring about adjustment of the complaint without

Rule 10 (continued)

formal hearing. Informal procedure is recommended in all cases except those which clearly cannot be adjusted informally. Proceedings on informal complaints will be conducted without prejudice to the complainant's right to file and prosecute a formal complaint if the matter cannot be properly adjusted informally, in which event the proceeding on the informal docket will be discontinued, and a formal complaint must be filed if further proceedings are desired.

RULE 11

APPLICATIONS GENERALLY

A. Contents. All applications must be in writing. They must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with required exhibits, and a request for the order, authorization, permission, certificate or permit desired, a reference to the particular provision of law requiring or providing for the same. The application shall be signed by the applicant or his attorney, if any. Where an attorney signs the application his address and telephone number shall be given. Specific suggested forms and contents of applications appear in Appendix H.

B. Number of Copies.

1. Carrier Utility Applications:

Common Carrier Intrastate - The original application and five (5) copies are required to be filed. The Secretary of the Commission will advise the applicant of the number of additional copies required to be served on competitors and/or parties affected.

Common Carrier Interstate - Only original application is required to be filed. (Forms will be supplied by the Commission upon request.)

Private Carrier Intrastate and Interstate - Only original application is required to be filed. (Forms will be supplied by the Commission upon request.)

Commercial Carrier - Only original application is required to be filed. (Forms will be supplied by the Commission upon request.)

Transfer -- Common, Private and Commercial Authorities - Original application and one copy are required to be filed. (Forms will be supplied by the Commission upon request.)

2. Non-Carrier Utility Applications:

The original application and five (5) copies must be filed; the Commission will advise applicant of the number of additional copies required to be served on competitors and/or parties affected. The Secretary of the Commission should be consulted as to an estimate of the required number of copies before the application is prepared.

Rule 11 (continued)

C. Miscellaneous Applications. Applications relating to matters over which the Commission has jurisdiction and which are not covered specifically by any of these rules, shall be drafted in accordance with this Rule, and shall set forth all the information necessary to a full understanding of the matter. The applicable Department of the Commission should be consulted as to an estimate of the required number of copies before the application is prepared.

RULE 12

FILING AND ISSUANCE FEES

I. Non-Carrier Utilities.

A. Filing Fees.

1. No filing fees are required on non-carrier utilities.

B. Issuance Fees.

1. For issuance of certificate of public convenience and necessity, based on the amount of capital to be invested in certificated area, the following fees shall apply:

50¢ on each \$1,000 of such capital up to \$100,000;

10¢ on each \$1,000 thereafter, provided that no such certificate be issued for less than \$25.00, nor more than \$250.00, regardless of the amount of capital to be invested.

2. Securities (Gas and Electric Utilities, only).

For certificates authorizing an issue of bonds, notes or other evidences of indebtedness, the following fees shall apply:

\$1.00 for each \$1,000 of the face value of the authorized issue or fraction thereof up to \$1,000,000.

50¢ for each \$1,000 over \$1,000,000 and up to \$10,000,000.

25¢ for each \$1,000 over \$10,000,000.

Minimum issuance fee in any case -- \$50.00.

No fee shall be required when such issue is made for the purpose of guaranteeing, taking over, refunding, discharging or retiring any bond, note or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged or retired.

II. Motor Carriers.

- A. All applications for a certificate of public convenience and necessity to operate as a Common Carrier, and all applications to sell, assign, lease, or transfer such certificates, shall be filed in the office of the Commission, at Denver, Colorado, upon payment of the following fees:

Rule 12 (continued)

Intrastate Authority:

Filing Fee	\$35.00
Issuance Fee	5.00
Total	\$40.00

Interstate Authority:

Filing Fee	\$20.00
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Application for Transfer or Lease:

Intrastate Authority	\$15.00
Interstate Authority	5.00

An application to extend authority, either intrastate or interstate, shall require the same fee as an original application.

No fee shall be required in filing an application to curtail authority.

- B. All applications for a permit to operate as a Private Carrier, and all applications to sell, assign, lease, or transfer such permit, shall be filed in the office of the Commission, at Denver, Colorado, upon payment of the following fees:

Filing Application--Intrastate Authority --	\$25.00
Filing Application--Interstate Authority --	5.00
Filing Application for Transfer, or Lease:	
Intrastate Authority.	\$15.00
Interstate Authority.	5.00

An application to extend authority, either intrastate or interstate, shall require the same fee as an original application.

No fee shall be required in filing an application to curtail authority.

- C. All applications for a permit to operate as a Commercial Carrier, and all applications to sell or transfer such permit, shall be filed in the office of the Commission, at Denver, Colorado, upon payment of the following fees:

Filing Applications -- \$3.00

Filing fees based on above-mentioned applications will not be refunded after said applications have been duly docketed with the Commission.

RULE 13.

HEARINGS

A. Place and time. Hearings will be conducted by one or more Commissioners or by a hearing officer or examiner designated by the Commission. Notice of the place, date and hour of the hearing will be served at least ten (10) days before the time set therefor, unless the Commission shall find that public interest or necessity requires the hearing to be held at an earlier date. Hearings will be held in the offices of the Commission at Denver, Colorado, or at such other places in the state as may be designated in the Notice of Hearing.

Rule 13 (continued)

B. Preliminary Procedure at Hearings. The presiding Commissioner or hearing officer shall call the proceeding for hearing and proceed to take the appearances, and act upon any pending motions or petitions. The parties may then make such opening statements as they may desire, and the witnesses shall be sworn individually or collectively, in the discretion of the presiding Commissioner or hearing officer.

C. Order of Proof. Applicants, petitioner or complainants shall present their evidence and then such parties as may be opposing the application, petition, or complaint, shall submit their proof. The presiding Commissioner or hearing officer shall determine the order in which interveners or protestants shall introduce their evidence. Evidence will ordinarily be received in the following order:

- (1) Upon applications and petitions:
 - (a) The applicant or petitioner.
 - (b) Protestants or interveners.
 - (c) Rebuttal by applicant or petitioner.
- (2) Upon formal complaints:
 - (a) Complainant or the Commission's staff.
 - (b) Respondent or interveners.
 - (c) Rebuttal by complainant or the Commission's staff.
- (3) Upon orders to show cause, or Orders Commanding Compliance:
 - (a) The Commission's staff.
 - (b) The respondent.
 - (c) Rebuttal by the Commission's staff.
- (4) Upon investigation instigated by the Commission:
 - (a) Such order as the Commission may direct.

D. Consolidation. The Commission may consolidate two or more proceedings in any one hearing where it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure. Where two or more proceedings are consolidated for hearing, the presiding Commissioner or hearing officer shall determine the order in which all the parties shall introduce their evidence and which party or parties shall open and close.

E. Limits on Intervenors. Where two or more interveners have substantially like interests and positions, the presiding Commissioner or hearing officer may at any time during the hearing, if he deems it advisable in order to expedite the hearing, limit the number of interveners who will be permitted to testify, cross-examine witnesses, or to make and argue motions and objections.

F. Stipulations. With the approval of the presiding officer, the parties may stipulate as to any fact in issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any such stipulation shall be binding upon all parties so stipulating, but shall not bind the Commission.

G. Reliance on Other Records in Commission Files. When a party desires to offer in evidence any portion of the oral testimony, exhibits, order, decision or record in any other proceeding before the Commission, such portion shall be plainly designated in the stenographic record, and if admitted, shall be deemed to be a part of the oral testimony in the pending proceeding without physical production and marking for identification.

Rule 13 (continued)

H. Documentary Evidence. A copy of each documentary exhibit shall be furnished to each party of record present, and four additional copies shall be furnished for the use of the Commission. Where relevant and material matter offered in evidence is embraced in a written or printed statement, book, or document of any kind containing other matter not material or relevant and not intended to be put in evidence, such statement, book or document in whole shall not be received or allowed to be filed, but counsel or other party offering the same shall present in convenient and proper form for filing a copy of such material and relevant matter, and that only shall be received and allowed to be filed as evidence and made a part of the record.

I. Rules of Evidence. In conducting any investigation, inquiry or hearing, neither the Commission nor any officer or employee thereof shall be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission. Rules of evidence before Court of Record of the State of Colorado will be generally followed but may be relaxed in the discretion of the Commission or hearing officer when deviation from technical rules of evidence will aid in ascertaining the facts. When objection is made to the admissibility of evidence, such evidence may be received subject to later ruling by the Commission. The Commission, or hearing officer, in its discretion, either with or without objection, may exclude inadmissible evidence or order cumulative or irrelevant evidence discontinued. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered. The evidence to be admitted at hearings shall be material and relevant to the issue.

J. Open Hearings. All hearings conducted by the Commission shall be open to the public.

K. Continuances. The Commission may, in its discretion, and on proper showing, grant continuances for submission of further or additional proof on any subject matter and refer the case to the Secretary for re-setting.

L. Procedure before Examiners. If the Commission assigns an examiner to hear a matter, the procedure followed shall be as stated in 1953 C.R.S. 115-2-6, and as may be ordered by the Commission in the particular proceeding.

M. Briefs. In all contested hearings, the Commission may order briefs to be filed within such time as may be allowed by the Commission. Four copies of briefs shall be filed with the Commission and shall be accompanied by a receipt or an affidavit showing service on the adverse parties.

N. Transcripts. Copies of the transcript of testimony will be furnished parties in any hearing upon payment of the proper fees. Orders for copies of transcripts should be given the Commission at the commencement of hearing. In the event of an appeal, the appealing party shall pay the proper fee for the transcript of testimony prior to the time the record is certified to the appropriate District Court.

O. Witnesses and Subpoenas. Subpoenas requiring the attendance of a witness from any place in the State to any designated place of hearing, for the purpose of taking testimony of such witness orally before the Commission, a commissioner, or an examiner, or before a notary public or other officer authorized by the Rules of Civil Procedure to take depositions, may be issued by the Commission, any commissioner, or the Secretary of the Commission, upon application in writing. The Commission may, as a condition of issuing a subpoena, require the party applying therefor to prepay fees of the witness. Depositions of witnesses may be taken upon notice or stipulation, as provided in the Rules of Civil Procedure.

Rule 13 (continued)

Subpoenas for the production of books, waybills, papers, accounts, or other documents, unless directed to issue by the Commission on its own motion, will be issued only on application in writing, which application must specify, as nearly as may be, the books, waybills, papers, accounts or other documents desired. The Commission, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, may (1) quash the subpoena if it is unreasonable or oppressive, or (2) condition granting of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, waybills, papers, accounts, or other documents desired.

P. Depositions. Depositions may be taken and offered in evidence as provided by the Colorado Rules of Civil Procedure.

Q. Official Notice. The Commission may take official notice of the following matters:

- (1) Rules, regulations, official reports, decisions and orders of the Commission, and pleadings in such proceeding.
- (2) The contents of Orders, Certificates and Permits issued by the Commission.
- (3) Matters of common knowledge, technical or scientific facts of established character.
- (4) Pertinent documents, if properly introduced into the record of formal proceedings by reference; provided, however, that proper and definite reference to such document shall be made by the party offering the same and that the same is published and generally circulated so that an opportunity shall be given to all of the parties of interest at the hearing to examine the same and present rebuttal evidence.

RULE 14.

REHEARINGS

(a) Time for Filing. After any order or decision has been made by the Commission, any party to the action or proceeding or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing within twenty (20) days after the date of any order or decision of the Commission, irrespective of the effective date of the order. The time for filing a petition for rehearing in order to protect the right of appeal as provided in 1953 C.R.S. 115-6-14, shall, in all cases, regardless of the effective date of the order, be deemed to include the twentieth day after the entry of an order, and the calculation of time shall be as prescribed in the Colorado Rules of Civil Procedure.

(b) Form and Contents. A petition for rehearing shall be typewritten, or otherwise reproduced, and shall state specifically the grounds upon which the petitioner considers such order, rule, regulation, or decision to be unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence such petitioner will offer if rehearing is granted. Four copies of such petition shall be filed with the Commission and shall be accompanied by sworn proof of service of a copy of said petition upon all other parties of record appearing at the hearing.

Rule 14 (continued)

(c) Procedure at Rehearings. Rehearings will be conducted in accordance with the procedure at regular hearings, subject to order of the Commission.

RULE 15.

APPEALS

(a) Who May Appeal. As provided by law, after any order or decision has been made by the Commission, any party to the action or proceeding or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, and who has filed a petition for rehearing within the prescribed time as required by law, may appeal from any order or decision of the Commission. (See 1953 C.R.S.115-6-14)

(b) Time for Filing. Appeals must be filed in the appropriate District Court within thirty (30) days after the denial of a petition for rehearing or the entry of an order rendered after rehearing. Conduct of appeals will be as provided by law. (See 1953 C.R.S.115-6-15)

RULE 16.

MUNICIPAL PURCHASE OF UTILITIES; COMPENSATION DETERMINATIONS

(a) Request for Commission Action. Whenever any municipality has expressed its intention to purchase the property of any public utility, as provided in 1953 C.R.S. 115-5-4, notice may be given to the Commission by the municipality and the utility that such negotiations have been entered into and are pending. If the parties have been unable to agree upon the compensation to be paid, or the owner of the public utility has refused to sell the same, the municipality may ask the Commission for a determination and fixing by the Commission of the just compensation to be paid for the taking of the property of a public utility, and in such case, the municipality shall submit the following data, either in the application or attached thereto as exhibits:

- (1) Copy of the ordinance duly passed expressing the intention and desire of the municipality to purchase the plant, property or facilities of the public utility.
- (2) A complete description of the plant, property or facilities of such public utility actually used and useful for convenience of the public which the municipality desires to purchase.
- (3) A complete statement of the terms and manner of the compensation proposed by the municipality for the purchase, and the compensation demanded by the public utility. All items of dispute should be clearly set forth.
- (4) A statement of the motive and purpose of the applicant in acquiring the property of the public utility, together with a general statement of further development planned or in contemplation to which such purchase and acquisition is preliminary.
- (5) A statement showing how the proposed acquisition will affect the service being furnished by the respondent utility whose property the municipality seeks to purchase.

Rule 16 (continued)

(b) Answer to Compensation Applications. Whenever any such application shall have been filed with the Commission by a municipality desiring to purchase the plant, property or facilities of a public utility, the Commission will serve a copy of the application upon such public utility, and the public utility shall thereupon be required to file its answer to the application in the form and manner as provided for the filing of answers to formal complaints.

The answer of the public utility shall contain the following specific data, either in the answer or attached thereto as exhibits:

- (1) A statement of the terms and manner of the compensation demanded by the respondent for its property sought to be purchased by the municipality.
- (2) A statement of the corporate history of the respondent, together with general balance sheets of the close of the fiscal period and statements of income and expenses showing the results of operations during the preceding fiscal year.
- (3) The reasons relied upon by the respondent as justification for refusal to sell its property to the municipality, or the reasons for refusal to sell at the amount of compensation offered by the municipality.
- (4) A complete description of the plant, property or facilities, actually used and useful for the convenience of the public, which the municipality desires to purchase, and (separately) a complete description of the plant, property or facilities situated in the municipality, or adjacent to and considered by the respondent as a part of and auxiliary to the property situated within the municipality, owned by the respondent public utility, the purchase of which is not contemplated by the municipality.
- (5) A statement showing how the proposed acquisition by the municipality will affect the service being furnished by respondent.

RULE 17

PROCEDURE TO CHANGE RATES OF "NON-CARRIER" UTILITIES

This rule applies to all gas, electric, telephone, telegraph, water or pipe line utilities, and all other public utilities except railroads and motor vehicle carriers.

A. Procedure to Increase Rates.

(1) By Formal Application to the Commission. Except as otherwise provided herein, before any public utility ("non-carrier") shall increase any rate, fare, toll, rental or charge, or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental, or charge, the utility shall file a formal application with the Commission petitioning for such change or changes and receive the approval of the Commission therefor. Such approval may in the discretion

Rule 17. (continued)

of the Commission, be given without formal hearing and on less than thirty days' notice to customers, but such action shall not bar or affect any subsequent proceeding relative to such changes. The applicant, in addition to complying with the provisions of Rule 11 hereof, dealing with formal requirements for all applications, shall submit the following data, either in the application or attached thereto as exhibits:

- (a) A statement showing in full the rates, fares, tolls, rentals, charges or rules or regulations which it is desired to put in effect, or the general relief asked for.
- (b) A statement showing in full the rates, fares, tolls, rentals, charges, or rules or regulations which are in effect and which will be superseded by the proposed rates, fares, tolls, rentals, charges, or rules or regulations.
- (c) A complete and accurate statement of all the circumstances and conditions relied upon in justification of the application.
- (d) A reference to prior action, if any, of the Commission in any proceeding relative to the existing and proposed rates.
- (e) A statement showing that the application has been brought to the attention of affected customers and the method used to give such notice.

2. By Thirty Day Notice to the Commission and Customers.
(Under 1953 C.R.S. 115-3-4)

If the utility does not elect to file a formal application to increase rates as provided in Sub-Section A (1) above, it shall proceed as follows:

- (a) Notice to Customers. A written or printed notice, setting forth the proposed changes and the effective date thereof, shall be mailed or delivered at least thirty days before said effective date to each of the public utility's active consumers or users affected by the proposed changes, in the following form:

Date of Notice: _____

NOTICE OF AN INCREASE IN THE RATES OF

(Name and Address of Public Utility).

You are hereby notified that the

(Name of Public Utility)

has filed with The Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Law, certain changes in rates, rules and regulations affecting

(State Class of Service)

consumers, to become effective

(Date)

Rule 17 (continued)

unless suspended in accordance with the provisions of the Public Utilities Law of Colorado. (State fully the rates, rules or regulations which it is desired to put into effect and the present rates, rules or regulations for the same class of service; or if too lengthy, attention may be called to the effect of the changes to the consumer, and notice given that the proposed and present rates, rules or regulations are available for examination and explanation at the office of the public utility).

(The notice shall also contain a paragraph pursuant to Sub-Section (c) below).

By: _____

(Name and Title of Officer)

(b) Notice to Commission. A complete schedule of all proposed rate increases or changes in rules or regulations which would have such an effect shall be filed with the Commission at least thirty days prior to the effective date of such change.

(c) Advising Customers of Deadline on Protests. The notice to customers shall contain a paragraph stating that anyone protesting the action proposed under said notice shall file a written protest, in duplicate, with The Public Utilities Commission of the State of Colorado, Denver, Colorado, at least ten days before the proposed effective date. If the Commission waives this requirement, then the deadline specified in Sub-Section (e) hereof shall not apply, and protests will be received up to the proposed effective date. The Commission will advise the utility of all protests received.

(d) Advising Commission of Compliance with this Rule. The public utility shall inform the Commission of its compliance with subsection (a) of this rule upon the completion of the notification specified therein and not less than ten days prior to the proposed effective date of the proposed rates, rules and regulations, stating the date such notification was completed and the method used, and enclosing a copy of the notice to customers.

(e) Deadline on Protests: When Commission Will Suspend Rates.

(1) Statutory Protests. If protests are received by the Commission at least ten days prior to the effective date of the proposed rates or other changes, and in accordance with the requirements of Chapter 115, Article 6, Section 8, C.R.S., 1953, sufficient in number and importance in the judgment of the Commission, to warrant investigation, the effective date of the proposed rates will be suspended by the Commission until further order of the Commission.

(2) On Commission's Own Motion. The Commission on its own motion may order the proposed rates suspended whether or not any protests are received or whether filed before or after the ten-day deadline.

B. Procedure to Reduce Rates or Liberalize Rules or Regulations.

(1) Procedure to Change the Tariffs, Rate Schedules, Rules or Regulations on Thirty Days' Notice. Where any utility desires to change a rate schedule, tariff, or rule or regulation, not involving or resulting in an increase in the rates of such utility,

Rule 17 (continued)

and unless the Commission otherwise orders, under Subsection (2) of this Subsection, such utility shall give thirty days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection, new schedules, stating plainly the change or changes to be made in the rates, tariffs, schedules, or regulations then in force, and the time when the change or changes will go into effect.

(2) Requests to Change Tariffs, Rate Schedules, Rules or Regulations on Less Than Thirty Days' Notice. Orders authorizing any utility to amend tariffs, rate schedules, or Rules and Regulations, on less than thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions. Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in substantially the form set out in Appendix D hereof.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than one day's notice to the Commission and to the public.

RULE 18.

PROCEDURE TO CHANGE RATES OR RULES OF RAILROADS, SLEEPING CAR COMPANIES, EXPRESS COMPANIES, AND MOTOR VEHICLE COMMON CARRIERS.

The provisions of this rule shall govern changes in rates or rules of all railroads, sleeping car companies, express companies, and to all motor vehicle common carriers operating in Colorado in intra-state commerce, but shall not apply to curtailment or abandonment of service or facilities. (See substantive Rules applicable to the particular carrier.)

A. Applications of Railroads, Sleeping Car Companies, Express Companies, and Motor Vehicle Common Carriers for a General Percentage Increase in Rates.

(1) Application Required. If a railroad, sleeping car company, express company, or motor vehicle common carrier proposes to increase a large number of rates, fares or charges by a uniform specific amount of percentage, either over a single line or over two or more lines, or to be applicable upon like basis to all lines individually, or both, the carrier shall file a formal application with the Commission petitioning for such increase, and must receive the approval of the Commission before putting such increase into effect. Such approval may, in the discretion of the Commission, be given without formal hearing and on less than thirty days' notice to the public, but such action shall not bar or affect any subsequent proceeding relative to such increases. The applicant, in addition to complying with the provisions of Rule 11 hereof, dealing with formal requirements for all applications, shall submit the following data, either in the application or attached thereto as exhibits:

Rule 18 (continued)

- (a) The amount or percentage of the proposed uniform increase.
- (b) A complete and accurate statement of all the circumstances and conditions relied upon in justification of the application.
- (c) A reference to prior action, if any, of this Commission or the Interstate Commerce Commission or other state commissions in any proceeding relative to or affecting both the existing and proposed rates.

B. Procedure Applicable to All Changes in Rules or Rates of Railroads, Sleeping Car Companies, or Express Companies, Not Involving a General Percentage Increase.

(1) Procedure to Change Tariffs on Thirty Days' Notice.

Where any railroad, sleeping car company, or express company desires to change a rate, tariff or rule or regulation not involving or resulting in a general percentage increase in the rates of such railroad, sleeping car company, or express company, and unless the Commission otherwise orders under Sub-section (2) of this section, such railroad, sleeping car company, or express company shall give thirty days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules or regulations then in force, and the time when the change or changes will go into effect.

(2) Requests to Amend Tariffs on Less Than Thirty Days' Notice.

Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in the form set out in Appendix D hereof. Orders authorizing railroads, sleeping car companies, or express companies to change tariffs and schedules on less than thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions.

When a railroad, express company, or sleeping car company, or an agent, issues a schedule for two or more railroads, express companies, or sleeping car companies, and desires to make application for authority to amend the schedule on less than statutory notice, such requests as to joint schedules must be made by the railroad, express company, or sleeping car company, or agent, authorized to file the schedule, and in making them, the same form as that prescribed for use of individual railroads, express companies, or sleeping car companies, shall be used, except that the request must state that it is made in the name and on behalf of all railroads, express companies, or sleeping car companies, that are parties to the schedule.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than one day's notice to the Commission and to the parties.

Rule 18 (continued)

C. Procedure to Change Rates or Rules of Motor Vehicle Common Carriers Not Involving a General Percentage Increase.

(1) Procedure to Change Rates Prescribed Under Case No. 1585.

(a) Changes on Statutory (30 day) Notice.

Where any motor vehicle common carrier desires to change a rate, rule or regulation prescribed by the Commission in Case No. 1585, such motor vehicle common carrier shall give not less than 30 days' notice to the Commission and to the public (unless shorter time is allowed on application under this rule) by filing with the Commission and keeping open for public inspection new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules, rules, or regulations then in force, and the time when the change or changes will go into effect. Shippers or other common carriers wishing to protest the proposed changes shall be subject to sub-section E of this Rule in regard to requirements for filing protests, including the ten-day deadline.

If the Commission, after investigation of the proposed change and after examination of protests, if any are received, believes that the public convenience and necessity will be served by approval of the proposed tariff, the Commission will, on the day following the protest deadline, enter an order in Case No. 1585 prescribing the rates, rules, or regulations contained in such tariffs as the rates to be charged or the practices to be followed by the initiating carrier and all other motor vehicle common carriers in competition with said initiating carrier, and which prescribed rate, rule, or regulation shall also be the minimum rate, rule, or regulation to be charged by all competing private carriers. Such order will provide that at the expiration of the 30-day notice period, or such other proposed effective date as may be requested by the carriers, said rates will be and become the prescribed rates, and all competing common and private carriers shall, on or before the effective date, bring their tariffs and schedules into conformance with said prescribed rates, rules, or regulations, by proper tariff filings.

(b) When Commission Will Suspend. If the Commission received protests at least ten days prior to the effective date of the proposed change, sufficient in number and importance, in the judgment of the Commission to warrant further investigation, the Commission will suspend the effective date of the proposed change until further order of the Commission.

The Commission, on its own motion, may order suspension of the proposed change whether or not any protests are received.

Rule 18 (continued)

- (c) Requests to Amend Tariffs on Less Than Thirty Days' Notice. Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in the form set out in Appendix D hereof. Orders authorizing motor vehicle common carriers to change tariffs and schedules on less than the thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions.

When a motor vehicle common carrier or an agent issues a schedule for two or more carriers and desires to make application for authority to amend the schedule on less than statutory notice, such requests as to joint schedules must be made by the carrier, or agent, authorized to file the schedule, and in making them, the same form as that prescribed for use of individual carriers shall be used, except that the request must state that it is made in the name and on behalf of all carriers that are parties to the schedule.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than ten days' notice to the Commission and to the parties.

- (2) Procedure for Motor Carriers to Change Rates Not Prescribed Under Case No. 1585 and Not Involving a General Percentage Increase. Where a motor vehicle carrier-desires to change or amend any rate, rule or regulation not prescribed by this Commission in Case No. 1585, and not involving general percentage increase, the procedure to be followed by such motor vehicle carrier shall be the procedure prescribed for changes in railroad rates as set out in Rule 18 (B) of these Rules.

D. Form to be Used by All Carriers in Applying for General Percentage Increases or Filing Schedules Changing Rates.

- (1) Consolidation of Application and Description of Territory. The carriers over whose lines the rates are proposed to apply, may file a single application, to which shall be affixed the name of each carrier and the signature of such carrier's responsible traffic officer, but the application must show specifically a complete description of

Rule 18 (continued)

the territory to which it is proposed to have such rates applicable, and all exceptions to the proposed uniform basis.

(2) Indicating Parties to Tariffs. Each application made by common carriers shall show the names of the carriers for and on behalf of which it is made, or if made on behalf of all carriers parties to a particular tariff or classification, may refer by Colo. P.U.C. number to such tariff or classification, and shall be over the signature of a responsible traffic officer, or an attorney or agent, specifying his title, and shall be sworn to before an official qualified to administer oaths.

E. Protests to Rate Changes and Petitions to Suspend Tariffs or Schedules.

This rule shall apply to protests filed in opposition to rate changes proposed by railroads and motor vehicle common carriers not involving a general percentage increase.

(1) Contents of Protest. The proposed tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier or agent, to the publishers' tariff or schedule number and the Colo. P. U. C. number, also to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful, and state what protestant offers by way of substitution.

(2) Deadline for Filing Protest. A protest against, and a prayer for suspension of, any tariff or schedule filed under these Rules ordinarily will not be considered unless made in writing, and filed with the Commission at least 10 days before the effective date of the tariff or schedule. In an emergency satisfactorily shown by protestant, and within the time limits herein provided, a telegraphic protest may be sent to the Commission and to the publishing carrier, or agent, stating the ground relied upon, but such telegraphic protest must immediately be confirmed by protest filed and served in accordance with this rule.

(3) Number of Copies and Service of Protests. Two copies of each protest or reply filed under this rule must be filed with the Commission and one copy of the protest simultaneously be served upon the publishing carrier, or agent, and upon other persons known by protestant to be interested.

(4) Replies to Protest. A reply to a protest filed under this rule should be filed with the Commission and a copy served on each protestant.

RULE 19.

FORMS TO BE FOLLOWED BY CARRIER UTILITIES IN FILING TARIFFS, RATES, RATE SCHEDULES, RULES AND REGULATIONS.

(a) Form of Schedules. All carrier utilities operating in the State of Colorado are hereby directed and required to file, and keep on file with this Commission, schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service, as provided by the statutes governing public utilities.

Rule 19 (continued)

Except as otherwise authorized by specific order or orders of the Commission, all schedules so filed shall bear on the title page the initials Colo. P.U.C. followed by the number; each schedule filed shall be numbered consecutively beginning with Number 1, and in any reference supplement or amendment to such schedules, reference must be made to the number of the original schedule.

(b) Letters of Transmittal; Duplicate Letter or Carbon Copy Where Receipt Desired. Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, in the following form:

LETTER OF TRANSMITTAL
(Name of Public Utility)

Advice No. _____ (Date) _____
To the Public Utilities Commission
of the State of Colorado, Denver:
Accompanying schedule issued by the _____
_____ is sent you for filing in
compliance with requirements of the Public Utilities Law:

Colo. P.U.C.No. _____
Supp. No. _____ to Colo.P.U.C.No. _____
Effective _____ 19____

(Signature of filing officer
with title)

If a duplicate letter is filed, the Commission will stamp and return it to the utility.

(c) Powers of Attorney and Concurrences as Used in Filing and Adopting Tariffs.

- (1) Whenever a common carrier desires to give authority to an attorney and agent to issue and file tariffs and supplements thereto in its behalf and stead, a power of attorney in the form set out in Appendix E shall be used.
- (2) Whenever a common carrier desires to concur in tariffs issued and filed by another carrier, or its agent, a concurrence in the form set out in Appendix F shall be issued in favor of such other carrier.
- (3) The original of all powers of attorney and concurrences shall be filed with the Commission and a duplicate of the original sent to the agent or carrier in whose favor such document is issued.
- (4) Whenever a carrier desires to cancel the authority granted an agent or another carrier by power of attorney or concurrence, this may be done by a letter addressed to the Commission revoking such authority on thirty days' notice. Copies of such notice must also be mailed to all interested parties.

RULE 20.

FORMS AND PROCEDURE TO BE FOLLOWED BY NON-CARRIER
UTILITIES IN FILING OF RATE SCHEDULES AND RULES
AND REGULATIONS.

(a) Copies of all schedules of rates or individual contracts for service, forms of routine contracts, charges for service connections and extensions of lines and of all rules and regulations covering the relations of customer and utility shall be filed by each utility in the office of the Commission.

(b) ADVICE NOTICES:

Advice Notices, numbered serially, shall accompany each tariff sheet filing with the Commission. This notice shall list all sheets included in the filing by number and showing the sheet or sheets, if any, being cancelled. The purpose of the filing shall be explained in a brief statement as well as a statement concerning the extent to which customers will be affected by such filing. The Advice Notice shall be in substantially the following form:

NAME OF PUBLIC UTILITY

ADVICE NO. _____

DATE _____

The Public Utilities Commission
of the State of Colorado
State Services Building
1525 Sherman Street
Denver 3, Colorado.

The accompanying tariff sheet (s) issued by

_____ is (are) sent you for filing in
(name of Utility)

compliance with the requirements of the Public Utilities Law:

Colo. P.U.C. No. _____

(tabulate sheets attached as follows):

Colo. P. U. C.	Title of	Cancels Colo. P. U. C.
<u>Sheet Number</u>	<u>Sheet</u>	<u>Sheet Number</u>
-----	-----	-----
-----	-----	-----

ETC.

(Here give purposes to be accomplished by the filing and direct attention generally to the changes being made; also, state the amounts, if any, by which the utility's revenues will be affected. If customers are not adversely affected, so state).

It is desired that this filing shall become effective on statutory (30 days') notice. (If special short-term authority has been sought, pursuant to Rule 17 B (2) of the Commission's Rules of Practice and Procedure, appropriately change language).

(Name and title of issuing officer)

Rule 20 (continued)

(c) REVISED TARIFF SHEETS:

Each tariff sheet, not an original, shall be designated 1st revised sheet No. _____ cancels original sheet No. _____ or 2nd revised sheet No. _____ cancels 1st revised sheet No. _____, etc., shall direct attention to the changes contained therein by the use of suitable symbols in the right margin. These symbols may be "I" increase, "D" decrease, "C" change in text, "N" new text, etc. On a contents or index page the utility shall show the meaning of the symbols used by it to point out changes contained in its revised tariff filings.

If a tariff sheet is issued under a specific authority or decision of this Commission, each sheet so affected shall show the correct number in the space provided at the foot of the sheet.

(d) NUMBER OF COPIES TO BE FILED:

An original and one copy of each advice letter and tariff sheet shall be filed. The copy will be stamped as filed and returned to the utility.

NOTE: The utility may file as many additional copies as it wishes which will also be stamped and returned.

(e) Schedules of rates, forms of contracts and rules and regulations as filed with the Commission and available in the territory concerned shall also be on file in the local office of the utility and shall be open to inspection by the public during regular business hours.

RULE 21.

SUSPENSION OF INTRASTATE RATES IN TARIFFS AND SCHEDULES SUSPENDED BY THE INTERSTATE COMMERCE COMMISSION.

When a tariff or supplement to a tariff containing both intrastate and interstate rates or regulations is suspended by the Interstate Commerce Commission for interstate application, that portion of such tariff or supplement, which contains rates or regulations applicable on intrastate traffic in Colorado may be automatically suspended by the carrier, on less than statutory notice, at the same time and for the same period; this Commission reserving the authority without a formal hearing, to reinstate any fares or regulations so suspended.

Each tariff or supplement issued under authority of this rule must bear notation:

"Issued by authority of Rule 21 of the Colorado Public Utilities Commission."

RULE 22.

PROCEDURE TO ADOPT RATE SCHEDULES WHERE CARRIER UTILITY NAME OR OWNERSHIP CHANGES.

A. Form of Adoption Notice. In case of a change in ownership or control of a carrier or when a carrier's authority or portion of its authority is transferred from the operating control of one party or company to that of another, or when its name is changed, the party or company which will thereafter conduct the operation shall use the rates, rules, regulations and provisions as published by the former operating party or company and shall file with the P. U. C. of Colorado

Rule 22 (continued)

and post in accordance with the law an adoption notice in the form of a tariff numbered in its Colorado P.U.C. series and containing substantially the following:

The (name of new company) hereby adopts, ratifies and makes its own in every respect as if the same had been originally filed and posted by it, all schedules, contracts or other instruments whatsoever, filed with the P.U.C. of the State of Colorado by the (name of old company) prior to (date) the beginning of its possession.

B. Supplement to Tariff. In addition to the above adoption notice, the adopting carrier shall immediately file with the P.U.C. of Colorado and post as required by law, a consecutively numbered supplement to each of the effective tariffs issued or adopted by its predecessor, reading as follows:

Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of (name and trade name, if any, of the adopting carrier) as stated in its adoption notice, Colorado P.U.C. No. _____.

Such adoption notice and supplements to tariffs as hereinbefore provided, may be made effective on immediate notice to the public and the Commission by noting thereon reference to the authority of the Commission authorizing the change.

RULE 23.

PROCEDURE TO ADOPT RATE SCHEDULES WHERE NON-CARRIER UTILITY NAME OR OWNERSHIP CHANGES.

A. Form of Adoption Notice. In case of a change in ownership or control of a utility or when a utility or portion of utility is transferred from the operating control of one company to that of another, or when its name is changed, the company which will thereafter operate the utility, if it intends to use the tariff (s) of the former operating company, it shall file with the P.U.C. of Colorado and post in accordance with the law, an adoption notice, manually signed and containing substantially the following:

The (name of new company) hereby adopts, ratifies and makes its own in every respect as if the same had been originally filed and posted by it, all tariff (s), contracts or other instruments whatsoever, filed with the P.U.C. of the State of Colorado by the (name of old company) prior to (date) the beginning of its possession.

RULE 24.

REQUESTS BY CARRIER UTILITIES FOR AUTHORITY TO MAKE RATE REPARATIONS.

The procedure prescribed in this rule authorizing utilities to make rate reparations, where by inadvertence, or otherwise, an excessive or discriminatory rate has been collected from a shipper or customer, is designed to avoid the complicated procedure required in cases where a shipper or customer applies for a rate reparation which the carrier or utility desires to resist.

A. Informal Docket. The Commission, to simplify the procedure in reparation applications of public utilities, enters all such applications on a special reparation docket which is denominated informal

Rule 24 (continued)

only because of the form of pleadings and the absence of hearing, but orders in such cases must be regarded as formal orders as fully in all respects as orders in so-called formal cases.

B. Where Procedure Applicable. The instances in which the Commission will authorize refund or reparation on its informal docket will be confined to those in which the informal showing develops plainly a case in which the Commission would award reparation on formal hearing and in which an adjustment agreeable to shippers or consumers and the public utilities, and in conformity with the provisions of the law is reached.

C. Which Shippers or Customers Entitled to Refund. When an informal or formal reparation order has been made by the Commission, the principle upon which it is based extends to all like service, but no refunds may be made by the carrier or utility upon such like service except upon specific authority from the Commission therefor.

D. Utility Must Admit Rate Unreasonable. In cases involving refund of alleged over-charges and in which the lawful tariff rates have been applied, reparation will be authorized under informal proceedings only when the utility admits the unreasonableness of the rate charged and it is shown that it has incorporated in its tariff the rate upon which it relies as the basis of adjustment and has thus made that rate lawfully applicable.

E. New Rate to be in Force for One Year. Authority for refund on account of reduced rates or changed tariff regulations shall include a clause providing that the new rate or regulation upon the basis of which reparation is granted shall not be exceeded for a period of at least one year, which shall run from the date of authorization and not from the date when the reduced rate or any regulation became effective, provided, however, that the Commission may for good cause shown not require the maintenance of the said rate for the said period of one year.

F. Rate Must Be on File with Commission. The Commission will not recognize as a basis for reparation any rate, rule or regulation which is not on file with it.

G. Traffic or Credit Bureaus May Request Reparation. While it is the policy of the Commission to entertain complaints instituted on behalf of shippers or consumers by traffic or credit bureaus, in all such cases where reparation is awarded, the order will require payment to be made by the utility either to the consignor or consignee, as their interest may appear, in the case of common carriers, and to the consumer in the case of other utilities.

H. Time for Filing Request to Make Reparation. All informal applications for reparation shall be filed within two years from the time the cause of action accrues.

I. Form of Application to Make Reparation. Applications, duly verified, for authority to make reparation shall be addressed to the Public Utilities Commission of the State of Colorado, Denver, Colorado, and in the form set out in Appendix G hereof, and must be over the signature of the officer duly authorized to file such applications. In case two or more utilities are involved in the application, the proper officer of each such utility shall sign the same.

RULE 25.

PROCEDURE IN NOTIFYING CUSTOMERS OR SUBSCRIBERS
OF THE ABANDONMENT, DISCONTINUANCE OR CURTAIL-
MENT OF ANY PRIVILEGE OR FACILITY OF ANY ELECTRIC,
GAS, TELEGRAPH, TELEPHONE OR WATER UTILITY.

Rule 25 (continued)

A. Notice to Commission. When any electric, gas, telegraph, telephone or water utility proposes to abandon, discontinue or curtail any service, privilege or facility, a complete explanation of all proposed changes, curtailments, discontinuances, or abandonments of any service, privilege or facility shall be filed with the Commission at least thirty days prior to the proposed effective date of such change.

B. Notice to Public. In addition to the filing of such notice with the Commission, such public utility shall prepare a type-written or printed notice in the form set out in Sub-section C hereof, setting forth the proposed discontinuance, curtailment, or abandonment of service and the proposed effective date thereof and shall mail or deliver such notice at least 30 days before said effective date, to each of the public utilities, active customers, or subscribers affected by the proposed changes. In the event no customers are presently being served by said facility or in the case of telegraph companies, the notice shall be posted in a conspicuous space open to the public in the area involved.

C. Form of Notice. The form of notice prescribed in Sub-section B of this Rule shall be substantially in the following form:

NOTICE OF A CHANGE IN THE SERVICE OF

(Name and Address of Public Utility)

Date of Notice: _____

You are hereby notified that the _____
(Name of Public Utility)
by _____ its _____
(Name of Officer) (Title of Officer)

has filed with The Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Law, notice of certain changes in service effective _____

(Effective Date)

unless suspended in accordance with the provisions of the Public Utility Law of Colorado. (State fully the proposed changes in privileges or facilities which it is desired to put into effect.) A paragraph should be included in the body of the notice to the effect that any person protesting the matters outlined in the notice shall notify The Public Utilities Commission of the State of Colorado, Denver, Colorado, at least ten days prior to the effective date of said change.

By: _____
(Name and Title of Officer)

D. Proof of Public Notice. The public utility shall make an affidavit to the Commission of its compliance with Sub-section B of this Rule upon the completion of the notification specified therein, and not less than ten days prior to the date the proposed changes in privileges or facilities become effective, stating the date such notification was completed, the method used, and enclosing a copy of the notice.

E. Deadline on Protests: When Commission Will Suspend Change or Abandonment.

(1) Suspension on Protest. If the Commission received protests at least ten (10) days prior to the effective date of the proposed change,

Rule 25 (continued)

sufficient in number and importance in the judgment of the Commission, to warrant further investigation, the Commission will suspend the effective date of the proposed change or abandonment until further order of the Commission.

(2) Suspension on Commission's Own Motion: The Commission on its own motion may order suspension of the proposed change whether or not any protests are received.

F. When Commission Will Approve Change or Abandonment.

(1) Without Hearing. If the Commission, after investigation of the proposed change, and after examination of protests, if any, and whether or not said change has been suspended, believes that the public convenience and necessity will be served by approval of the change or abandonment, the Commission will enter an order of approval and no proposed change or abandonment shall be effected unless and until such order has been entered by the Commission.

(2) After Hearing. If the Commission, before or after the proposed effective date and whether or not the effective date has been suspended, sets the matter for hearing, the proposed change shall not be made effective unless and until the Commission enters an order of approval.

RULE 26.

REDUCED ROUND-TRIP EXCURSION FARES OF RAILROADS AND MOTOR VEHICLE COMMON CARRIERS.

A. Method of Establishing. Reduced fares for a round-trip excursion, limited to a designated period of not more than ten (10) days, may be established without further notice, upon posting a tariff one (1) day in advance in a public and conspicuous place where tickets for such round-trip excursions are sold or to be sold, and mailing two copies thereof to the Commission. Fares for an excursion limited to a designated period of more than ten (10) days and not more than thirty (30) days may be established upon like notice of three (3) days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given. Fares for an excursion limited to a designated period exceeding thirty (30) days will require the statutory notice, unless shorter time is allowed in special cases by the Commission.

B. Period Rate is Effective. The term "limited to a designated period," used above, is construed to cover the period between the time at which the transportation can be used and the time at which it expires. If tariff names different selling dates for excursions which form a series, and the period of time between the first selling date and the last date upon which any ticket sold under the tariff may be used, exceeds thirty (30) days the series of excursions so provided for do not come within the period of "not exceeding thirty (30) days," and such tariff may not be used by authority of this rule. But it is permissible to establish fares for two or more distinct and separate excursions to various points and for various occasions, each such excursion limited to a designated period of not more than thirty (30) days, and for the convenience of the public and agents to announce them in a bulletin tariff under this rule. It is also permissible to show in such tariff fares for series of excursions between the same points, such series covering a period of more than thirty (30) days provided full statutory notice of such series is thereby given, and providing title-page of publication bears notation:

Rule 26 (continued)

"Effective _____ except as noted in individual items, as to which full statutory notice is given."

When such items are brought forward to another issue of the tariff, they must bear notation:

"First announced in Tariff No. _____
Colo. P.U.C. No. _____
of _____, 19____."

C. No Supplements. No supplement may be issued to any tariff that is issued under this rule except for the purpose of cancelling the tariff, and the title-page of tariff must so state. Every such tariff must bear notation on the title-page: "Issued by authority of Rule No. 26, Rules of Practice and Procedure of The Public Utilities Commission of the State of Colorado."

RULE 27.

UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORTS

A. Electric, Gas and Water Utilities. All electric, gas and water utilities operating in Colorado shall maintain books of accounts in accordance with the Uniform System of Accounts of the National Association of Railroad and Utilities Commissioners, as amended and adopted by the Commission in Case No. 5187, effective January 1, 1961. Annual reports shall be filed on forms supplied or otherwise required by this Commission, properly filled out for the calendar year, verified and due on or before March 31 following the close of the calendar year.

The uniform system of accounts, as amended, for electric, gas and water utilities and as adopted by the Commission in Case No. 5187, contains the following two amendments:

Amendment No. 1 - Pertaining to NARUC Uniform System of Accounts for Electric and Gas Utilities and relative to accounting for deferred income taxes resulting from taking accelerated amortization and accelerated depreciation pursuant to Sections 168 and 167, respectively, of the Internal Revenue Code of 1954:

Account 410-Provision for Deferred Income Taxes:

(a) This account shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes as permitted by Section 168 of the Internal Revenue Code of 1954 as compared to a non-accelerated depreciation deduction otherwise appropriate or heretofore used. An equal amount shall be credited to Account 215, Appropriated Earned Surplus.

(b) This account shall be debited with an amount equal to that which taxes on income payable for the year are lower because of the use of accelerated depreciation in computing such taxes as permitted by Section 167 of the Internal Revenue Code of 1954 as compared to non-accelerated depreciation deduction otherwise appropriate or heretofore used. An equal amount shall be credited to Account 215, Appropriated Earned Surplus.

Rule 27 (continued)

Account 411-Income Taxes Deferred in Prior Years-Credit:

(a) This account shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified defense facilities (Section 168 of the Internal Revenue Code of 1954) instead of non-accelerated depreciation otherwise appropriate for income tax purposes or that used prior to use of the accelerated amortization. An equal amount shall be debited to Account 215, Appropriated Earned Surplus.

(b) This account shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use of accelerated depreciation (Section 167 of the Internal Revenue Code) instead of non-accelerated depreciation otherwise appropriate for income tax purposes or that used prior to use of accelerated depreciation. An equal amount shall be debited to Account 215, Appropriated Earned Surplus. Instructions pertaining to accounting for deferred income taxes resulting from accelerated amortization of defense facilities (Section 168 of Internal Revenue Code) and from accelerated depreciation (Section 167 of the Internal Revenue Code):

(1) The use of accounts 410 and 411 are not mandatory even though accelerated amortization and accelerated depreciation are used for income tax purposes. If the utility does elect to use such accounts, then it shall do so only upon specific authorization from the Commission. Those utilities who on January 1, 1961, the time of the adoption of the 1958 uniform system of accounts for electric and gas utilities, were accounting or had previously accounted for deferred income taxes in accordance with specific orders of this Commission may transfer to Accounts 410, 411 and 215 without further authorization of this Commission. The balances or any part thereof in sub-accounts of 215, Appropriated Earned Surplus resulting from deferred income taxes as a result of taking accelerated amortization of defense facilities (Section 168) and accelerated depreciation (Section 167), shall not be used or transferred except as herein provided without the specific approval of the Commission.

Records with respect to Account Nos. 410, 411 and 215 shall be maintained:

(1) For accelerated amortization of defense facilities (Section 168) so as to show the factors of calculation and separate amounts applicable to the facilities of each certificate or authorization of accelerated amortization for tax purposes.

Rule 27 (continued)

- (2) For accelerated depreciation (Section 167) so as to show the factors of calculation and separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different accelerated depreciation method and estimated useful lives have been used.

Amendment No. 2 - Pertaining to NARUC Uniform System of Accounts for Electric, Gas and Water Utilities and relative to accounting for deferred income taxes for various reasons, straight line depreciation, and deviation in use of the NARUC Uniform System of Accounts:

Deferred Income Taxes. All electric, gas and water public utilities under the jurisdiction of this Commission who elect to charge expense with deferred income taxes as a result of taking accelerated amortization of defense facilities and accelerated depreciation (Sections 168 and 167 of the Internal Revenue Code of 1954) or as a result of any other difference in timing for tax purposes of particular income deduction from that recognized for general accounting purposes may do so only upon the approval of this Commission.

Depreciation. All electric, gas and water public utilities operating in the State of Colorado shall determine depreciation for book purposes by applying the straight line method or any other method heretofore or hereafter authorized by the Commission.

Deviation from Uniform System of Accounts as Amended. In special cases for good cause shown, not contrary to statute, the Commission may permit deviation from such electric, gas and water uniform systems of accounts insofar as it may find compliance therewith to be impossible or impracticable.

B. Railroads, Express Companies and Sleeping Car Companies. All railroads, express companies and sleeping car companies operating in Colorado shall maintain books of account in accordance with the uniform system of accounts adopted by the Interstate Commerce Commission.

Annual reports shall be filed on forms supplied by the Colorado Public Utilities Commission properly filled out, verified and due on or before March 31, following the close of the calendar year.

C. Telephone and Telegraph Companies. All telephone and telegraph companies operating in Colorado shall maintain books of account in accordance with the uniform system of accounts adopted by the Federal Communications Commission.

Annual reports shall be filed on forms supplied by the Colorado Public Utilities Commission, properly filled out, verified and due on or before March 31, following the close of the calendar year.

Rule 27 (continued)

D. Pipeline Companies. Common carrier pipeline companies shall maintain books of account in accordance with the uniform system of accounts approved by the Interstate Commerce Commission.

Annual reports shall be filed on forms supplied by the Colorado Public Utilities Commission, properly filled out, verified and due on or before March 31, following the close of the calendar year.

E. Motor Vehicle Common Carriers. Except as otherwise provided by the Commission, all motor vehicle common carriers holding active common carrier certificates operating in Colorado intrastate traffic shall maintain books of account in accordance with the uniform system of accounts as adopted by the Interstate Commerce Commission.

Annual reports shall be filed with the Colorado Public Utilities Commission not later than three (3) months after the close of the calendar year, or if on a fiscal year basis, may, upon obtaining permission from the Commission, file three months after the close of the fiscal year, on forms furnished by the Commission, showing:

- (a) Statement of assets and liabilities.
- (b) Itemized statement of gross revenues and expenses.
- (c) Number of motor vehicles owned and operated.
- (d) Number of passengers carried, passenger miles, and car miles.
- (e) Number of tons of freight hauled, ton miles and truck miles, and
- (f) Any additional information that may be requested or required by the Commission.

Motor vehicle carriers operating interstate shall report the total business performed as fully and completely and in the same manner as required of intrastate carriers. Provided, however, in case the Annual Report required by the Interstate Commerce Commission is in substantially the same form required by this Rule, a copy of said report filed with this Commission within the time prescribed shall constitute compliance with this Rule.

In making reports, carriers shall use the following classifications:

Rule 27 (continued)

Class I--Property--Carriers having average gross operating revenues (including interstate and intrastate) of \$1,000,000.00 or over annually from motor carrier operations shall file an Annual Report on the Form "A" report prescribed by the Interstate Commerce Commission for carriers of freight. (Forms to be supplied by the Commission).

Class II--Property--Carriers having average gross operating revenues (including interstate and intrastate) of less than \$1,000,000.00, but over \$200,000.00, annually from motor carrier operations shall file an Annual Report on Form "B" report prescribed by the Interstate Commerce Commission for carriers of freight. (Forms to be supplied by the Commission).

Class I--Passenger--Carriers having average gross operating revenues (including interstate and intrastate) of over \$200,000.00 annually from motor carrier operations shall file an Annual Report on the Form "D" report prescribed by the Interstate Commerce Commission for carriers of passengers, only. (Forms to be supplied by the Commission).

Class III--Carriers having average gross operating revenues (including interstate and intrastate) of less than \$200,000.00 annually from motor carrier operations shall file an Annual Report on Form A-3MV, revised, prescribed by this Commission for carriers of freight and/or passengers. (Forms to be supplied by the Commission).

All Motor Vehicle Carriers shall file promptly any other special reports that may be requested from time to time by the Commission.

RULE 28.

ADDITIONAL INFORMATION

Additional information with reference to proceedings before the Commission may be secured by applying to the Commission's Executive Secretary or to the staff of the Commission.

RULE 29.

DEVIATION FROM RULES

In special cases for good cause shown, not contrary to statute, the Commission may permit deviation from these rules insofar as it may find compliance therewith to be impossible, impracticable or unnecessary.

RULE 30.

AMENDMENT OF RULES

These Rules may be amended at any time by the Commission.

APPENDICES

APPENDIX A

FORM OF FORMAL COMPLAINT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Insert name of each complainant),)	CASE NO. _____ (To be inserted by the Secretary of the Commis- sion.)
Complainant,)	
v.)	
(Insert name of each respondent),)	
Respondent.)	

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(1) That (here state occupation and postoffice address of each complainant).

(2) That (here insert full name, occupation and postoffice address of each respondent).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

WHEREFORE, complainant asks (here state specifically the relief sought).

Dated at _____, Colorado, this _____ day
of _____, 19____.

(Name of each Complainant)

(Name and address of attorney, if any)

APPENDIX B

ANSWER TO FORMAL COMPLAINT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Insert name of each complainant),)	CASE No. _____ (To be inserted by the Secretary of the Commis- sion.)
Complainant,)	
v.)	
(Insert name of each respondent),)	
Respondent.)	

ANSWER

The above named respondent, for answer to the complaint in this proceeding, respectfully states:

(1) That (here set out specific denials of such material allegations of the complaint as are controverted by the respondent and also a

statement of any new matter constituting a defense. Continue numbering each succeeding paragraph).

WHEREFORE, the respondent prays that the complaint be dismissed (or other appropriate prayer).

(Name of respondent)

(Name and address of attorney, if any.)

APPENDIX C

FORM OF FORMAL APPLICATION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

In the Matter of the Application of (here
insert name and address of each applicant)
for (here insert desired order, authoriza-
tion, permission, or certificate, thus:
"order authorizing issue of stocks and
bonds").

} Application No. _____
} (To be inserted by the
} Secretary of the Commis-
} sion.)

APPLICATION

The applicant (here insert name of each applicant) respectfully
shows:

(1) That applicant is engaged in the business of (here insert
nature of business and territorial extent thereof).

(2) That the address of each applicant is:

(3) That (here insert fully and clearly the facts required by
these rules, and any additional facts which the applicant desires to state).

WHEREFORE, applicant asks that The Public Utilities Commission of
the State of Colorado make its order authorizing applicant to (here state
specifically the action which the applicant desires The Public Utilities
Commission to take).

Dated at _____, Colorado, this _____ day of
_____, 19____.

(Name of each applicant)

(Name and address of attorney, if any.)

N.B.

See Appendix H for specific suggested forms and contents of
various types of applications.

APPENDIX D

FORM OF APPLICATION TO AMEND TARIFFS AND TIME
SCHEDULES ON LESS THAN THIRTY (30) DAYS' NOTICE

(Name of Utility)

(Place and Date)

19

To The Public Utilities Commission
of the State of Colorado:
Denver, Colorado

The _____, by _____, its
(Name of Utility) (Name of Officer)

_____, does hereby respectfully petition The
(Title of Officer)
Public Utilities Commission of the State of Colorado that it be permitted to
put in force the following rates, rules or changes, to become effective
_____ days after the filing thereof with the Commission:

(State fully the rates, rules or changes which it is
desired to put into effect).

Your petitioner further represents that the said rates, rules or
changes above mentioned will be published in Colo. P.U.C. No. _____, and
will supersede and taken the place of rates, rules or time schedules which
are set forth in Colo. P.U.C. No. _____ on file with the Commission, and
which rates, rules or time schedules are as follows, to-wit:

(Here state fully the present rates, rules or time
schedules, or if too numerous name those which are
indicative, or generally describe the rate basis,
rules or time schedules).

And your petitioner further bases such request upon the following
facts, which present certain special circumstances and conditions justifying
the request herein made:

(State fully all the circumstances and conditions which
are relied upon as justifying the application).

By: _____
(Name and Title of Officer)

APPENDIX E

FORM OF POWER OF ATTORNEY TO AUTHORIZE
AN INDIVIDUAL TO ACT AS AGENT

Colo. P.U.C. A-1 No. _____
Cancels Colo. P.U.C. A-1 No. _____
(Name of Carrier)
(Post Office Address)

(Size - 8½" x 11")

19

KNOW ALL MEN BY THIS INSTRUMENT:

That the (Name of Carrier) has made, constituted and appointed, and
by these presents does make, constitute and appoint (Name of Principal Agent
appointed), its true and lawful attorney and agent for the said carrier, and
in its name, place and stead, (1) for it alone, and (2) for it jointly with
other carriers, to publish and file freight rate tariffs specifying (HERE
STATE WHETHER POWER OF ATTORNEY INCLUDES RATES, CHARGES, RULES, OR CLASSIFICA-
TIONS APPLYING FROM, TO OR AT POINTS ON OR VIA CARRIER' ROUTE OR ROUTES) as

required regulations established by the Public Utilities Commission of Colorado. (If the authority granted runs only to a specific tariff, so state and describe such issue as follows):

Here give exact description of title page of tariff, or classification including Colo. P.U.C. number and name of series. When date of issue and/or effective date are determined such date or dates must be shown.

And the said (Name of Carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said carrier, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

And, further, that the (Name of Carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternative (name of alternative agent appointed) its true and lawful attorney and agent, for said carrier and in its name, place and stead, (1) for it alone and (2) for it jointly with other carriers in case and only in case of the death or disability of the same (here insert name of principal agent) to do and perform the same acts and exercise the same authority as hereinabove granted to (here insert name of agent first hereinabove named).

In witness whereof the said carrier has caused these presents to be signed in its name by its (here give title of person signing) at (name of city or town), in (name of county), State of (name of State), on this (date) date of (month), 19__.

(Name of carrier in full)

Attested: _____

(Witness)

By: _____

(Name and title of person signing)

(Corporate Seal, if any)

APPENDIX E-1.

FORM OF POWER OF ATTORNEY TO AUTHORIZE A CORPORATION TO ACT AS AGENT

Colo. P.U.C. A-2 No. _____
Cancels Colo. P.U.C. A-2 No. _____
(Name of carrier) _____
(Post Office Address) _____

19__

KNOW ALL MEN BY THIS INSTRUMENT:

That on the _____ day of _____, 19__,

_____, a common and/or private carrier of
(Name of Carrier)

property by motor vehicle, does (do) hereby make and appoint _____ Attorney or Agent to publish and file for such carrier freight rate tariffs and supplements thereto as permitted or required of common carriers of property by motor vehicle, and of contract carriers of property by motor vehicle, under authority of the Public Utilities Law and the Rules and Regulations of The Public Utilities Commission of the State of Colorado, issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failure to act of said attorney and agent.

If individual owner sign -- (Signed) _____ (Individual)

If partnership: _____ (Partner) _____ (Partner)
_____ (Partner) _____ (Partner)

If corporation: _____
President or Vice-President
(Strike out title not applicable)

(Secretary)

(Corporate Seal)

APPENDIX F

FORM OF CONCURRENCE IN TARIFF

(Size: 8½" x 11")

Colo. P.U.C. Cl No. _____
Cancels Colo. P.U.C. Cl No. _____
(Name of Carrier) _____
(Post Office Address) _____
_____ 19 _____

To The Public Utilities Commission of the State of Colorado
506 State Services Building
Denver, Colorado

This is to certify that the (name of carrier) assents to and concurs in the publication and filing of any tariff or supplement thereto which (name of carrier to whom concurrence is given) or its agent may publish and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby, insofar as such tariff or supplement contains (HERE SPECIFY WHETHER RATES OR CHARGES APPLYING FROM, TO OR AT POINTS ON OR VIA ITS ROUTE OR ROUTES OR CLASSIFICATIONS) until this authority is revoked by formal notice of revocation filed with The Public Utilities Commission of Colorado and sent to the carrier to which this concurrence is given. (If the authority granted runs only to a specific tariff, so state and describe such issue as follows):

Here give exact description of title page of tariff or classification including Colo. P.U.C. number and name of series. When date of issue and/or date effective are determined, such date or dates must be shown.

(Name of Carrier in Full)

By: _____
(Name and Title of person signing)

Attested: _____
(Witness)
(Corporate Seal, if any)

APPENDIX G

FORM OF APPLICATION FOR AUTHORITY TO MAKE REPARATION BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

(Applicant)

v.

(Claimant)

Reparation Application No. _____

Applicant's No. _____

Co. Claim No. _____

Request for authority to refund.

\$ _____

To The Public Utilities Commission
of the State of Colorado
Denver, Colorado

The _____ respectfully applies under Chapter 115,
Article 3, Section 5(3) C.R.S. 1953 and in full compliance with the Commission's
Rules, for an order authorizing the payment to the above-named claimant of
_____, State of _____ of the sum of
_____ (\$ _____) as special reparation in
connection with the following:

(State full reference to shipments made or service rendered)

The aggregate charges actually collected \$ _____ date paid
_____, 19____. By whom paid _____. The rates
lawfully applicable at the time the service was rendered:

(Give full reference to rates, showing Colo. P.U.C. No., etc).

The rate sought to be applied:

(Give full reference to rates, showing Colo. P.U.C. No., etc).

The aggregate charges at the claimed rate would be \$ _____

Explanations and comments:

(Here may follow such statement and explanations as the case may re-
quire, including a possible cause or causes for not requiring the
maintenance of said rate for the period of one year).

Exhibit 1, attached is a statement of billing in the standard form,
and corresponds to the checked billing of the auditing department. (Applies
to common carriers only).

The undersigned who makes this application in the name of his company
certifies that he has familiarized himself with all the facts and figures upon
which this application is made and knows the same to be correct:

By: _____, its _____ Company
_____, 19____, _____ Colorado.
Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

The undersigned company joins in the foregoing application.

_____, Company, by _____
its _____, 19____.
_____, Colorado.
Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

APPENDIX H

SUGGESTED FORM AND CONTENTS OF APPLICATIONS

I. Non-Carrier Utilities

A. Initial Applications for Certificate of Public Convenience and Necessity, for the Construction of a New Plant or System.

1. When application is made for the above-mentioned certificate, the
applicant in addition to complying with the provisions of these Rules
to all pleadings, shall submit the following data, either in the ap-
plication or as exhibits attached thereto:

- a. Name and address of Applicant. If individual, state in addition
if trade name is to be used, i.e., John Smith, dba (doing business
as) Farmer's Utility Company;

- (1) If a partnership, name and address of co-partners and trade
name, if any;

(2) If a corporation, a copy of the Articles of Incorporation with all amendments to date, certified to by the Secretary of State of Colorado. If an out-of-state corporation, a certified copy of the authorization to do business in Colorado, certified to by the Secretary of State of Colorado should be attached to the Articles of Incorporation. Articles must be attached to the original application only, and a statement to that effect shall be made on the other copies of the application.

- b. Description of type of utility service to be rendered and a written description of the area sought to be served. A map shall be attached to the application as an exhibit with the area suitably designated conforming to the written description in the application.
- c. A feasibility study showing estimated investment, income and expense shall be filed with the application as an exhibit.
- d. A copy of the proposed tariff showing the proposed rates, rules and regulations shall be filed with the application as an exhibit.
- e. Evidence of financial ability to carry out operation contemplated in certificate request including a verified current financial statement.
- f. Names of public utilities of like character serving in or near the area sought in the application.
- g. Testimony at Hearing. Competent evidence shall be presented at the hearing to show qualifications of applicant to conduct the utility operations sought in the application, and that public convenience and necessity requires the granting of the application.

B. Application For Extension of Existing Certificate of Public Convenience and Necessity.

- 1. When application is made for the above-mentioned certificate, the applicant in addition to complying with the provisions of these Rules to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:
 - a. Name and Address of Applicant. (Same as in A a above).
 - (1) If a partnership (same as in A a (1) above).
 - (2) If a corporation (same as in A a (2) above).

(3) If Articles of Incorporation have been previously filed with the Commission, give application number as a reference. If any new amendments to said Articles have been adopted since prior filings with the Commission, a copy of the amended Articles certified to by the Secretary of State shall be attached to the original application as an exhibit.

- b. Description of type of utility service to be rendered and a written description of the extended area sought to be served. A map shall be attached to the application as an exhibit with the area suitably designated and conforming to the written description in the application.
- c. A feasibility study based on estimated investment, income and expenses shall be filed with the application as an exhibit.
- d. A copy of the proposed tariff showing the proposed rates, rules, and regulations shall be filed with application as an exhibit.
- e. Evidence of financial ability to carry out operation contemplated in certificate request including verified current financial statement.
- f. Names of public utilities of like character serving in or near the area sought in the application.
- g. Testimony at Hearing. Competent evidence shall be presented at the hearing to show qualifications of applicant to conduct the utility operations sought in the application, and that public convenience and necessity requires the granting of the application.
- h. Proposed Rates for Service. If new rates are proposed for the area, a copy of said rates should be attached to all applications. If area is to be served under existing rates presently on file with the Commission, reference shall be made to the specific rate in the tariff by page and number, etc.

C. Applications To Exercise Franchise Rights.

- 1. When application is made for the above-mentioned franchise rights, the applicant in addition to complying with the provisions of these Rules to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:
 - a. Name and Address of Applicant. (Same as in A a above,)
 - (1) If a partnership (same as in A a (1) above).
 - (2) If a corporation (same as in A a (2) above).
 - (3) If Articles of Incorporation have been previously filed (same as B a (3) above).
 - b. Attach certified copy of franchise ordinance to original copy of application. Conformed copies of franchise ordinance to be attached to additional copies of application.

- c. Proof of publication, adoption and acceptance by the company shall be attached to original application. Conformed copies of these documents to be attached to the additional copies of the application.
 - d. Estimate of Capital Expenditures to be made during the term of the Franchise shall be stated for the purpose of determining the issuance fee.
 - e. Testimony at the hearing shall include, generally, financial ability, rates for service, number of customers served or to be served, population of city or town and/or any other pertinent information.
- D. Applications To Transfer Existing Certificate of Public Convenience and Necessity.
- 1. Application for the above-mentioned transfer shall be by joint or separate applications and shall show in detail what is proposed and all the facts warranting the same. The applicant(s) in addition to complying with the provisions of these Rules applicable to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:
 - a. Name and address of Transferor and Transferee. If Transferee is an individual state in addition if trade name is to be used, i.e., John Smith, dba (doing business as) Farmer's Utility Company;
 - (1) If Transferee is a partnership (same as in A a (1) above).
 - (2) If Transferee is a corporation (same as in A a (2) above).
 - (3) If Transferee has previously filed Articles of Incorporation (same as in B a (3) above).
 - b. Description of type of utility service to be rendered and a written description of the area sought to be transferred. If a portion only of property is to be transferred, a map shall be attached to the application as an exhibit with the area suitably designated conforming to the written description in the application.
 - c. A copy of the proposed tariff showing the proposed rates, and rules and regulations.
 - d. Evidence of financial ability to carry out operation contemplated in certificate request including a verified current financial statement.
 - e. Copies of Sales Agreement or Contract of Sale, together with all other instruments pertaining to the transfer.
 - d. Copies of each of the above documents shall be attached to the original application. Reference to this fact shall be made on all other copies of the application.

- f. Statement showing accounting entries proposed to be made on the books by both parties before and after the proposed transfer, all of which shall be in accordance with the Uniform System of Accounts. Entries shall clearly show acquisition adjustment, if any.
- g. Testimony at Hearing. Competent evidence shall be presented at the hearing to show qualifications of applicant to conduct the utility operations as sought in the application, and that public convenience and necessity requires the granting of the application.

E. Applications By Electrical and Gas Corporations Operating As Public Utilities for Authority to Issue Securities.

- 1. When application is made for the above-mentioned securities, pursuant to 1953 CRS 115-1-4, the applicant in addition to complying with the provisions of these Rules applicable to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:
 - a. State where organized and if a foreign corporation, authority to do business in the State of Colorado. Applicant's Articles of Incorporation and all amendments to date certified by the Secretary of State of Colorado shall, if not currently, on file with the Commission, be included as an exhibit attached to the application, or be introduced into evidence at the time of hearing. If said articles and all amendments are on file, state P.U.C. application and decision numbers.
 - b. Concise description of applicant's existing operations and general service area.
 - c. Affiliation with other companies.
 - d. Post office address of applicant and to whom all communications should be addressed.
 - e. A brief description and amount of capital stock authorized by company's Articles of Incorporation, and the amounts by class of capital stock outstanding as of the date of the recent balance sheet. (Item j).
 - f. Description and amount of long-term debt outstanding at Balance Sheet date (Item j) and brief summary of principal provisions of the indentures and deeds of trust under which such indebtedness was issued.
 - g. Description and amount of short-term indebtedness as of Balance Sheet date (Item j).
 - h. Amount of interest charges incurred during a 12-month period included in the income and earned surplus statement (Item k).
 - i. Amount and rate of dividends declared during the last four (4) calendar years including present year to date of balance sheet (Item j).

- j. Balance Sheet as of most recent date available.
- k. Income and Earned Surplus statement for a 12-month period ending as of date of Balance Sheet (Item j).
- l. Purpose and need for funds to be raised by issuance of new securities - summary of construction program and any other requirements for financing. If proceeds from sale of new securities are to be used for refunding, state securities and amounts to be refunded.
- m. Description and amount of securities to be issued - anticipated interest rate or dividend rate redemption or sinking fund provisions, if any, and other important provisions.
- n. Registration statement and related forms, including preliminary prospectus, filed with the Securities and Exchange Commission with regard to the new securities subject of this application but excluding copies of the various exhibits required in such statements and related forms, except as may be requested by the Commission.
- o. Statement of capital structure at Balance Sheet date (Item j) and pro forma capital structure at same date giving effect to the issuance of proposed securities. Show debt and equity percentages to total capitalization, actual and pro forma.
- p. Estimated cost of financing.

Applications for authority to issue securities by electric Rural Electrification Administration borrowers shall contain the above indicated information insofar as practical to do so. Legal instruments such as loan contracts, mortgages, mortgage notes and any other documents shall be described briefly and the dollar amounts set forth as contained therein.

F. Applications to Construct, Alter or Abolish Crossings, or for the Installation of Signal Lights or Other Protective Devices.

- a. Form of Application. When application is made for the construction, alteration or abolition of crossings (1) of public roads, highways, or streets by railroads, or (2) of railroads by public roads, highways or streets, or (3) of railroad by railroads, or (4) of railroads by street railways, or (5) of street railways by railroads, or (6) of public roads or highways, by street railways, or (7) of street railways by public roads or highways, or for the installation of signal lights or protective devices, the applicant, in addition to complying with the provisions of Rule No. 11, shall submit the following data either in the application or as exhibits attached thereto:

- (1) A brief, concise statement of the nature and character of the construction, approval of which is sought.

- (2) Statement showing that the construction, alteration, relocation, abolition, signal lights or other protective devices is necessary and proper for the service, accommodation and convenience of the public and giving the reasons therefor.
 - (3) A map of suitable scale, preferably of not less than 200 feet to the inch, showing accurately the location of all tracks, buildings, structures, property lines, streets and roads in the vicinity of the proposed crossing; also profiles showing ground lines and proposed grade lines of approaches on such public roads, highways or streets, railroads, or street railways as may be affected by the proposed crossing.
 - (4) Either the proposed crossing or installation of signal lights will be constructed or installed in accordance with Commission specifications.
 - (5) A statement of the number and character and speed of trains and vehicles passing the crossing each day.
 - (6) A statement of the actual or estimated expenses incident to the proposed construction, signal installation, operation or abolition of the crossing, and how it is proposed to provide for the same, and the proposed apportionment of such expenses between or among the parties in interest. If agreements or contracts have been signed by parties concerned as to the apportionment of expenses, a photostatic or conformed copy of said agreements or contracts should be included.
- b. Description of Crossing Services. In addition to the above contents, the application for installation of signal lights or other crossing devices should give in detail the type of signals or devices applicant proposes to install. Reference may be made to recommend standards on railroad highway grade crossing protection as published in the bulletin of the Association of American Railroads.
- c. Exhibits Required. In addition to the above contents shown in Section a, the application to construct, alter or abolish crossings should contain the following information:
- (1) If the crossing is to be constructed by a railroad within the limits of an incorporated city or town, a certified copy of the franchise or portion thereof, or the permit, ordinance or other authority which gives to the railroad the right to cross the highway in question.
 - (2) The names of public utilities, municipalities, corporations, or adjacent property owners concerned in or affected by the proposed construction.
 - (3) If the crossing is at grade a statement showing why a separation of grades is not practicable under the circumstances.
 - (4) If the tracks of a railroad or street railway are to be constructed across another railroad or street railway, the contract between the two companies covering the crossing shall be filed.

- (5) If the tracks of a railroad or street railway are to be constructed across a state highway that fact shall be stated in the petition and indicated on the map, showing either the highway as a state highway, primary or secondary highway, and the number of the same.
- d. Who Shall Apply. Application for the installation of signal lights or other protective devices shall be made by the proper municipality, county, state or railroad authorities. Application for permission to construct a public highway over the tracks of a railroad or street railway shall be made by the proper municipality, county or state authorities. If in addition to the information specified heretofore, there is a statement in writing or some other evidence showing that all parties in interest are willing that the crossing should be constructed, or the signal lights or other protective devices should be installed, the Commission may be in a position to grant the application ex parte.
- e. Changes Exempted From This Rule. The provisions of this rule are not intended to apply where ordinary maintenance is being performed such as replacing ballast, planking or road surfacing material, renewing crossbucks, replacing of defective parts of mechanisms or burned out globes, etc.

II. Carrier Utilities

- A. Every Common Carrier by motor vehicle, before commencing operations, shall make application to and receive from The Public Utilities Commission of the State of Colorado, a certificate of public convenience and necessity.
1. When application is made for the above-mentioned certificate, the applicant in addition to complying with the provisions of these Rules to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:
- a. The name and address of the applicant and the name under which the operation shall be conducted. If the applicant is a corporation, a statement of that fact, the name of the state in which it is incorporated, location of its principal office, if any, in this State, and the names of its Directors and Officers and Colorado Agent for Service. A corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter. If the applicant is a partnership, the names and addresses of all partners shall be set forth.
- b. A statement of the kind of transportation in which applicant intends to engage, whether passenger, freight, or express.
- c. A statement of the area, route, or routes, or the points to be served and the proposed time schedule, if any, all of which may be set out in the application or set forth in an exhibit

attached thereto. In all cases, a map, blueprint, or sketch shall be attached to the application, showing the proposed area and route.

- d. A description of the equipment to be operated in the proposed service.
 - e. The names of all motor vehicle common carriers, steam railroads, and electric railways with whom applicant will be likely to compete, and all Common Carriers known to the applicant to be operating over or parallel to such route, or serving the majority of the cities and towns listed.
 - f. A statement of all the facts and circumstances relied upon by the applicant to show public convenience and necessity, and stating in detail the conditions requiring a new system or additional service by applicant, including all data necessary to give a complete understanding of the situation.
 - g. A financial statement showing applicant's ability and resources and all details which may serve to indicate the permanency of the industry to be established by the applicant.
 - h. Every application shall be signed by the applicant or his or its attorney or agent with the address of such attorney or agent. Five copies besides the original, with copies of all exhibits, shall be filed with the Commission, and additional copies may be required by the Commission if it finds additional competitors entitled to notice.
- B. Every Private (contract) Carrier by motor vehicle, before commencing operations, shall make application for a permit to The Public Utilities Commission of the State of Colorado.
- 1. When application is made for the above-mentioned permit, the applicant in addition to complying with the provisions of these Rules to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:
 - a. The name and address of the applicant and the name under which the operation shall be conducted. If the applicant is a corporation, a statement of that fact, the name of the state in which it is incorporated, location of its principal office, if any, in this State, and the names of its Directors and Officers and Colorado Agent for Service. A corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter. If the applicant is a partnership, the names and addresses of all partners shall be set forth.
 - b. A statement of the kind of transportation in which applicant intends to engage, whether passenger, freight, or express, and whether C.O.D. shipments will be handled.

- c. A statement of the area, route, or routes, or the points to be served, which may be set out in the application or set forth in an exhibit attached thereto, accompanied by a map, blueprint, or sketch of the proposed route.
 - d. A description of the equipment to be operated in the proposed service, and the reasonable value of the same as of the date of filing the application.
 - e. A statement that the applicant is familiar with the Commission's Rules and Regulations, and the rates prescribed for motor vehicle Common Carriers, and that he will maintain such rates, or minimum rates, as may be prescribed by the Commission.
 - f. Every application shall be signed by the applicant or his or its attorney or agent, with the address of the attorney or agent.
 - g. Applications for permits to operate in interstate commerce to transport any commodities not excepted from the operation of the Federal Motor Carrier Act of 1935, as amended, shall be accompanied by a copy of applicant's authority to operate in interstate commerce as a "contract carrier" over the same route and for the transportation of the same commodities for which a permit is sought from this Commission, and no such permit to operate in interstate commerce will be issued until the Federal permit becomes effective.
- C. Every Commercial Carrier by motor vehicle, before using the public highways as such carrier, shall file with The Public Utilities Commission of the State of Colorado an application for a permit to operate upon said highways.
- 1. When application is made for the above-mentioned permit, the applicant, in addition to complying with the provisions of these Rules to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:
 - a. The name and address of the applicant and the trade name under which the business is conducted, if any.
 - b. Applicant's principal business, i.e., the specific type of business commodities to be transported.
 - c. Whether applicant is a sole proprietorship, partnership, or corporation. If a partnership, state the names of the co-partners; if a corporation, give the name of the state where the corporation is incorporated and the names of its officers.
 - d. A statement showing the area to be operated in.
 - e. A statement that the applicant understands that such a permit does not authorize the transportation of persons or property for hire.

original

(Decision No. 56428)

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)	APPLICATION NO. 17505-PP-Extension
"WESLEY CONDA," ROUTE 1, BOULDER,)	
COLORADO, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER PERMIT NO. B-2933.)	

May 9, 1961

Appearances: Stockton, Linville, Lewis and
Mitchell, Esqs., Denver, Colo-
rado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein sought authority to extend operations under Permit No. B-2933, to include the right to transport clay and clay products, including aggregates, in bulk, in dump or hopper vehicles, from plant sites on Colorado Highway No. 119, near the Boulder-Jefferson County Line, to points within the State of Colorado.

The Commission is now in receipt of a communication from Attorneys for Applicants herein, stating said Applicants no longer desire to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 17505-PP-Extension be, and the same hereby is, dismissed, upon request of Applicants herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Holman
Paul J. Halpern
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

mls

original

(Decision No. 56429)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)	
FRANK J. TORTORICE, 220 WHITE)	
STREET, TRINIDAD, COLORADO.)	<u>PERMIT NO. B-2711</u>

May 9, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-styled permit-holder, stating he no longer desires to operate under Permit No. B-2711, and requesting cancellation thereof.

F I N D I N G S

THE COMMISSION FINDS:

That Permit No. B-2711 should be cancelled, as requested by the owner thereof.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-2711 be, and the same hereby is, cancelled, upon request of Frank J. Tortorice, owner thereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Raymond C. Hoban
Harold Zwick
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.
mls

original

(Decision No. 56430)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER RANK, c/o WALDEN CAFE, WALDEN,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
OPERATE AS A COMMON CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 18253
SUPPLEMENTAL ORDER

May 9, 1961

Appearances: John A. Price, Esq., Walden,
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

On February 27, 1961, the Commission entered its Decision No. 55932, granting to applicant herein a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

ashes, trash, garbage, and other waste materials, sand, gravel, and coal, between points in Jackson County, including the Town of Walden, said ashes, trash, and other waste materials, including garbage, to move to regularly-designated and approved dumps and disposal places in Jackson County, Colorado.

The Commission is now in receipt of a communication from Attorney for Applicant herein, stating said applicant desires to have authority to haul coal, sand and gravel deleted from his authority.

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 by Decision No. 55932, of date

February 27, 1961, be, and they hereby are, amended and restricted, by striking therefrom the right to transport coal, sand and gravel, as requested by Walter Rank, Applicant herein, so that authority granted him by said Decision No. 55932, of date February 27, 1961, as amended, shall authorize him to operate as a common carrier by motor vehicle for hire, for the transportation of:

ashes, trash, garbage, and other waste materials, between points in Jackson County, including the Town of Walden, Colorado, said ashes, trash, garbage, and other waste materials to move to regularly-designated and approved dumps and disposal places in Jackson County, Colorado.

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 W. C. Hoban
Henry G. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

mls

original

(Decision No. 56431)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD E. GLOVER, SIMLA, COLO-)
RADO.)
-----)

PERMIT NO. B-4541

May 9, 1961

S T A T E M E N T

By the Commission:

Edward E. Glover, Simla, Colorado, owner and operator of Permit No. B-4541, has requested the Commission to authorize use of the trade name "Glover Truck Line," in the conduct of operations under said permit.

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 instructed to change the records of the Commission to show Permit No. B-4541 to be owned and operated by:

"Edward E. Glover, doing business as
'Glover Truck Line,' "

in lieu of:

"Edward E. Glover."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 9th day of May, 1961.

Joseph F. Nigro
Ralph C. Horton
Paul J. Sullivan
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL S. SCHADLER, DOING BUSINESS AS)
"AUTOMATIC WASHER SERVICE COMPANY,")
1306 SOUTH PEARL STREET, DENVER,) APPLICATION NO. 18404-PP-Extension
COLORADO, FOR AUTHORITY TO EXTEND) SUPPLEMENTAL ORDER
OPERATIONS UNDER PERMIT NO. B-6088.)
-----)

May 9, 1961

Appearances: Hughes and Dorsey, Esqs.,
Denver, Colorado, by
Raymond B. Danks, Esq.,
Denver, Colorado, for
Colorado Transfer & Ware-
housemen's Association;
Hubert Work, Denver, Colo-
rado, for copy of Order.

S T A T E M E N T

By the Commission:

On February 24, 1961, Paul S. Schadler, doing business as
"Automatic Washer Service Company," Denver, Colorado, owner and
operator of Permit No. B-6088, filed the above-styled application
with the Commission, seeking authority to extend operations under
said permit, to include the right to transport washers, dryers,
refrigerators, freezers, stoves, and other large appliances, from
point to point within the City and County of Denver, and from and
to other points within a radius of thirty-five miles of Denver,
all deliveries to be in connection with installation of said appli-
ances.

Said application was regularly set for hearing before the
Commission, at the Hearing Room of the Commission, 532 State Services
Building, Denver, Colorado, April 3, 1961, at ten o'clock A. M.,
due notice thereof being forwarded to all parties in interest.

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

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

On April 13, 1961, the Commission entered its Decision No. 56272, dismissing said application for lack of prosecution.

The Commission is now in receipt of a communication from applicant herein, stating he failed to appear at the time and place designated for hearing of his application, due to the death of his father, and requesting that said application be later re-set for hearing.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

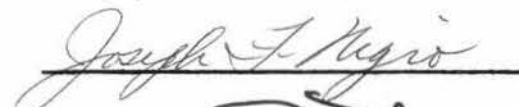
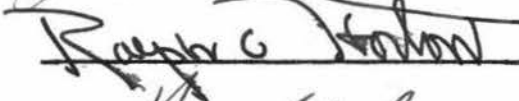
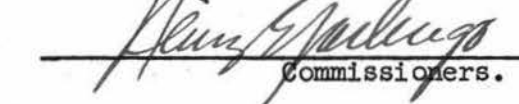
THE COMMISSION ORDERS:

That Decision No. 56272, of date April 13, 1961, entered by the Commission in the above-styled matter, be, and the same hereby is, vacated, set aside, and held for naught.

That Application No. 18404-PP-Extension shall 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 9th day of May, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
900 FIFTEENTH STREET, DENVER, COLO-)
RADO, TO CONSTRUCT AN ELECTRIC TRANS-)
MISSION LINE FROM ITS CAMEO GENERAT-)
ING STATION AT CAMEO, COLORADO, TO A)
SUBSTATION NEAR MONTROSE, COLORADO,)
FOR THE PURPOSE OF INTERCONNECTING)
ITS CENTRAL SYSTEM WITH THE SYSTEM)
OF THE WESTERN COLORADO POWER COMPANY.)
-----)

APPLICATION NO. 18145-Extension

May 9, 1961

Appearances: Bryant O'Donnell, Esq.,
Denver, Colorado, for
Applicant;
Philip F. Icke, Esq.,
Ouray, Colorado, for
San Miguel Power
Association;
George E. Dilts, Esq.,
Cortez, Colorado, for
Empire Electric
Association;
Ray Moses, Esq., Alamosa,
Colorado, for San Miguel
Power Association and
Empire Electric Associa-
tion;
Paul Brown, Denver, Colo-
rado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is a public utility operating company
subject to the jurisdiction of the Commission, engaged principally
in the generation, purchase, transmission, distribution and sale
of electric energy, and in the purchase, distribution and sale of
natural gas at various points within the State of Colorado.

The applicant seeks authority to construct a 115 kv
transmission line from its Cameo steam electric generating station
near Cameo, Colorado, to a substation to be constructed near the
City of Montrose, Colorado, for the purpose of interconnecting its
central system with the system of Western Colorado Power Company.

The proposed construction, it alleges, will permit power flow in either direction to the system of either company which will further insure continuity of service in affected areas in the event of an emergency, and in addition will provide the benefits of diversified load characteristics to both systems and will make available increased reserve capacity to the interconnected systems, resulting in greater economies in the location, design, construction, and operation of generating stations required to serve the electric demands of such interconnected systems. Aside from doubtful need, in view of the fact that the Western Colorado Power Company is subject to prior commitment, the benefit itself of secondary standby service is also dubious because of the uncertainty as to its availability when needed. A tentative route of said line has been generally described to the Commission.

The applicant alleges that the public convenience and necessity require the construction of said 115 kv transmission line and the interconnection of the central system of the applicant and The Western Colorado Power Company.

The hearing of the application was held in two stages at Grand Junction, Colorado, during the course of which San Miguel Power Association of Nucla, Colorado, and the Empire Electric Association of Cortez, Colorado, were authorized by the Commission to intervene in protest to the application.

The Commission finds that The Western Colorado Power Company is a public utility of like character as the applicant and is serving the territory into which the extension of the applicant's facilities, plant, or system is proposed to be made.

The substance of applicant's evidence was in the main directed to the benefits to be derived by the proposed construction resulting from possible economies to be effected and advantages of standby energy in case of emergency, and, those benefits generally accruing to members of associations of utilities having interconnected systems and pooling of energy resources.

The cost of the proposed construction as disclosed by the record will be approximately \$2,250,000, and it is apparent to the Commission that operation and maintenance of the facility, once in, over the route generally described will be substantial. This cost will be borne by the applicant. When the benefits to be derived are considered in the light of the original cost, and the continuing cost of operation and maintenance, to the customers of the applicant it becomes obvious that the public interest will not be served by authorizing the proposed construction. The Commission finds that to authorize such proposed construction will be placing a burden upon the customers of the applicant without adequate compensating benefits.

The purpose of the proposed construction is not to serve primarily The Western Colorado Power Company as a customer. While this customer will receive some advantages, it will not share in any of the cost of the construction. Furthermore, the evidence is fragmentary that even this customer needs the service.

Based on the evidence and the record, the Commission finds:

1. That the public interest will not be served by granting the application.
2. That the granting of the application will be contrary to the public interest.
3. That public convenience and necessity have not been established by the applicant to authorize the proposed construction.
4. That public convenience and necessity do not require the granting of the application.
5. That granting the application will result in discrimination against the present and future customers of the applicant in its area of operation.
6. That the benefits to be derived by the applicant's customers are too remote, dubious and inconsequential to justify the substantial expenditure contemplated.

7. That the service being rendered by the applicant in its present area of operation has not been shown to be inadequate and any advantages to be derived from the construction proposed borders on "luxury" service.

8. That public convenience and necessity do not require the proposed service in the Montrose area.

9. That each of the foregoing findings is a separate, distinct and independent finding, no one finding being dependent on any one or more of the other findings.

10. That the application should be denied.



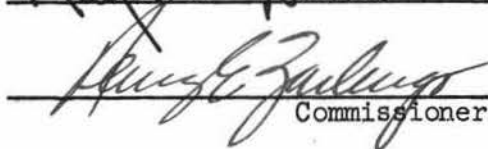
O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1961.

ea

(Decision No.)
56434

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

Winter Wolff and Co., Inc.)
2036 E. 27th)
Los Angeles, California)

AUTHORITY NO. M 9538

CASE NO. 4293 Ins.

May 11, 1961

S T A T E M E N T

By the Commission:

On May 4, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Kinton
Harry J. Paulings
Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES)
AND REGULATIONS IN THE NORTH PARK)
TRANSPORTATION COMPANY, MOTOR FREIGHT)
TARIFF NO. 1-A, COLORADO P.U.C. NO. 3,)
ISSUED BY PETER B. KOOL, PRESIDENT,)
1434 - 29TH STREET, DENVER 5, COLO-)
RADO.)

CASE NO. 1585

May 9, 1961

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 15, 1961, designated as set forth below.

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, Mr. Peter B. Kool, President, submitted to this Commission a letter wherein excerpts are taken therefrom.

North Park Transportation Co. Motor Freight Tariff No. 1-A Colorado P.U.C. No. 3				
SECTION 3 COMMODITY RATES IN CENTS PER 100 POUNDS				
Item No.	ARTICLES	FROM	TO	RATES
				LTL Min. Wt.
#(R) 262	Dairy Products, viz.: Ice Cream, in packages. Milk or Cream, in fibreboard or pulpboard bottles or cans not exceeding two quarts in capacity.	Denver, Colo.	Granby, Colo.	10M --- 70

- Denotes addition
(R) - Denotes reduction

"Item 262 is a reduction and is being published in an attempt to get the hauling on the ice cream and milk or cream between Denver and Granby that is now being hauled by the shipper on his own trucks."

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in the statement of this order 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:

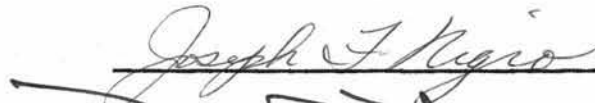
1. The Statement and Findings be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in the Statement of this order shall on May 15, 1961, be the prescribed rates, rules, regulations and provisions of the 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 15, 1961, 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 15, 1961, 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 9th day of May, 1961.

ph

original

(Decision No. 56436)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WARREN DORRANCE, DOING BUSINESS AS)
"CENTRAL UNLOADING AND DISTRIBUTING,")
500 WALNUT STREET, DENVER, COLORADO,) APPLICATION NO. 18453-PP
FOR A CLASS "B" PERMIT TO OPERATE AS) SUPPLEMENTAL ORDER
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

May 10, 1961

Appearances: George M. Graber, Esq.,
Arvada, Colorado,
for Applicant;
Hughes and Dorsey, Esqs.,
Denver, Colorado, by
Raymond B. Danks, Esq.,
for Colorado Transfer
and Warehousemen's
Association.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By Decision No. 56375, of date April 28, 1961, the
above-styled applicant was authorized to operate as a Class "B"
private carrier by motor vehicle for hire.

It now appears that through inadvertence the words
"or from storage" were omitted from the authority so granted,
and that said Decision No. 56375 should be amended, as provided
in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 56375, dated April 28, 1961, should
be, and the same hereby is, amended nunc pro tunc, as of said
28th day of April, 1961, by striking the first paragraph of the
Order on page 3, and inserting in lieu thereof the following:

That Warren Dorrance, doing business as "Central Unloading and Distributing," Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sheet rock and lumber, from rail cars or from storage at his base of operations, to lumber yards and building construction jobs within a twenty-mile radius of the City and County of Denver, Colorado; that the base of operations of the applicant shall be restricted to his yard at West 5th and Walnut Streets, Denver, Colorado; that said permit shall be restricted to a list not to exceed fifteen customers at any one time; that applicant may unload railroad cars and make delivery therefrom at locations other than at West 5th and Walnut Streets, Denver, Colorado, for only such railroad cars as have been on order prior to the date of this Order.

That, except as herein amended, said Decision No. 56375 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Hinton
Henry J. Hurlbut
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EARL DOUGLASS, 651 HIGHWAY 50,)
GRAND JUNCTION, COLORADO.)
)
)
)
-----)

PERMIT NO. M-13248

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Earl Douglass,
Grand Junction, Colorado
requesting that Permit No. M-13248 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13248, heretofore issued to Earl Douglass,
Grand Junction, Colorado be,
and the same is hereby, declared cancelled effective April 6, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of May, 195 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BILL HUCKABY AND BERT VAN ZANTE,)
DOING BUSINESS AS, "BILL AND BERT)
PRODUCE COMPANY", 300 NORTH 11TH)
AVENUE, GREELEY, COLORADO.)

PERMIT NO. M-453

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bill Huckaby and Bert Van Zante, doing business as, "Bill and Bert Produce Company", Greeley, Colorado requesting that Permit No. M-453 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-453, heretofore issued to Bill Huckaby and Bert Van Zante, doing business as, "Bill and Bert Produce Company", Greeley, Colorado be, and the same is hereby, declared cancelled effective July 30, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Nelson
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. E. HADLEY, P. O. BOX 102, WALNUT,)
KANSAS.)
)
)
)
-----)

PERMIT NO. M-3522

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. E. Hadley,
Walnut, Kansas
requesting that Permit No. M-3522 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3522, heretofore issued to C. E. Hadley,
Walnut, Kansas be,
and the same is hereby, declared cancelled effective March 10, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Gordon
Henry E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THE KIMBARK COMPANY (A CORPORATION),)
201 UNIVERSITY BOULEVARD, DENVER 6,)
COLORADO.)
-----)

PERMIT NO. M-10646

May 11, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from The Kimbark Company
(A Corporation), Denver 6, Colorado
requesting that Permit No. M-10646 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10646, heretofore issued to The Kimbark Company
(A Corporation), Denver 6, Colorado be,
and the same is hereby, declared cancelled effective April 20, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 11th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
 GUY HART, DOING BUSINESS AS,)
 "FARM HAULING SERVICE", 623)
 MARTIN STREET, LONGMONT, COLO-)
 RADO.)
 -----)

PUC NO. 945 & I

 May 11, 1961

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. 945 & I be suspended for six months from May 1, 1961.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Guy Hart, doing business as, "Farm Hauling Service",
Longmont, Colorado
be, and is hereby, authorized to suspend operations under PUC No. 945 & I until November 1, 1961.

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
Samuel C. Johnson
Wm. E. Zwick
 Commissioners

Dated at Denver, Colorado,
 this 11th day of May 1961.

original

(Decision No. 56442)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
HAROLD'S EXPRESS, INC., 3930)	PUC 3540
BLAKE STREET, DENVER, COLORADO.)	<u>PUC 3540-I</u>
-----)	

May 10, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from Harold's Express, Inc., Denver, Colorado, owner of the above-styled certificates, requesting a written waiver from the Commission, in lieu of filing a bond covering payment of C. O. D. collections to shippers, in operations under said certificates.

Rule 24 (a) of Rules and Regulations Governing Common Carriers by Motor Vehicle, effective June 1, 1960, provides that:

"Unless such carrier shall have secured a written waiver from the Commission, no Common Carrier by motor vehicle, except motor vehicle carriers supplemental to railroad transportation and on railroad bills of lading, shall accept any C. O. D. shipments or otherwise collect money from any consignee to be paid to any consignor, or render any C. O. D. service, unless such carrier has published, posted, and filed with this Commission tariffs which contain rates, charges, and rules governing such service (which rules shall conform to this Rule), and unless such carrier shall have on file with this Commission cash or a surety bond in an amount not less than \$2,000, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C. O. D. or other collections by the carrier to the consignor."

The financial statement of applicant, on file with the Commission, is satisfactory. Therefore,

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

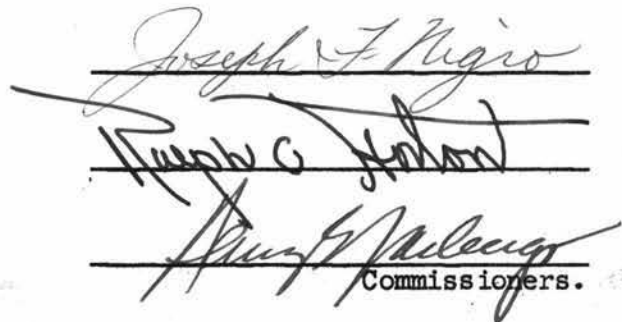
O R D E R

THE COMMISSION ORDERS:

That Harold's Express, Inc., Denver, Colorado, be, and hereby is, granted a written waiver of the provisions of Section (a) of Rule 24 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective June 1, 1960, and shall not be required to file with this Commission cash or surety bond referred to in said Rule, in the conduct of operations under PUC No. 3540 and PUC No. 3540-I.

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 10th day of May, 1961.

ca

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE J. MERRIS, 420 NORTH 15TH)
STREET, CANON CITY, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-9

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clyde J. Merris,
Canon City, Colorado
requesting that Permit No. M-9 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9, heretofore issued to Clyde J. Merris,
Canon City, Colorado be,
and the same is hereby, declared cancelled effective May 6, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Nigro
Joseph C. Hord
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EVA J. BUCKNER, DOING BUSINESS AS,)
"BUCKNER HARDWARE AND IMPLEMENT)
COMPANY", CALHAN, COLORADO.)
-----)

PERMIT NO. M-12083

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Eva J. Buckner, doing
business as, "Buckner Hardware and Implement Company", Calhan, Colorado
requesting that Permit No. M-12083 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12083, heretofore issued to Eva J. Buckner, doing
business as, "Buckner Hardware and Implement Company", Calhan, Colorado be,
and the same is hereby, declared cancelled effective April 3, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 18th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD C. OAKLEY, DOING BUSINESS AS,)
"FINELAWN SPRAY SERVICE", 364 FAIRFAX)
DENVER 20, COLORADO.)
-----)

PERMIT NO. M-7296

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Richard C. Oakley,
doing business as, "Finelawn Spray Service", Denver 20, Colorado
requesting that Permit No. M-7296 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7296, heretofore issued to Richard C. Oakley,
doing business as, "Finelawn Spray Service", Denver 20, Colorado be,
and the same is hereby, declared cancelled effective May 4, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 18th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
S. DAVID DAVIA, DOING BUSINESS AS,)
"TREND FURNITURE COMPANY", 9885)
WEST COLFAX AVENUE, LAKEWOOD, COLO-)
RADO.)
-----)

PERMIT NO. M-997

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from S. David Davia, doing
business as, "Trend Furniture Company", Lakewood, Colorado
requesting that Permit No. M-997 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-997, heretofore issued to S. David Davia, doing
business as, "Trend Furniture Company", Lakewood, Colorado be,
and the same is hereby, declared cancelled effective April 2, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zurlings
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1961.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. DECKER, 945 JACKSON STREET,
DENVER 6, COLORADO.

PERMIT NO. B-5445

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles E. Decker,
Denver 6, Colorado
requesting that Permit No. B-5445 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5445, heretofore issued to Charles E. Decker,
Denver 6, Colorado be,
and the same is hereby, declared cancelled effective March 18, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. [unclear]
Wm. E. Zullinger
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MARY E. FRISON, DOING BUSINESS AS,)
"POUDRE VALLEY APPLIANCE AND)
FURNITURE", 214 LINDEN STREET, FORT)
COLLINS, COLORADO.)

PERMIT NO. M-2763

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mary E. Frison, dba
"Poudre Valley Appliance and Furniture", Fort Collins, Colorado
requesting that Permit No. M-2763 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2763, heretofore issued to Mary E. Frison, dba "Poudre
Valley Appliance and Furniture", Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective April 22, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Gordon
Wm. E. Ziegler
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HARRY ATTEBERY, DOING BUSINESS AS,)
"ATTEBERY TRUCK LINE", AKRON, COLO-)
RADO.)
-----)

PERMIT NO. M-486

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry Attebery, doing
business as, "Attebery Truck Line", Akron, Colorado
requesting that Permit No. M-486 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-486, heretofore issued to Harry Attebery, doing
business as, "Attebery Truck Line", Akron, Colorado be,
and the same is hereby, declared cancelled effective April 24, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 18th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
AMERICAN ALFALFA DRYERS, INCORPORATED,)
P. O. BOX 317, MAIZE, KANSAS.)
)
)
)
-----)

PERMIT NO. M-2952

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from American Alfalfa Dryers,
Inc., Maize, Kansas
requesting that Permit No. M-2952 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2952, heretofore issued to American Alfalfa Dryers,
Inc., Maize, Kansas be,
and the same is hereby, declared cancelled effective May 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 18th day of May, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. HERRING, GENERAL DELIVERY,)
FARMINGTON, NEW MEXICO.)
)
)
)
-----)

PERMIT NO. M-15202

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles E. Herring,
Farmington, New Mexico
requesting that Permit No. M-15202 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15202, heretofore issued to Charles E. Herring,
Farmington, New Mexico be,
and the same is hereby, declared cancelled effective February 20, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. A. FOSTER, DOING BUSINESS AS,)
"C. A. FOSTER TRANSFER", 2615)
PERRY STREET, DENVER 12, COLO-)
RADO.)
-----)

PUC NO. 3606-I

May 18, 1961

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. 3606-I be suspended for six months from April 20, 1961.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That C. A. Foster, doing business as, "C. A. Foster Transfer", Denver 12, Colorado

be, and is hereby, authorized to suspend operations under PUC No. 3606-I until October 20, 1961.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Jordan
Henry C. Ziehlings
Commissioners

Dated at Denver, Colorado,
this 18th day of May 1961.

(Decision No.)
56453

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

HARRY JOHNSON
BOWES DISTRIBUTOR
221 Creston Drive
Pueblo, Colorado

AUTHORITY NO. M 6236

CASE NO. 1830 Ins.

May 12, 1961

S T A T E M E N T

By the Commission:

On September 2, 1960, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond G. Hahn
Harry J. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 12th day of May, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST ARANDA, 816 SOUTH)
WAHSATCH, COLORADO SPRINGS,)
COLORADO.)
-----)

PUC NO. 2572

May 18, 1961

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. 2572 be suspended for six months from April 18, 1961.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ernest Aranda, Colorado Springs, Colorado

be, and is hereby, authorized to suspend operations under PUC No. 2572 until October 18, 1961.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
James C. Hout
Wm. E. Zuckert
Commissioners

Dated at Denver, Colorado,
this 18th day of May 19561.

SUSPENSION ORDER
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 56455)

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST ARANDA, 816 SOUTH)
WAHSATCH, COLORADO SPRINGS,)
COLORADO.)
-----)

PERMIT NO. B-5457

May 18, 1961

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-5457 be suspended
for six months from April 18, 1961.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ernest Aranda, Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit
No. B-5457 until October 18, 1961.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
George C. Houtant
Wm. E. Zullings
Commissioners

Dated at Denver, Colorado,
this 18th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST ARANDA, 816 SOUTH WAHSATCH,)
COLORADO SPRINGS, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-4665

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ernest Aranda,
Colorado Springs, Colorado
requesting that Permit No. M-4665 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4665, heretofore issued to Ernest Aranda,
Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective April 18, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Wm. E. Ziehl
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. A. GARRETT, 823 FOREST STREET,)
DENVER 20, COLORADO.)
)
)
-----)

PERMIT NO. M-8624

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. A. Garrett,
Denver 20, Colorado

requesting that Permit No. M-8624 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8624, heretofore issued to C. A. Garrett,
Denver 20, Colorado

be,

and the same is hereby, declared cancelled effective February 24, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 18th day of May, 1961.

regard
(Decision No.)
56458

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

MAX AND MARY HANSEN)
M AND M LIVESTOCK HAULER)
484 North 3rd Street)
Lander, Wyoming)

AUTHORITY NO. PUC 4758-I

CASE NO. 4498 Ins.

May 15, 1961

S T A T E M E N T

By the Commission:

On May 4, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Russell C. Johnson
Harry E. Mulcaugh
Commissioners.

Dated at Denver, Colorado,
this 15th day of May, 1961

(Decision No.)
56459

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

I. H. MILSTEN
6297 1/2 West 29th Ave.
Denver 15, Colorado)

AUTHORITY NO. M 10350

CASE NO. 4325 Ins.

May 15, 1961

S T A T E M E N T

By the Commission:

On May 4, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Robert C. Holton
Paul J. ...
Commissioners.

Dated at Denver, Colorado,
this 15th day of May, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES AND)
REGULATIONS GOVERNING PRIVATE)
CARRIERS BY MOTOR VEHICLE.)
-----)

CASE NO. 5177
SUPPLEMENTAL ORDER

May 10, 1961

S T A T E M E N T

By the Commission:

On May 16, 1960, in the above-styled Case, the Commission entered its Decision No. 54133, promulgating, adopting, and approving "Rules and Regulations Governing Private Carriers by Motor Vehicle," effective June 1, 1960.

On May 9, 1961, in Case No. 5202, the Commission entered its Decision No. 56427, vacating and setting aside Rule 4 (a) of said Rules and Regulations Governing Private Carriers by Motor Vehicle. In accordance therewith,

F I N D I N G S

THE COMMISSION FINDS:

That its Decision No. 54133, of date May 16, 1960, entered by the Commission in the above-styled case, should be amended, by striking therefrom Rule 4 (a) therein contained, effective May 11, 1961.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54133, of date May 16, 1960, entered by the Commission in Case No. 5177, be, and the same hereby is, amended, by striking therefrom Rule 4 (a) therein contained, effective May 11, 1961.

That, except as herein amended, said Decision No. 54133 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Walter C. Hutton
Paul E. Salinger
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1961.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES AND)
REGULATIONS GOVERNING COMMON)
CARRIERS BY MOTOR VEHICLE.)

CASE NO. 5176
SUPPLEMENTAL ORDER

May 10, 1961

S T A T E M E N T

By the Commission:

On May 16, 1960, in the above-styled Case, the Commission entered its Decision No. 54132, promulgating, adopting and approving "Rules and Regulations Governing Common Carriers by Motor Vehicle," effective June 1, 1960.

On May 9, 1961, in Case No. 5202, the Commission entered its Decision No. 56427, vacating and setting aside Rule 4(a) of said Rules and Regulations Governing Common Carriers by Motor Vehicle. In accordance therewith,

F I N D I N G S

THE COMMISSION FINDS:

That its Decision No. 54132, of date May 16, 1960, entered in the above-styled Case, should be amended, by striking therefrom Rule 4(a) therein contained, effective May 11, 1961.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54132, of date May 16, 1960, entered by the Commission in Case No. 5176, be, and the same hereby is, amended, by striking therefrom Rule 4(a) therein contained, effective May 11, 1961.

That, except as herein amended, said Decision No. 54132 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Nolan
Edward J. Williams
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1961.
mls

(Decision No.)
56462

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

EARL MOORE)
4158 Clayton St.)
Denver 16, Colorado)

AUTHORITY NO. M 1214

CASE NO. 4419 Ins.

May 16, 1961

S T A T E M E N T

By the Commission:

On May 4, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Ken S. Bullock
Commissioners.

Dated at Denver, Colorado,
this 16th day of May, 1961

original

(Decision No. 56463)

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 ARK-)
ANSAS AVENUE, DENVER 22, COLORADO,)
FOR AUTHORITY TO CONSTRUCT, OPER-)
ATE AND MAINTAIN RAILWAY/HIGHWAY)
GRADE SEPARATION STRUCTURES ON)
INTERSTATE ROUTE NO. 25 (S. H. No.)
185), AND THE GREAT WESTERN RAIL-)
WAY COMPANY AT MILEPOST 2.3 NEAR)
BIRDS, IN LARIMER COUNTY, AND AT)
MILEPOST 4.182 ON THE WELTY BRANCH)
IN WELD COUNTY, STATE OF COLORADO.)
-----)

APPLICATION NO. 18411

May 15, 1961

Appearances: George L. Zoellner, Esq.,
and
James R. Richards, Assistant
Attorneys General, Denver,
Colorado, for Applicant,
Department of Highways;
E. A. Walsh, Esq., Denver,
Colorado, for The Great
Western Railway Company;
John M. Demmer, District
Engineer, Denver, Colo-
rado, for U. S. Bureau
of Public Roads;
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, by appropriate notice
to all parties in interest, and to adjacent property owners,
was set for hearing on the date of April 27, 1961, in the Hearing
Room of the Commission, 532 State Services Building, Denver,
Colorado. The application was there heard by the Commission and
taken under advisement.

As a preliminary matter, Applicant was granted permission
to amend Paragraph 12 of the application in order to show future

use of existing grade crossings and a more complete description of the respective locations.

The purpose of the instant application is to secure Commission approval for the proposed construction of highway-railroad grade separation structures involving northward extension along State Highway No. 185 of the new Interstate Defense Highway and across the lines of the Great Western Railway Company, as noted above. At the hearing, the following exhibits were received, after explanation given by Mr. E. L. King, who is Assistant to the Plans and Surveys Engineer of the Department of Highways, at Denver, Colorado:

Exhibit A: Prepared Statement of Mr. King to give complete details pertaining to the following items involved in the proposed work: Location, types of agreements, other roads involved and approvals granted, need, safety protection, construction details and justification data, maintenance, and estimate of costs.

Exhibit B: Copy of agreement dated March 14, 1961, between Department of Highways and The Great Western Railway Company, original of which has been submitted to Governor of Colorado for final signature. (Fully executed copy to be submitted as "Late-filed Exhibit B" for Commission files.)

Exhibit C: Copy of correspondence as directed to Public Utilities Commission from Great Western Railway employees Local Union No. 24626 to indicate approval of 17 feet as a proposed vertical clearance over the Welty Branch at Buda.

It is to be noted that State Highway No. 185 has recently been designated as a part of the National System of Interstate and Defense Highways on Interstate Route No. 25. This new system includes highways of greatest significance to the economic welfare and defense of the Nation; also, construction standards relating to the whole system require that all railroad-highway crossings shall be separated.

As noted by Mr. King, the Boards of County Commissioners of Weld and Larimer Counties have approved the proposed highway improvements through the area, and Freeway Agreements were executed on

October 28, 1960, to establish access and departure points on the highway. With construction of the proposed grade separation structures at the railroad, there will be maximum safety since all exposure hazards are eliminated for through traffic. Meanwhile, the existing roadway, crossings and protection devices will be improved and retained as service roads to accommodate traffic needs of the local areas.

With reference to the instant application and the plans contained therein, to the exhibits received and to testimony at the hearing, the proposed work can be summarized as follows:

- A. Birds Crossing. Mile Post 2.3, Great Western main line. Colorado Highway No. 185 traffic now handled on single 24-foot asphalt paved roadway; grade crossing protected by two automatic flashers with a bell. Normal rail traffic consists of four trains of five cars each on weekdays; seasonal traffic during October and November for movement of sugar beets amounts to some eight trains daily of 10 to 50 cars each, and moving at the customary speed of 25 miles per hour. To provide the separation of grades as required for the Interstate construction, a new railway bridge 204 feet long is to be built to carry the railroad above the two double-lane roadways of the new highway. Design for the new rail bridge has been approved by the railroad wherein the highway will be spanned by five plate girders 4' - 4 $\frac{1}{2}$ " deep to support the rail structure. Timbered walkways with steel handrails 3 feet high are to be provided on each side of the bridge for trainmen use. Clearances will exceed Commission requirements as shown:

<u>Location</u>	<u>By P.U.C.</u>	<u>Proposed</u>
Horizontal at Track	8' - 6"	8' - 6"
Vertical at Highway	16' - 0"	16' - 6"
Horizontal at Highway	30'	60' plus

Other work at the new crossing and to which there were no objections will include:

- (a) Temporary and permanent adjustments in Railway fences, signal and communication lines.
- (b) Adjust industry track and move switch installation off the west end of new bridge.
- (c) For construction; remove main track to temporary shoofly and adjust existing flashing lights for detour crossing protection.
- (d) Upon bridge completion; restore main tracks and modernize signal installation at former highway location for frontage service road.
- (e) Provide and install suitable inside guard rails for track structure over bridge.

Estimated costs for railroad bridge and related work all at Highway expense, are as follows:

Railroad Bridge	\$80,368
Contingencies	8,037
Railroad work and signal adjustments	<u>17,480</u>

Total Bridge Expense - - - - - \$105,885

B. Buda Crossing. Mile Post 4.182, Welty Branch, The Great Western Railway Company. Colorado Highway No. 185 over the crossing is a 24-foot, double-lane asphalt paved roadway; grade crossing is protected by reflectorized crossbuck signing supplemented with overhead street-light type floodlighting for night protection. Rail movement is seasonal since traffic over western end of the Welty Branch is limited to sugar beet movement from beet dumps located at Buda and Welty; Welty is the western terminal of the branch and is located about two miles west from the Buda dump and grade crossing. Annual beet traffic has been handled in some 23 trips during the season October, November and December. Train

movements usually consist of 17 empty cars westerly and 17 return loads per trip from the Welty dump.

According to Mr. King, extensive investigation was made to determine most feasible manner of grade separation to meet the Interstate requirement. Topography in the area indicated the highway should be constructed to cross above the railroad, which in turn requires clearance of 22' 6" above the rail line for compliance with Commission standards. Further soil testing for lowering of the track structures revealed a high water table and very unstable soil strata that would not support the rail line.

Further consideration was given to the possibility of eliminating the Buda Crossing entirely by abandonment of the westerly two miles of the Welty Spur from the highway to its westerly terminal. Under this plan, costs to the Department, based on independent appraisals would have been:

Due Great Western Railway Company	-	\$234,862.50
Due Great Western Sugar Company	-	<u>80,701.66</u>
Total		\$315,564.10 or
Rounded to -		\$315,600.

Additionally, it was determined that if the Welty Beet Dump were to be eliminated, certain County Roads must be improved at an estimated cost of possibly \$50,000 to provide suitable haul routes for trucks to haul sugar beets to the factory in Loveland. The total increased cost to the Department for eliminating the crossing would then amount to some \$365,000.

Thereafter, the railroad operation was again reviewed on the basis that no high freight cars are used on the branch and traffic is thereby limited to the gondola-type beet cars. It then appeared that the vertical clearance dimension could be reduced to 17 feet for the opening from top of rail to under side of the highway overpass girders. On the basis of construction plans as prepared for contract

purposes, estimated cost to the Department for the grade separation when using the 17' vertical dimension is shown as follows:

Twin highway bridges (2 lanes each)	\$52,750
Approach embankments	75,000
	<u>\$127,750</u>
Additional railroad work	3,601
Total overpass expense - - - - -	<u>\$131,351</u>

Hence, request is made in the instant application for an exemption from the Commission specification of 22 feet 6 inches, whereby the proposal of 17 feet may be used to allow construction of the highway overpass and still retain the rail operation. Contemplated saving is shown as:

Remove rail line	\$365,600
Construct overpass at 17 feet	<u>127,750</u>
Saving -	\$237,850

To provide the full clearance of 22' 6", estimates indicate that added costs would be required as follows:

Higher bridge supports	\$11,050
Increase embankments	63,000
Total increase -	<u>\$74,050</u>

As further clarification of the railroad operations and to show agreement with the instant proposal, additional testimony was given as follows:

Mr. J. B. Baker, Loveland, Colorado, stated he has been Superintendent of Great Western Railway operations for the past nine years and knows the Welty Branch traffic to be exclusively sugar beets; that the track is in the nature of a long industry spur and has existed for many years; that no industries are located to the west of the proposed overpass and no extension of the line is now contemplated. Equipment proposed for operation over the branch line and vertical dimensions are as follows:

Diesel Locomotive	15' - 0" (Maximum)
Caboose	15' - 2" "
Gondola cars	11' - 7" (Empty)
Gondola cars	13' to 14' (Fully loaded)
Locomotive crane	16' - (Emergency)

Mr. Baker noted that the reduced clearance of 17 feet would be acceptable and protection would be supplemented by:

1. Overhead warning tell-tales.
2. Use of 'Close-clearance' signs
3. Issuance of proper bulletin to forbid riding on tops of cars.

Mr. P. G. Tribelhorn, Conductor; reported he had twenty years of service on the railroad; that he knows the Buda crossing and is not aware of any safety hazard in the reduced vertical clearance; that the affected track is straight; that switchmen ride the sides of cars for switching moves, and it is not a practice to ride on the top of a car or load.

Mr. Louis Beeten, Johnstown, Colorado, stated he is Agent at Johnstown and has had 23 years of experience on the railroad. It was his knowledge as Agent that in the past eleven years there had been no box-car movement over the Welty Branch west of Buda. It was his belief that the 17-foot clearance was proper for the reason that the "Tell-tale" protection would be effective; since with the use of Diesel engines, the ropes are not blown out of position by the stack exhaust.

Speaking also as President of the Employees Local Union 24626, Mr. Beeten explained that the clearance proposal had been reviewed in a meeting of the operating membership and a letter of approval (Exhibit C) was proposed for forwarding to the Public Utilities Commission.

It was his further observation that the train crews must now flag the highway for movement over the crossing and that construction of the new road would divert the heavy traffic, thereby securing additional safety for the whole railroad operation.

Hence, it appears that here we have certain proposals that are being made to meet public needs. In the Birds railroad overpass no objections are apparent, since through highway traffic will have an improved artery; a suitable structure is to be provided for the railroad; and Frontage road service with flashing light protection is to remain for estimated 50 vehicles daily to serve local needs.

In the Buda highway overpass separation, an apparent compromise proposal has been developed to permit continued operation

of the railroad line; to provide an acceptable structure for highway traffic; and to retain the Frontage facility, with the benefit of reduced highway traffic for local use.

In a consideration of the instant clearance request, it is to be pointed out that the regulations as adopted by this Commission in 1952, were developed on an industry-wide basis in order to secure some measure of uniformity and promote safety of operations. Of necessity, every condition could not be prescribed for and we have the following item:

Section VI

GENERAL CONDITIONS

6.1 EXEMPTIONS. Exemptions from any of the requirements contained herein will be considered by the Commission upon proper application from the carriers, industries, or other interested persons. A request for such exemption must be accompanied by a full statement of the conditions existing, and the reasons why such exemption is asked. Any exemption so granted shall be limited to the particular case covered by the application.

In the above review of the Welty situation, it is apparent that the requirements of the rule have been followed -- request has been properly made, conditions have been described, reasons have been cited -- and because of the limited and special nature of the rail traffic, there is further agreement among the affected parties that the request is reasonable and workable. Hence, after due consideration, it appears to be in the public interest that the rule be fully met and the requested vertical clearance of 17 feet be granted; and is herewith limited to application at only the Buda crossing, Welty Branch of the Great Western Railway Company.

No other testimony was presented at the hearing, and no protests appear in the Commission's files.

F I N D I N G S

THE COMMISSION FINDS:

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

That the public safety, convenience and necessity require the construction of the grade separations as proposed herein.

That detour grade crossing protection of flashing lights during construction be approved as proposed.

That use of 17 feet as a vertical clearance be approved in construction of the highway overpass bridges crossing above The Great Western Railway, Welty Branch line at Buda.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the following:

- A. Birds Crossing. Mile Post 2.3 (Main Line)
The Great Western Railway Company, Larimer County, Colorado.
 1. Establishment, construction, operation and maintenance of railroad bridge separation structure above proposed four lane Interstate Highway No. 25.
 2. Establishment and operation of temporary grade crossing with flashing light railway signals at the construction detour required for above installation.
 3. Restoration of signals and continued use as a frontage road of the present highway crossing, all in the same manner as formerly installed and operated.
- B. Buda Crossing. Mile Post 4.182 (Welty Branch Line) The Great Western Railway Company, Weld County, Colorado.
 1. Establishment, construction, operation and maintenance of twin highway-overpass structures above the rail line.
 2. Use of vertical clearance dimension of 17 feet from top of rail to overhead obstruction. Said use to be limited to instant overpass structure at Welty Crossing.
 3. Continued use and operation as a frontage road of the present highway crossing and protection devices, all in the same manner as currently operated.

That supplementary protection at the Welty Structure shall be secured by: (a) Installation of warning tell-tales;
(b) Installation of appropriate 'close-clearance' signs and,
(c) Issuance by Great Western Railway of proper 'non-riding' bulletins.

That the work to be done, method of payment and other details shall be in accordance with the foregoing Exhibits Nos.

"A", "B" and "C", all of which, by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
George C. Hobart
Henry E. Mulveng
Commissioners.

Dated at Denver, Colorado,
this 15th day of May, 1961.

ea

original

(Decision No. 56464)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DEPARTMENT OF HIGHWAYS OF THE)
STATE OF COLORADO FOR AUTHORITY TO)
CONSTRUCT, OPERATE AND MAINTAIN A)
HIGHWAY/RAILROAD GRADE SEPARATION)
STRUCTURE ON INTERSTATE ROUTE 70)
(STATE HIGHWAY NO. 4) AT MILEPOST)
435 PLUS 675.5 FEET ON THE MAINLINE)
TRACKS OF THE DENVER AND RIO GRANDE)
WESTERN RAILROAD COMPANY, IN MESA)
COUNTY, STATE OF COLORADO.)
-----)

APPLICATION NO. 18409

May 15, 1961

Appearances: George L. Zoellner, Assistant
Attorney General, Denver,
Colorado, for Applicant,
Department of Highways;
J. L. McNeill, Denver, Colo-
rado, for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to all parties in interest, to the Board of Mesa County Commissioners, and to the owners of adjacent property, was set for hearing in the County Court Room, Court House, Grand Junction, Colorado, on April 19, 1961. The matter was there heard by the Commission and taken under advisement.

As a preliminary item at the hearing, approval was granted for the correction of Paragraph 8 of the application to withdraw reference to "Union Pacific" and insert instead "Rio Grande and Western Union."

The purpose of the instant application is to secure Commission approval for the proposed construction of a four-lane highway bridge to overpass the Rio Grande Railroad, being the westerly

portion of a highway bridge across the Colorado River as a part of the Interstate Defense Highway. At the hearing, the following exhibits were received after explanation given by Mr. Ralph A. McCoy, who is District Engineer in the Mesa County area for the Colorado Department of Highways:

- Exhibit No. 1: Prepared Statement of Mr. McCoy to explain items of location and type of project, agreements and approvals, need, construction details, costs and public insurance protection.
- Exhibit No. 2: Copy of fully executed Agreement dated February 20, 1961, between The Department of Highways and The Denver and Rio Grande Western Railroad Company pertaining to construction of the new Freeway bridge structure.
- Exhibit No. 3: (Part of Application). Map and title page of project plans to show general location of the instant project in relation to the railroad and connecting highways in the vicinity of Palisade, Colorado.
- Exhibit No. 4: (Part of Application). Sectional elevation to show vertical clearance dimension of the bridge at the railroad trackage.
- Exhibit No. 5: (Application). General Plan sheet to show layout of the bridge structure at the rail line.
- Exhibit No. 6: (Application). Plan sheet to show sectional elevations of bridge roadway, clearance dimensions at rail line and a sketch of right-of-way ownership adjoining the rail line.

The proposed overpass construction is part of a highway project 0.486 miles in length and represents the first construction undertaken by the Department on Interstate Highway Route No. 70 in the Grand Junction area. The initial project includes grading, drainage, stabilization, bituminous paving, a channel improvement in the Colorado River, and a bridge across the Colorado River to also overpass the main line track of The Denver and Rio Grande Western Railroad Company.

The bridge over the Colorado River and the Railroad is located at Rio Grande Milepost 435 plus 675.5 feet, approximately 1.5

miles northeast of the Town of Palisade. At the easterly end of the bridge, 0.3 miles of four-lane highway will be constructed to provide an eight-foot wide curbed median separating opposing traffic, together with two connecting ramps of an interchange providing ingress and egress to U. S. 24 into Palisade and directly into Grand Junction.

Ultimately the Interstate Highway will be extended westerly to the Colorado-Utah State Line; thence to Cove Fort, Utah, to a junction with Interstate Route 15 South of Salt Lake City, Utah. This portion of Interstate Route 70 is a part of the 1,000-mile expansion of the Interstate System, authorized by the National Congress under the provisions of Section 108 (d) of the 1956 Highway Act, and announced publicly on October 18, 1957.

The new work also involves the existing Colorado Highway No. 4 (U.S. 6 & 24), and extensive excavation material will be removed from the north river bank to be used for constructing embankments in the main roadway and proper ramp connections to the present road. The proposed bridge over the Colorado River and The Denver and Rio Grande Western Railroad Company is 1,127.2 feet in length, provides two 30-foot wide roadways with a four-foot wide curbed median and safety curbs, one foot high, each side. Vertical clearance of 23' 6" above top of rail to underside of steel girders is provided. Horizontal clearances between centerline of tracks and face of circular piers are 16' 0" each side. Standard Steel Handrails extending to a height of 30 inches above the elevation of safety curbs are to be constructed on each side of the bridge.

The westerly 330 feet of the river bridge which will span the railroad track is to provide a reinforced concrete deck on steel girders supported on reinforced concrete piers and abutments; all to be constructed under plans and specifications of the Colorado Department of Highways pursuant to the Agreement (Exhibit No. 2), between the Department and Rio Grande. Construction plans have the approval of the State Highway Commission; the U. S. Bureau of Public Roads; the Chief Engineer of the Department of Highways, and the Chief

Engineer of The Denver and Rio Grande Western Railroad Company. Clearance specifications for the new structure are also in conformity with the rules and regulations of this Commission.

According to Mr. McCoy, the instant highway route and location has been selected along a rough side-hill area that will avoid extensive damage to adjacent fruit orchards in the area. Construction of the grade separation structure will provide the utmost in traffic safety since all exposure hazards are eliminated. Rio Grande rail traffic in this area is normally six-passenger trains and eleven freight movements daily, and at speeds up to the 70 MPH maximum. Daily highway traffic is estimated to reach 20,000 vehicles by 1975.

As provided in the Agreement covering work and construction across the railroad property, the cost of the new separation and additional work by railroad forces will all be paid by the Highway Department. Estimated cost of the whole bridge is \$753,736, plus an additional \$9,355 for incidental work by the railroad. After completion, the structures will be maintained by the Highway Department at no cost to the railroad.

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 safety, convenience and necessity require construction of highway-railroad grade separation structure of the Interstate Freeway across the tracks and right-of-way of The Denver and Rio Grande Western Railroad Company at its Mile Post 435 plus 675.5 feet, as located approximately 1.5 miles northeasterly from Palisade, Mesa County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate

of public convenience and necessity to authorize and approve the construction and maintenance of highway-railroad grade separation structure of the Interstate Freeway across the track and right-of-way of The Denver and Rio Grande Western Railroad Company at its Mile Post 435 plus 675.5 feet, being approximately 1.5 miles northeasterly from Palisade, Mesa County, Colorado.

That the work to be done, costs, construction and maintenance of the proposed structure shall be as indicated in the preceding Statement, and Exhibits Nos. 1, 2, 3, 4, 5 and 6, all of which, by reference, are made a part hereof.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Rueben C. Johnston
Henry J. Paulding
Commissioners.

Dated at Denver, Colorado,
this 15th day of May, 1961.

ea

(Decision No.)
56465

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWIN C. AND ROBERT C. TERRY)
TERRY BROTHERS REPAIR AND)
FARM SUPPLY)
109 Maple Street)
- Ursa, Illinois - - - - -)

AUTHORITY NO. M 15626

CASE NO. 4381 Ins.

- - - - -
May 17, 1961 - - - - -

S T A T E M E N T

By the Commission:

On May 4, 1961, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nizio
Rueph C. Antonio
Harry Padung
Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. K. LOGAN, P. O. BOX 352,)
WALSENBURG, COLORADO.)
)

PERMIT NO. B-5565

May 18, 1961

S T A T E M E N T

By the Commission:

On January 20, 1961, the Commission authorized W. K. Logan, to suspend operations under his Permit No. B-5565, until July 20, 1961.

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-5565, should be, and the same hereby is, reinstated as of May 9, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Samuel C. Hooton
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,
this 18th day of May, 1961.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES C. LENNEN, COOLIDGE, KANSAS.)
)
)
)
)
-----)

PERMIT NO. M-12273

May 18, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles C. Lennen,
Coolidge, Kansas
requesting that Permit No. M-12273 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12273, heretofore issued to Charles C. Lennen,
Coolidge, Kansas be,
and the same is hereby, declared cancelled effective February 22, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Samuel C. Horton
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1961.

original

(Decision No. 56468)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PENROSE WATER COMPANY, INC., FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING SAID)
COMPANY TO SUPPLY WATER FOR DOM-)
ESTIC AND COMMERCIAL USE TO RESI-)
DENTS AND OTHER USERS IN AND NEAR)
THE TOWN OF PENROSE.)
- - - - -)

APPLICATION NO. 18458

- - - - -
May 17, 1961
- - - - -

Appearances: Murray, Baker and Wendelken,
Esqs., Colorado Springs,
Colorado, by Hartley
Murray, Esq., for Applicant;
Everett R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver, Colo-
rado, for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

On April 13, 1961, the Penrose Water Company, Inc.,
through its President, William B. Hall, Jr., filed an application
with this Commission, seeking a certificate of public convenience
and necessity to authorize said company to supply water as a public
utility to present and prospective residents of the unincorporated
community of Penrose.

The matter was set for hearing by the Commission, after
due notice to all interested parties, on Friday, April 28, 1961,
at ten o'clock A. M., in the Commission's Hearing Room, 532 State
Services Building, Denver, Colorado. At said time and place the
application was heard by the Commission, and at the conclusion of
the hearing, the matter was taken under advisement.

Penrose is an unincorporated community in Fremont County
approximately thirteen miles east of Canon City and about twenty-five

miles west of Pueblo. It is located on the recently improved State Highway No. 115 and only two miles from U. S. 50, the main highway between Canon City and Pueblo. Over fifty years ago the area in and around Penrose was subdivided into town lots and also into ten-acre tracts, with the hope that this area would become a residential and agricultural center, particularly for farm products and fruit orchards. The area did not develop as expected, however, and has remained fairly dormant until the last few years. With the improvement of the highways already enumerated, Penrose has started to grow. There has been some industrialization in the nearby communities of Florence and Portland, and it is expected that because of its location, Penrose will continue to expect growth in the future.

The Beaver Park Company, a Colorado corporation, together with its predecessor, built and maintained an irrigation system that was originally designed to supply the proposed farms and orchards with water for domestic as well as irrigation purposes.

Water is obtained principally from Beaver Creek, a tributary of the Arkansas River. Through the years, the Beaver Park Company has maintained this irrigation system and has supplied domestic water to the residents in Penrose both by means of a distribution water system and by the use of cisterns that could be filled and utilized as needed. The intake of the Beaver Park irrigation system is located approximately four and one-half miles northeast of Penrose, and the water is transmitted by means of modern reinforced concrete pipe line approximately 13,000 feet in length and thence through open ditch to the intake of the Penrose water system, which is located approximately one and one-half miles north of Penrose. At the same point of the intake as the Penrose water system, the Beaver Park Company can also divert water by means of its ditch to the Brush Hollow Reservoir, approximately two miles west of the diversion point. The Beaver Park Company owns water rights both for direct stream flow in Beaver Creek and for storage in the Brush Hollow Reservoir.

The Beaver Park Company is authorized to issue water certificates entitling the owner of said certificates to use of water controlled by the Beaver Park Company. Each certificate entitles the owner thereof to the use of not over one and one-half acre feet of water per year during the irrigation season from April 1 to November 1 of each year, from the stream flow of Beaver Creek and as supplemented by the waters that may be impounded in Brush Hollow Reservoir. There are presently 3,585 shares of the Beaver Park Company outstanding. The Penrose Water Company has a written commitment from the Beaver Park Company introduced herein as Exhibit "B", stating that the Beaver Park Company will guarantee to Penrose that it will be able to acquire fifty water certificates for a total consideration of not more than \$5,000, if purchased within four years of its going into operation. For the ultimate development of the water system proposed herein, it is estimated that a total of ninety shares will be required. Each shareholder is assessed his pro rata share of the cost of supplying the water and since this is a gravity system requiring no pumping, this cost is very nominal. ~~Additional~~ shares are available from owners who do not use the water but who are assessed the ownership fee.

Mr. Nick Goodall, Manager of the Beaver Park Company and also a Director of the Penrose Water Company, testified that even though the water is for irrigation purposes as supplied by Beaver Park Company, there is sufficient water in the wintertime to take care of the proposed Penrose Company within the certificated area sought to be served. Before the building of the new concrete transmission pipe, the Beaver Park Company lost water because of leakage in the old wood stave line. Since this line has been replaced, there has been adequate water for the area. The Beaver Park Company, in supplying the domestic water, utilized an elevated wooden storage tank that also leaked so badly that at times it was difficult to maintain a domestic water supply. The Beaver Park Company does not

treat the water that it presently supplies and therefore the proposed system of the Penrose Water Company will not only give a better water service, but the water will also be treated. The population of Penrose in 1957 was approximately fifty people and he estimates that today, 100 people reside there and as manager of the Beaver Park Company he is receiving inquiries in regard to additional people wanting to move into the area. Some of the more recent inhabitants and also inquiries from people desiring to live in the area are from workers from surrounding towns and he estimates they would be in the \$5,000 to \$8,000 per year income group. The public school located in Penrose was partly destroyed by a recent fire and a new school is presently being erected in Penrose, which will require water service.

Mr. William B. Hall, Jr., the President of the Penrose Water Company, testified that the Company had been incorporated expressly for the purpose of supplying domestic water as a public utility in the Penrose area. He introduced Exhibit "A", the Articles of Incorporation, and Exhibit "B", the commitment by the Beaver Park Company to the Penrose Water Company in regard to the purchasing of water shares. He stated that the water service as proposed by the Penrose Company was designed to supply the present and future inhabitants of the area with potable water.

Mr. Gunnar Alenius, Vice President of the Water Company, testified in regard to the financing of the proposed water system. He introduced Exhibit "E", a letter from the President of the First National Bank of Colorado Springs, being a commitment from said bank to the Penrose Water Company for \$50,000, in twenty-five-year 5% notes, available to the Water Company on demand for construction purposes. He also testified that 300 shares of common stock at a par value of \$100 each have been issued and are fully paid for. It was his opinion that the total of \$80,000 from the notes and common stock would be sufficient to build the distribution system,

a storage tank and treatment facilities as needed for the initial phase of the system. He also testified that the Beaver Park Company and the Penrose Water Company had a common ownership. He also introduced Exhibit "G", being the proposed rates, rules and regulations for the Penrose Water Company. Water service will be at a flat rate as set forth in the Exhibit, and the charges will be based on the kind of service, i e., domestic or commercial, and upon the number and kind of fixtures. A normal dwelling would probably have a water bill amounting to \$7.00 to \$8.00 per month, depending, in turn, on the number of water outlets and fixtures. The witness also estimated the income and expenses for the Water Company for the first three years of operation based on the proposed rates. If the system grows at the rate of twenty new houses per year for the next three years, it will take three years before the cash revenues exceed the cash expenses. No allowance for either depreciation or return on the investment is shown in the calculation, and therefore the Company will be operating at a loss. The witness, however, stated that the prior water system had been operating for over fifty years at a loss, and a few more years would not change the picture, but that if the community grows, it is hoped the system will be on a paying basis after about eight years, if the expected growth takes place. It was his opinion that while no legal liability existed to supply this water at a loss, yet the common owners of the Beaver Park and Penrose Water Company had a moral obligation to try to continue to supply water to the area. The Beaver Park Company owns most of the land to be included in the area to be certificated herein, and a modern improved public utility supplying water in the area will undoubtedly enhance the value of the land which, in turn, will benefit the present land owner.

Mr. Jasper H. Sanford, a registered engineer in the State of Colorado, testified in regard to the actual design and proposed construction of the Penrose Water Company. He introduced and sponsored

Exhibits "D" and "D-1" at the hearing. Mr. Sanford made a study from the available records of the Beaver Park Company of the stream flow of Beaver Creek at the diversion dam of the Beaver Park Company. His study covered the years of 1925 through 1956, and he further stated that the years subsequent to 1956 had adequate water and since he was looking for the years of low flow, he did not examine these particular years in detail. As a result of his study, Mr. Sanford concluded there was ample water to supply the needs of the Penrose Water Company up to the maximum number of people to be served under his design criteria. His design was based on service to a population of 800 people. The distribution system will consist of cast iron pipe. In the study of the stream flow, he noted that there were some times when because of freezing conditions or no stream flow no water would be available for a day or two. However, he believed that should this condition again exist, it would be possible to supply the requirements from storage in the Brush Hollow Reservoir. Should water be taken from Brush Hollow Reservoir, it would come into the system below the point where the water will be treated and it will be necessary therefore to at least install chlorination on a temporary basis while Brush Hollow water would be used.

The water for the Penrose Water Company will be conveyed through the existing irrigation system of the Beaver Park Company, including the new concrete pressure pipe previously mentioned to the intake and pipe line that is to supply the Town of Penrose. According to his calculations, 0.5 cubic feet per second at the diversion dam of the Beaver Park Company will supply the required flow of .19 cubic feet per second at the pipe line intake for the Town. The .19 cubic feet per second is sufficient water, according to his calculations, to supply 800 population. It is proposed to construct a slow sand filter of 30,000 gallons per day capacity, and 100,000 gallon covered concrete reservoir and equalizing tank. A six-inch diameter pipe will convey the water from the tank to the Town. Based on average flow, the available water pressure in

the Town will be between sixty and seventy pounds per square inch. He further stated that this should give approximately 56 pounds per square inch of working pressure at maximum use, which should prove adequate for a modern water system. The capacity of the slow sand filter can be enlarged as needed, and the cost of additions will be small in comparison with the initial outlay. The treatment of water will be in accordance with the standards set by the State Board of Health.

Mr. E. W. Bailey, Jr., Public Health Engineer in the Sanitation Division of the State Health Department, testified that the Board of Health has approved the design for the slow sand filter and the chlorination system to be provided. A regional engineer of the Board of Health will inspect the water system periodically, and the Water Company will be required to submit samples of water to the Department for testing to determine its potability.

Exhibit "I", which was submitted at the hearing, being an opinion by William R. Stinemeyer of the firm of Stinemeyer and Stinemeyer of Canon City, Colorado, in regard to the water rights owned by the Beaver Park Company. This opinion states, in effect, that he has examined the decrees and also the Articles of Incorporation and By-Laws of the Beaver Park Company to determine if said Company is the owner of sufficient decreed water which can be sold to the Penrose Water Company for distribution to domestic use in the Penrose area and, secondly, if the Beaver Park Company is permitted to sell water in addition to water heretofore sold to the holders of Beaver Park Company certificates. It was his opinion that there is an ample supply of available water owned by the Beaver Park Company which can be sold to the Penrose Water Company, Inc., for domestic purposes, and that such sale can be made under the Articles of Incorporation and By-Laws of the Beaver Park Company, and not in any way impair existing contractual obligations of said Company, and that the Beaver Park Company is the owner of sufficient decreed priorities of right to the use of water from Beaver Creek in Fremont County, Colorado,

to amply protect domestic consumers to be served by the Penrose Water Company, Inc.

F I N D I N G S

THE COMMISSION FINDS:

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

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

That the Commission is fully advised in the premises.

That public convenience and necessity require the construction, operation and maintenance of a public utility to supply water to the present and future inhabitants of Penrose in the area set forth in our Order to follow.

O R D E R

THE COMMISSION ORDERS:

That the Penrose Water Company, Inc., be, and it hereby is, granted a certificate of public convenience and necessity to operate as a public utility for the rendering of water service to present and prospective customers in an area described as follows: The following lots and blocks of the Third Amended Plat of the Town of Penrose (unincorporated community) Fremont County, Colorado.

All of blocks 50, 51, 52, 91, 92, 93, 106, 107 and 108.

<u>Lots</u>	<u>Block</u>	<u>Lots</u>	<u>Block</u>
8 - 15 inc.	37	1-9 inc & 20-29 inc.	94
8 - 16 inc.	38	17 - 32 inc.	105
16 and 17	39	14 - 21 inc.	109
16 and 17	40	1 and 16	118
17	41	1 and 32	119
11 - 29 inc.	49	1 and 32	120
6 - 13 inc.	53	28	121
8 - 15 inc.	90		

Also, the Penrose School, in Block 117, Lots 15-22, inc., and adjoining area occupied by said School.

That at such time as Applicant desires to extend its service beyond the area set forth herein, it shall apply to the Commission to show that it has acquired additional water and financing for said extension, it being the intent to limit the certificate

issued herein to the area as requested in the instant application.

That Applicant shall construct, maintain and operate the water system in accordance with good engineering practices and in conformity with the rules and regulations of this Commission and the Department of Public Health of the State of Colorado.

That as additional units of the water system, particularly as to enlarging the slow sand filter, treatment facilities and storage, the Company shall obtain approval of said additions from the Department of Public Health and file copies of said approval prior to the construction thereof, with this Commission.

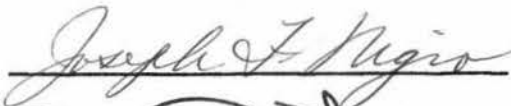
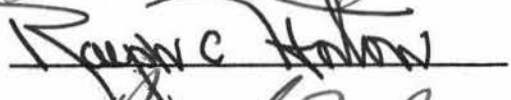

That at least fifteen (15) days prior to the rendering of water service in the designated area under the certificate, Applicant shall file with this Commission, the rates, rules and regulations under which it proposes to render said water service.

That Applicant shall, at the completion of its construction program, file with this Commission, separately, the "as constructed" plans of the water system, together with the itemized cost of said system.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PROPOSED CHANGES, ADDITIONS,
INCREASES IN RATES AND CHARGES,
RULES AND REGULATIONS AS FILED BY
GRAY MOVING AND STORAGE, INC.,
ISSUED BY DAVID R. GRAY, SECRETARY-
TREASURER, 1255 SOUTH PEARL STREET,
DENVER 10, COLORADO, PUBLISHED TO
BECOME EFFECTIVE MAY 18, 1961.

INVESTIGATION AND SUSPENSION

DOCKET NO. 454

May 17, 1961

S T A T E M E N T

BY THE COMMISSION:

On April 18, 1961, The Gray Moving and Storage, Inc., 1255 South Pearl Street, Denver 10, Colorado, by David R. Gray, Secretary-Treasurer, filed with this Commission various revised pages to its Local Household Goods Tariff No. 6, Colorado P.U.C. No. 6, to become effective May 18, 1961. This tariff does not apply in Denver or in the so-called metropolitan area of Denver.

The said schedules make certain changes, additions and increases in the rates, rules and regulations whereby the rights and interests of the public may be injuriously affected; and it being the opinion of the Commission that the effective date of said schedules in said tariff should be postponed, pending a hearing and decision thereon.

F I N D I N G S

THE COMMISSION FINDS:

That upon its own motion, without formal pleading, the schedules as set forth in the attached Appendix should be suspended and that it should enter upon a hearing concerning the lawfulness of the provisions contained therein.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings are made a part hereof.
2. It shall, upon its own motion, enter upon a hearing concerning the lawfulness of the schedules set forth in Appendix "A" attached hereto.

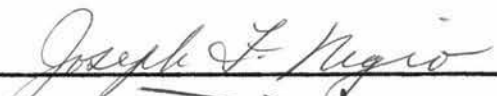
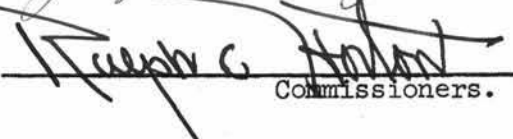
3. The operation of said schedules shall be suspended and the use of the said schedule shall be deferred 120 days, or until September 14, 1961, unless otherwise ordered by the Commission, and no change shall be made during the said period of suspension.

4. The service, regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

5. A copy of this order shall be filed with said tariff in the office of the Commission and that a copy hereof be forthwith served upon David R. Gray, Secretary-Treasurer, Gray Moving and Storage, Inc., 1255 South Pearl Street, Denver 10, Colorado.

6. This Investigation and Suspension Docket No. 454 be and the same is hereby set for hearing before the Commission on June 5, 1961, at 10:00 A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING

Dated at Denver, Colorado,
this 17th day of May, 1961.

ph

APPENDIX "A"

Proposed changes scheduled to be effective May 18, 1961, as provided in:

GRAY MOVING & STORAGE, INC.
Local Household Goods Tariff No. 6
Colorado P.U.C. No. 6

Item No.	SCOPE OF OPERATIONS
1-A (C)	GRAY MOVING & STORAGE, INC., CERTIFICATE NO. 1990 & I Transportation by motor vehicle for hire, on call and demand, of used household goods, office and store furnishings and fixtures in the city and county of Denver, and in the counties of Adams, Arapahoe, and Jefferson, and for occasional service to all points in the State of Colorado and each of the counties thereof, said David Gray shall not establish a branch office or have an agent in any other town or city than Denver for the purpose of developing business. Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions on the Federal Motor Carrier Act of 1935, as amended.

Item No.	RULES AND REGULATIONS
220-A	<u>PICK-UP AND DELIVERY AT WAREHOUSES:</u> (A) Except as otherwise provided herein, if shipment is delivered to or picked up at a warehouse the rates for transportation include only the unloading or loading at door, platform, or other point convenient or accessible to the vehicle. (ADD) (B) When goods are consigned or delivered to a warehouse, the location of the warehouse will be considered the destination and must be so noted on the bill of lading and freight bill. The liability on the part of the carrier will cease when the shipment is unloaded into the warehouse. The shipment will be stored in the name of the owner, shipper, or consignee, subject to a lien for transportation and other lawful charges.
250-A (C)	<u>SERVICING SPECIAL ARTICLES:</u> The transportation rates in this tariff do not include servicing or unservicing articles or appliances such as refrigerators, deep freeze cabinets, radios, record players, washing machines, television sets, air conditioners, and the like which, if not properly serviced, may be damaged in, or incident to, transit; nor is liability assumed for any such damage unless said articles or appliances are serviced and unserviced as provided in (A) or (B) below. (A) Upon request of shipper, owner or consignee of the goods, carrier will, subject to (B) below, service and unservice such articles and appliances at origin and destination for the additional charge provided in Item 430. Such servicing and unservicing does not include removal or installation of articles secured to the premises; or plumbing, electrical or carpentry services, necessary to disconnect, remove, connect and install such articles and appliances. (B) If carrier does not possess the qualified personnel to properly service and unservice such articles or appliances, carrier will upon request of shipper, owner or consignee and as agent for them, engage third persons to perform the servicing and unservicing. When third persons are engaged by the carrier to perform any service, the carrier will not assume responsibility for their activities or conduct; amount of their charges; nor the quality or quantity of service furnished. (C) All charges of the third persons must be paid by the shipper, and are in addition to all other charges in this tariff. Such charges will be advanced by the carrier, and billed as an advance charge as provided in Item 30.

Item No.	RULES AND REGULATIONS (CONTINUED)		
290-A Con- cluded next page (A) (C)	<u>STORAGE IN TRANSIT: CONTINUED</u>		
	(C) Shipments moving under this rule may be stored only once and for a period not to exceed sixty (60) days from date of unloading into the warehouse. When not removed at the expiration of the time limit specified herein, the warehouse shall be considered the destination of shipment, the warehouseman shall be agent for the shipper, and the property shall then be subject to the rules, regulations and charges of the warehousemen. When a shipment remains in storage after expiration of sixty (60) days, all accumulated carrier charges must be paid, as follows:		
	1. Transportation charges for pick-up or delivery, as provided in paragraph (D):		
	2. Storage charges as provided by this tariff (see Item 390)		
	3. Additional services, advances or other lawful charges, if any.		
	(D) The transportation charges to apply on shipments stored in transit under this rule and forwarded from warehouse will be in addition to storage as provided in Item 390 (A) the applicable tariff rate from initial point of pick-up to warehouse, and (B) the applicable tariff rate from warehouse location to destination point, viz.:		
	1. When the point of pick-up or delivery and warehouse are both located within the corporate limits of same municipality, a charge will be made as provided in paragraph (3) hereof.		
	2. When point of pick-up or delivery and warehouse are not in the corporate limits of the same municipality, the applicable rate from point of pick-up or delivery to municipality in which warehouse is located, with the exception that for distances of 30 miles or less, a charge as provided in paragraph (3) hereof shall apply.		
	3. Charge for pick-ups or deliveries within corporate limits as referred to in paragraph (1) above, and for distances of 30 miles or less as referred to in paragraph (2) above, shall be as follows:		
	500 lbs. to 999 lbs. incl. (break point weight 662 lbs.).....\$3.40 per cwt. 1,000 lbs. to 1,999 lbs. incl. (break point weight 1,556 lbs.)..\$2.25 per cwt. 2,000 lbs. to 3,999 lbs. incl. (break point weight 3,432 lbs.)..\$1.75 per cwt. 4,000 lbs. and over.....\$1.50 per cwt. Minimum charge is for 500 lbs. at charge per cwt. named.		
	(E) Shipper or owner, upon proper notice in writing to the carrier before departure of the shipment, may change destination originally shown on the bill of lading, when the destination of a shipment is changed, such change must be recorded on the bill of lading. When the shipment is terminated at the warehouse before expiration of the time limit specified in paragraph (2), the transportation and other lawful charges shall apply in identical manner as provided in paragraph (C).		
<u>ACCESSORIAL RATES</u>			
RATES AND CHARGES COVER SERVICES AS SHOWN, AND ARE IN ADDITION TO ALL OTHER RATES AND CHARGES NAMED IN THIS TARIFF.			
Item No.	Subject	Per	Rates in Cents
340-A (A)	<u>EMPTY MILEAGE CHARGE:</u> Empty miles traveled at request of shipper	Mile	35
350-A Con- tinued next page (A)	<u>LABOR CHARGES:</u> Covers all accessorial services for which no charges are otherwise provided in this tariff, when such services are requested by the shipper. Per man	Hour	550
	<u>OVERTIME LABOR CHARGES:</u> Covers all accessorial services for which no charges are otherwise provided in this tariff, when such services are requested in writing by the shipper or his representatives and during the hours and on the days as follows: 1. Between 4:30 P.M. and 8:00 A.M. except Saturday, Sunday and holidays		

RATES AND CHARGES COVER SERVICES SHOWN, AND ARE IN ADDITION TO ALL OTHER RATES AND CHARGES NAMED IN THIS TARIFF.

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ACCESSORIAL RATES

RATES AND CHARGES COVER SERVICES SHOWN, AND ARE IN ADDITION TO ALL OTHER RATES AND CHARGES NAMED IN THIS TARIFF.

Item No.	Subject	Per	Rates in Cents
370-A	<p><u>PICK-UP OR DELIVERY UP AND/OR DOWN STAIRS:</u> (See Notes 1, 2, 3, and 4)</p> <p>(A) Where pick-up or delivery involves a carriage up and/or down one or more flights of stairs or conditions equal thereto (see Note 2 below), a charge will be assessed, viz.:</p> <p>(ADD)</p> <p>(B) On pianos, organs and deep freezers, additional charges over and above the charges provided in paragraph (A) above, will be assessed, viz.: First flight Each additional flight</p>	<p>Flight (or equivalent) per cwt.</p> <p>Flight Flight or equivalent</p>	<p>.20</p> <p>1000 500</p>
	<p><u>NOTE 1:</u> For the purpose of computing charges for extra flight of stairs, one inside flight shall mean from one floor to the next.</p> <p><u>NOTE 2:</u> For the purpose of determining conditions equal to one flight of stairs, each 50 feet of carriage or fraction thereof (inside or outside) after the first 50 feet, or the use of elevator where adequate elevator service is provided, shall be equivalent to one flight of stairs.</p> <p><u>NOTE 3:</u> Except on pianos and deep freezers as provided for in paragraph (B) above, pick-up and delivery at all floors of single family dwellings shall be considered ground floor.</p> <p><u>NOTE 4:</u> The provisions of this item will not apply when shipment is subject to the hourly charges published in Item No. 420.</p>		
390-A	<p><u>STORAGE IN TRANSIT RATES:</u> Charges in connection with shipments stored in transit under the provisions of Item No. 290: Storage for 30 days or fraction thereof Warehouse or handling charge</p> <p>(A) <u>NOTE:</u> Warehouse handling charge applies once on all storage-in-transit shipments. Subject to 1,000 pounds minimum charge</p>	<p>Cwt.</p> <p>Cwt. (See Note)</p>	<p>60</p> <p>60</p>
400-A	<p><u>WAITING TIME:</u> Subject to the provisions of Item No. 330, waiting time will be charged for delay, not the fault of the carrier, as follows:</p> <p>Where shipment is moving 100 miles or less, charge will be for waiting time only as it exceeds one hour.</p> <p>Where shipment is moving more than 100 miles, charges will be for waiting time only as it exceeds three hours.</p> <p>Shipments on tour as defined in Item No. 270, charge will be for waiting time, only as it exceeds 24 hours after unloading.</p>	<p>Hour</p>	<p>1000</p>
410-A	<p><u>HOISTING OR LOWERING:</u> (Where necessary) Where height or hoisting is: 5 stories or less First article</p> <p>(ADD) Additional article 6 or more stories First article</p> <p>Additional article Applies each time service is rendered.</p>	<p>Flat Charge Each</p> <p>Flat Charge Each</p>	<p>2000</p> <p>1000</p> <p>4000</p> <p>2000</p>
420-A	<p><u>HOURLY CHARGES:</u> To apply on all shipments transported a distance of 30 miles or less</p> <p>(A) (Charges include use of truck and time of two men. Extra labor will be charged for as provided in Item No. 350.) Hourly charge shall include driving time to and from carrier's dock.</p>	<p>Hour</p>	<p>1300 See Note</p>
Continued			

ACCESSORIAL RATES

RATES AND CHARGES COVERS SERVICES SHOWN, AND ARE IN ADDITION TO ALL OTHER RATES AND CHARGES NAMED IN THIS TARIFF.

Item No.	Subject	Per	Rates in Cents
420-A (A) Con- cluded	NOTE: Not applicable on shipments moving entirely within the metropolitan area described as follows: The metropolitan area includes all points with a five mile air line distance from the boundary lines of the city of Denver, except Arvada, and Littleton, Colorado. Rates for distances beyond 30 miles are shown on page 22.		
430 (ADD)	<u>HOUSEHOLD APPLIANCES OR OTHER ARTICLES</u> <u>REQUIRING SPECIAL SERVICING FOR SAFE</u> <u>TRANSPORTATION:</u> (Subject to the request of shipper, owner, or consignee, and provisions of Item 250.) Carrier servicing of appliances or articles at origin Carrier unservicing of appliances or articles at destination	Each Each	300 100
440 (ADD)	<u>OVERTIME LOADING AND UNLOADING:</u> (See Notes) An additional charge of fifty (50) cents per 100 pounds for loading or unloading, or of one hundred (100) cents per 100 pounds for both loading and unloading at residence, warehouse, or other establishments after regular hours or days (see Note 22), will be assessed on moves of offices, institutions and other establishments or when this service is made necessary by landlord requirements, or is required by prevailing laws or ordinances. This overtime service will be rendered only at the option of the carrier. NOTE 1: Charge will be based on actual weight, subject to 500 pound minimum. NOTE 2: Other than regular hours or days are as follows: Between 4:30 P.M. and 8:00 A.M. except Saturday, Sunday and holidays. During any hour on Saturday, Sunday and on all officially declared national or state holidays. NOTE 3: Bill of lading and freight bill to be marked or stamped as follows: (A) Loading requested or required after regular hours or days. (B) Unloading requested or required after regular hours or days.		

Rates on movement of household goods and office furniture, (used, second-hand, uncrated and unpacked), as described in Item No. 10.

Except as otherwise provided herein, where rates are based on mileage, mileage shall be the distance between the point of origin and point of destination, determined in accordance with Mileage Guide No. 4, Mover's & Warehousemen's Association of America, Inc., Agent, MF- I.C.C. No. 28, supplements thereto, or reissues thereof. If the shipper requests a longer route than the shortest practical route as shown in the above-mentioned mileage guide, the mileage over the longer route, as show therein, shall apply. Rate for distance of 30 miles or less is as shown in Item No. 420.

DISTANCE-MILES	1ST 2000 POUNDS (A)	EACH ADD. 100 POUNDS (A)	DISTANCE-MILES	1ST 2000 POUNDS (A)	EACH ADD. 100 POUNDS (A)
40 and over 30	65.00	1.40	390 and over 380	235.00	2.50
50 and over 40	70.00	1.50	400 and over 390	240.00	2.52
60 and over 50	75.00	1.55	410 and over 400	245.00	2.55
70 and over 60	80.00	1.60	420 and over 410	250.00	2.58
80 and over 70	85.00	1.65	430 and over 420	255.00	2.61
90 and over 80	90.00	1.70	440 and over 430	260.00	2.64
100 and over 90	95.00	1.75	450 and over 440	265.00	2.67
110 and over 100	97.50	1.77	460 and over 450	270.00	2.69
120 and over 110	100.00	1.80	470 and over 460	275.00	2.72
130 and over 120	102.50	1.82	480 and over 470	280.00	2.75
140 and over 130	105.00	1.85	490 and over 480	285.00	2.78
150 and over 140	110.00	1.87	500 and over 490	290.00	2.81
160 and over 150	120.00	1.90	510 and over 500	295.00	2.84
170 and over 160	125.00	1.92	520 and over 510	300.00	2.87
180 and over 170	130.00	1.95	530 and over 520	305.00	2.90

DISTANCE-MILES	1ST 2000 POUNDS (A)	RACE ADD. 100 POUNDS (A)	DISTANCE-MILES	1ST 2000 POUNDS (A)	RACE ADD. 100 POUNDS (A)
190 and over 180	135.00	1.98	540 and over 530	310.00	2.93
200 and over 190	140.00	2.00	550 and over 540	315.00	2.96
210 and over 200	145.00	2.03	560 and over 550	320.00	2.99
220 and over 210	150.00	2.05	570 and over 560	325.00	3.02
230 and over 220	155.00	2.08	580 and over 570	330.00	3.05
240 and over 230	160.00	2.11	590 and over 580	335.00	3.08
250 and over 240	165.00	2.13	600 and over 590	340.00	3.11
260 and over 250	170.00	2.16	610 and over 600	345.00	3.14
270 and over 260	175.00	2.20	620 and over 610	350.00	3.17
280 and over 270	180.00	2.22	630 and over 620	355.00	3.20
290 and over 280	185.00	2.24	640 and over 630	360.00	3.23
300 and over 290	190.00	2.27	650 and over 640	365.00	3.26
310 and over 300	195.00	2.30	660 and over 650	370.00	3.29
320 and over 310	200.00	2.33	670 and over 660	375.00	3.32
330 and over 320	205.00	2.35	680 and over 670	380.00	3.35
340 and over 330	210.00	2.37	690 and over 680	385.00	3.38
350 and over 340	215.00	2.40	700 and over 690	390.00	3.41
360 and over 350	220.00	2.43	710 and over 700	400.00	3.44
370 and over 360	225.00	2.46			
380 and over 370	230.00	2.48			

(C) - Denotes changes in wording

(A) - Denotes increase

(ADD) - Denotes additional matter

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY, 1605)
SOUTH TEJON STREET, COLORADO SPRINGS,)
COLORADO, FOR A DETERMINATION OF A)
FAIR RATE OF RETURN ON THE VALUE OF)
ITS GAS PROPERTIES DEVOTED TO PUBLIC)
USE IN THE STATE OF COLORADO, AND)
THE GROSS REVENUES TO WHICH APPLI-)
CANT MAY BE ENTITLED FROM ITS OPERA-)
TION OF SUCH PROPERTIES.)

APPLICATION NO. 17733

SUPPLEMENTAL ORDER

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY FOR AN)
ORDER AUTHORIZING CERTAIN PROPOSED)
CHANGES IN ITS GAS RATES, CLASSIFI-)
CATIONS, RULES AND REGULATIONS.)

APPLICATION NO. 18241

SUPPLEMENTAL ORDER

May 10, 1961

Appearances: Lee, Bryans, Kelly and Stans-
field, Esqs., Denver, Colo-
rado, by
Bryant O'Donnell, Esq.,
Robert Thompson, Esq., and
E. A. Stansfield, Esq., Denver,
Colorado, for Applicant;
Harlan Johnson, Esq., Lamar,
Colorado, for City of Lamar;
Henry S. Sherman, Esq., Denver,
Colorado, for the Cities of
Lamar, Springfield, Holly,
Walsh, Wiley, Hartman, and
Prowers County;
Leonard M. Campbell, Esq., Den-
ver, Colorado, for the Cities
of Eads, Limon, Florence,
Castle Rock and Penrose;
Paul V. Evans, Esq., Colorado
Springs, Colorado, for the
Town of Fountain;
John F. Lefferdink, Esq., Eads,
Colorado, for the Town of
Eads;
Howard S. Pine, Esq., Castle
Rock, Colorado, for the City
of Castle Rock;
E. R. Lundborg, Esq., Denver,
Colorado, and
Paul M. Brown, Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 19, 1961, the Commission entered its Decision No. 56308 in the above-styled matters.

On May 10, 1961, petition in protest was filed herein with the Commission, by Leonard M. Campbell, Esq., on behalf of the Cities of the Northern Division, and by John J. Lefferdink, Esq., on behalf of the Town of Eads, Colorado, the prayer of said protest being:

"WHEREFORE, Protestants pray for an order denying The Plateau Natural Gas Company the right to file the company tariff sheets and to collect revenues therefrom, or, if permitted to be filed, that said revenues so collected thereunder be authorized only as a temporary rider, subject to refund upon final determination of proper rates and after judicial review thereof."

The Commission has reviewed the evidence adduced at the hearing on said matters, and has carefully considered petition in protest filed herein.

F I N D I N G S

THE COMMISSION FINDS:

That said petition in protest should be denied.

O R D E R

THE COMMISSION ORDERS:

That petition in protest filed with the Commission in the above-styled matters, by Leonard M. Campbell, Esq., on behalf of the Cities of the Northern Division, and by John J. Lefferdink, Esq., on behalf of the Town of Eads, Colorado, on May 10, 1961, 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 J. [Signature]
Ralph C. [Signature]
Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 10th day of May, 1961.
mls

original

(Decision No. 56471)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLATEAU NATURAL GAS COMPANY, 1605)
SOUTH TEJON STREET, COLORADO SPRINGS)
COLORADO, FOR AN ORDER AUTHORIZING)
CERTAIN PROPOSED CHANGES IN ITS GAS)
RATES, CLASSIFICATIONS, RULES AND)
REGULATIONS.)

APPLICATION NO. 18241
SUPPLEMENTAL ORDER

May 12, 1961

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by
Bryant O'Donnell, Esq.,
Robert Thompson, Esq., and
E. A. Stansfield, Esq., Denver,
Colorado, for Applicant;
Harlan Johnson, Esq., Lamar,
Colorado, for City of Lamar;
Henry S. Sherman, Esq., Denver,
Colorado, for the Cities of
Lamar, Springfield, Holly,
Walsh, Wiley, Hartman, and
Prowers County;
Leonard M. Campbell, Esq., Denver, Colorado, for the Cities
of Eads, Limon, Florence
Castle Rock, and Penrose;
Paul V. Evans, Esq., Colorado
Springs, Colorado, for the
Town of Fountain;
John J. Lefferdink, Esq., Eads,
Colorado, for the Town of
Eads;
Howard S. Pine, Esq., Castle
Rock, Colorado, for the City
of Castle Rock;
E. R. Lundborg, Esq., Denver,
Colorado, and
Paul M. Brown, Denver, Colorado
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 19, 1961, the Commission entered its Decision No.
56308 in the above-styled matter.

On May 10, 1961, petition in protest was filed herein with the Commission, by Leonard M. Campbell, Esq., on behalf of the Cities of the Northern Division, and by John J. Lefferdink, Esq., on behalf of the Town of Eads, Colorado.

By Decision No. 56470, of date May 10, 1961, said petition in protest was denied.

On May 12, 1961, "Protest of Lamar and The Southern Division" was filed with the Commission by Harlan Johnson and Henry S. Sherman, Attorneys, adopting and incorporating all grounds set forth in protest of the Northern Division, insofar as said grounds pertain to the Southern Division, and seeking the same relief sought by said Northern Division, insofar as it relates to the Southern Division.

The Commission has reviewed the evidence adduced at the hearing on said matter, and has carefully considered Protest of Lamar and the Southern Division.

F I N D I N G S

THE COMMISSION FINDS:

That said petition in protest should be denied.

O R D E R

THE COMMISSION ORDERS:

That petition in protest filed with the Commission in the above-styled matter, by Harlan Johnson and Henry S. Sherman, Esqs., for and on behalf of Lamar and the Southern Division, on May 12, 1961, 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. Nigro
Ralph C. Hutton
Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of May, 1961.
mls

original

(Decision No. 56472)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRAND VALLEY RURAL POWER LINES, INC.,)
2727 GRAND AVENUE, GRAND JUNCTION,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 17382

May 18, 1961

Appearances: Eugene H. Mast, Esq., Grand
Junction, Colorado, for
Applicant.

S T A T E M E N T

By the Commission:

On September 18, 1959, the above-styled application was filed with the Commission, seeking a certificate of public convenience and necessity to serve certain areas in the Counties of Delta, Mesa and Garfield, State of Colorado, with electric energy.

Thereafter, Attorney for Applicant herein requested that said application be held in abeyance, and not set for hearing until request therefor was made by Applicant.

The Commission is now in receipt of a communication from said Attorney for Applicant herein, requesting that said application be dismissed, without prejudice.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 17382 be, and the same hereby is, dismissed, without prejudice, upon request of Attorney for Applicant

herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Ngio
Ralph C. Hottel
Alvin E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED SLOCUM, OVID, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 18499-PP

May 18, 1961

S T A T E M E N T

By the Commission:

On May 1, 1961, the above-styled applicant filed application with the Commission, seeking authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of cement, in hopper-bottom trailer, from cement plant near Fort Collins, Colorado, over Highways Nos. 287, 14, 87, 85, 34, 6, and 138, to Julesburg, Colorado.

The Commission is now in receipt of a communication from said applicant, requesting dismissal of said application.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 18499-PP be, and the same hereby is, dismissed, upon request of applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Harvey C. Horton
Henry E. Parkes
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1961.
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RED BALL MOTOR FREIGHT, INC.,)
3177 IRVING BOULEVARD, P. O. BOX)
10837, DALLAS, TEXAS.)

PERMIT NO. A-12

May 18, 1961

Appearances: Charles D. Mathews, Esq.,
Dallas, Texas, for Red
Ball Motor Freight, Inc.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles D. Mathews, General Counsel for the above-styled permit-holder, requesting that said permit-holder be authorized to suspend operations under Permit No. A-12 for a period of six months.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Red Ball Motor Freight, Inc., Dallas, Texas, owner of Permit No. A-12, be, and hereby is, authorized to suspend operations under said Permit No. A-12, for a period of six months from May 1, 1961, or until November 1, 1961.

That unless said permit-holder shall, prior to the expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to Private Carrier Permits, said permit, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hutton
Henry Spulac
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1961.
mls

original

(Decision No. 56475)

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 DISCONTINUE)
AGENCY AT ARVADA, JEFFERSON COUNTY,)
COLORADO, AND TO CLOSE THE SAME AS)
AN AGENCY STATION.)

APPLICATION NO. 18430

At a General Session of The
Public Utilities Commission
of the State of Colorado,
held at its offices in Den-
ver, Colorado.

INVESTIGATION AND SUSPENSION DOCKET NO. 453

May 18, 1961

S T A T E M E N T

By the Commission:

On April 5, 1961, The Colorado & Southern Railway Company, Denver, Colorado, pursuant to Rule 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado, filed with this Commission its application to discontinue its agency service and close the station at Arvada, Jefferson County, Colorado, said closing to become effective on May 5, 1961.

Applicant states open agency stations are maintained at Golden (8 miles west) and at Denver, located 7 miles east from Arvada. It is proposed that there will be no other changes in the strictly freight service being offered on the line, and that Denver will be the accounting station for Arvada business, but that patrons may also handle their business at the Golden terminal.

Applicant cites that since about July, 1960, all less than carload freight to and from Arvada has been handled in substituted

service by motor vehicle, which services include store pickup and delivery and will be continued if this petition is granted. Further, that the overwhelming percentage of the business handled at Arvada consists of inbound carload shipments, which in turn require only a minimum amount of work to be performed by an agent.

In compliance with Rule 6, Applicant posted the appropriate notice at the Arvada Station. Said Notice, in addition to stating the intent of applicant to discontinue its agent and to close said station, further carried the proviso that any person desiring to protest the proposed action should file a protest with The Public Utilities Commission of the State of Colorado at least ten (10) days prior to May 5, 1961.

Complaints have been received by the Commission from railroad patrons in the area, sufficient in number and importance, in the opinion of the Commission, to warrant further investigation in the matter.

In view of the protests herein, the Commission, on its own motion, has determined to suspend the effective date of the proposed change, for the purpose of further investigation or hearing regarding the proposed request. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 453 on the Commission's docket.

F I N D I N G S

THE COMMISSION FINDS:

That the effective date for the discontinuance of the agency at Arvada, Jefferson County, Colorado, should be suspended, and an investigation be had in the matter.

That Application No. 18430, and the docket and files therein, should be transferred to Investigation and Suspension Docket No. 453 on the Commission's docket.

O R D E R

THE COMMISSION ORDERS:

That the effective date for withdrawal of the Agent and closing of the agency station at Arvada, Colorado, as proposed by The Colorado & Southern Railway Company, should be, and hereby is, suspended for a period of one hundred and twenty (120) days from May 5, 1961, or until September 2, 1961, unless otherwise ordered by the Commission.

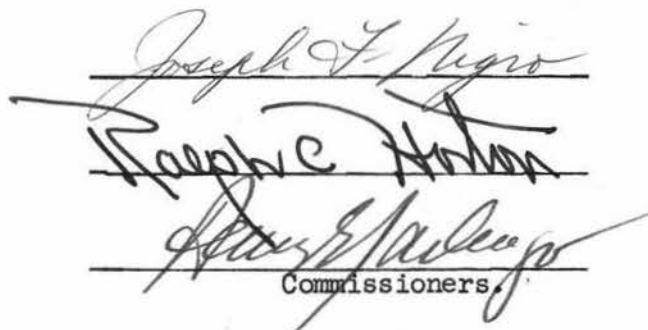
That Application No. 18430 and the docket and files therein, should be transferred to Investigation and Suspension Docket No. 453 on the docket of the Commission.

That during said period of suspension, further investigation or hearing be had in said matter.

That a copy of this Order be filed with Application No. 18430 and with Investigation and Suspension Docket No. 453; and copies be mailed to Applicant and those other parties protesting said closing.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1961.

mls

Original

(Decision No. 56476)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER TRAMWAY CORPORATION, 350)
SOUTH SANTA FE DRIVE, DENVER, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY, AUTHORIZ-)
ING EXTENSION OF OPERATIONS UNDER)
PUC NO. 210.)

APPLICATION NO. 18500-Extension

May 18, 1961

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein sought authority to extend operations under PUC No. 210, to include the right to operate bus service between downtown Denver and the amusement park known as "Magic Mountain."

The Commission is now in receipt of a communication from T. P. Williams, Superintendent of Transportation for The Denver Tramway Corporation, requesting dismissal of said application.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 18500-Extension be, and the same hereby is, dismissed, upon request of Applicant herein.

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

made by the

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regio
Joseph C. Nelson
Harry C. Zullinger
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1961.
mls

original

(Decision No. 56477)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GREELEY GAS COMPANY, 1930 SHERMAN)
STREET, DENVER, COLORADO, FOR AN)
ORDER GRANTING TO IT A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE FRANCHISE RIGHTS IN THE)
TOWN OF MEEKER, RIO BLANCO COUNTY,)
COLORADO, FOR THE PURCHASE, TRANS-)
MISSION, DISTRIBUTION AND SALE)
THEREIN OF GAS, EITHER NATURAL,)
ARTIFICIAL OR MIXED, AND FOR THE)
PURCHASE, TRANSMISSION, DISTRIBU-)
TION AND SALE OF GAS IN THE AREA)
ADJACENT TO SAID TOWN.)
-----)

APPLICATION NO. 18450

May 18, 1961

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs., by
E. A. Stansfield, Esq.,
Denver, Colorado,
for Applicant;
J. M. McNulty, 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:

On April 11, 1961, Greeley Gas Company filed an applica-
tion with this Commission, seeking a certificate of public con-
venience and necessity authorizing the exercise of franchise rights
granted by the Town of Meeker, Rio Blanco County, Colorado, for the
purchase, transmission, distribution and sale of gas, either natural,
artificial or mixed, in said Town, and for the purchase, transmission,
distribution and sale of such gas in the areas adjacent thereto.

The matter was set for hearing, after due notice to all
interested parties, on Friday, April 28, 1961, at two o'clock P. M.,

in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The application was heard on said date, and at the conclusion of the hearing, the matter was taken under advisement by the Commission.

No one appeared at the hearing in opposition to the granting of the authority sought in the instant application.

Witness for Applicant, Homer S. Lanning, Vice President and Treasurer, testified to the following matter summarily set forth below:

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged, inter alia, in the purchase, distribution and sale of natural gas in various municipalities, communities and rural areas in Fremont, Weld, and Moffat Counties, Colorado. At the hearing, Applicant agreed to file, and did file with the Commission as a late-filed exhibit in support of the instant application, a certified copy of its certificate of incorporation, together with all amendments thereto to the date of the hearing.

Applicant showed that on March 3, 1958, the Board of Trustees of the Town of Meeker duly passed and adopted Ordinance No. 190 of said Town, entitled:

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF MEEKER, RIO BLANCO COUNTY, COLORADO, TO GREELEY GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF MEEKER, A SYSTEM FOR THE PURCHASE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF MEEKER, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWNS OF MEEKER, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of said franchise is for a period of twenty-five years. Applicant's Exhibit A received in evidence at the hearing

was a certificate of Applicant's Secretary to which was attached a conformed copy of said Ordinance-No. 190, and conformed copies of proceedings in connection therewith, including a certificate of the Town Clerk of the Town of Meeker as to the introduction, passage, and signature by the Town Mayor on said ordinance, the due recording thereof, and a copy of Applicant's acceptance of such ordinance.

A sketch map of the proposed gas distribution system in the Town of Meeker was introduced as Applicant's Exhibit D.

Applicant will obtain its natural gas for distribution and sale in the Town of Meeker and adjacent areas from Western Slope Gas Company, pursuant to a contract dated January 12, 1961, covering an initial term of twenty years from the date gas is first delivered by Western Slope Gas Company to Applicant thereunder. Western Slope Gas Company has received a certificate from this Commission authorizing the delivery and sale of gas to Applicant. A copy of such contract was received in evidence at the hearing as Exhibit B. Applicant's witness testified that certain clarifying language changes with respect to the provisions of the contract under the heading "Contract Demand" on page 2 of Exhibit B had been agreed to between itself and its supplier, and permission was granted to Applicant to file as a late filing a revised page 2 to Exhibit B reflecting the agreed upon clarifying changes.

There is no other public utility in the business of distributing gas in the Town of Meeker or in the areas adjacent thereto. The 1960 United States census shows the population of said Town to be 1,635. As a result of a recent survey conducted by Applicant, approximately 154 potential residential and commercial customers indicated a willingness to take natural service as soon as it is available. Applicant anticipates that it will serve eventually 550 gas customers through its proposed distribution facilities to be installed in said Town and adjacent areas.

Applicant estimates that its aggregate investment in the gas distribution facilities for said Town and adjacent areas during

the term of the franchise will be approximately \$104,000. However, Applicant estimates that the investment that it will make in such facilities for its initial service will be approximately \$80,000. Capital expenditures of \$104,000 will be used as the basis for a charge for the issuance of the certificate sought herein. The basis of the fee will not be binding upon the Commission in any subsequent investigation where the valuation may be an issue.

There was also introduced at the hearing in this matter as Exhibit E, Applicant's Economic Feasibility Study, showing, inter alia, an estimate of the operating income from the proposed service for the years 1961, 1962 and 1963, an estimate of rate base, depreciation, including the cost of financing and interest for the same years, and a suggested resale rate. There was also introduced at the hearing on this matter as Exhibit F and as corrected by a late-filed exhibit, the rate schedule pursuant to which Applicant proposes to render natural gas service in the Town of Meeker and adjacent areas.

The Commission has carefully reviewed the instant application and the evidence presented by Applicant at the hearing in support thereof, and is of the opinion that the authority sought by Applicant should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Greeley Gas Company, and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

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

That the public convenience and necessity require, and will require, the exercise by Greeley Gas Company of the franchise rights granted in and by Ordinance No. 190, adopted by the Town of Meeker, Colorado, on March 3, 1958, and the purchase, transmission, distribution and sale of gas by Greeley Gas Company in said Town and in areas adjacent thereto.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require, and will require, Greeley Gas Company to exercise the franchise rights, granted in and by Ordinance No. 190 adopted by the Town of Meeker on March 3, 1958, a conformed copy of which is contained in Exhibit A, which Exhibit A, by reference, is made a part hereof, for the purchase, transmission, distribution and sale of gas, either natural, artificial or mixed, by Greeley Gas Company in said Town and in the areas adjacent thereto, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

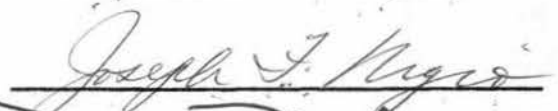
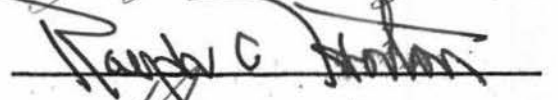

That Greeley Gas Company shall odorize all gas in its distribution mains supplying gas to the inhabitants of the Town of Meeker and in the area contiguous thereto.

That Greeley Gas Company shall install, operate and maintain its gas system and supply service in the areas heretofore designated in accordance with its schedule of natural gas rates, contained in corrected Exhibit F, which shall be filed with this Commission thirty (30) days prior to the commencement of service contemplated by Applicant, or as the same may be changed according to law and the rules and regulations of this Commission.

That Greeley Gas Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1961.

ea

original

(Decision No. 56478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-CLIMAX TRUCK LINE, INC.,)
P. O. BOX 6735, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY, AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC)
NO. 1195.)
-----)

APPLICATION NO. 18483-Extension

May 19, 1961

Appearances: John P. Thompson, Esq.,
Denver, Colorado,
for Applicant;
Edward T. Lyons, Esq.,
Denver, Colorado,
for North Park Trans-
portation Company.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority from this Commission to extend operations under PUC No. 1195, as set out in the application filed herein.

The matter was regularly set for hearing, after appropriate notice to all interested parties, at 532 State Services Building, Denver, Colorado, at ten o'clock A. M., May 15, 1961.

When the matter was called for hearing, the attorney for North Park Transportation Company asked that the matter be continued. Thereupon, the attorney for the applicant moved that North Park Transportation Company, having no authority conflicting with the application, should be denied an appearance in the matter. After some discussion, the application for continuance was granted and the Commission asked that evidence be presented by both the applicant and North Park Transportation Company as to the interest of said North Park Transportation Company in the case.

F I N D I N G S

THE COMMISSION FINDS:

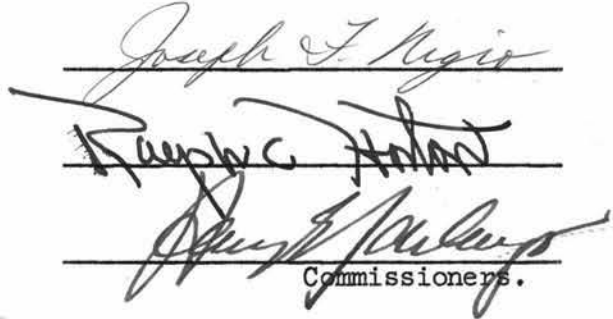
That the instant matter should be continued, to be re-set at some future time, at the convenience of the Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application be, and it hereby is, continued, to be re-set and heard on some future date, at the convenience of the Commission, with notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 19th day of May, 1961.

ea

original

(Decision No. 56479)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WESTERN DISPOSAL COMPANY, 5051 CARR)	
STREET, ARVADA, COLORADO, FOR AU-)	
THORITY TO TRANSFER PUC NO. 2010 TO)	APPLICATION NO. 18484-Transfer
MARION J. GILREATH, DOING BUSINESS)	
AS "WESTERN DISPOSAL COMPANY," 6365)	
BRENTWOOD STREET, ARVADA, COLORADO.)	
- - - - -)	

- - - - -
May 19, 1961
- - - - -

Appearances: McLean and McLean, Esqs.,
Denver, Colorado, by
William M. Caldwell, Esq.,
for Transferor and Trans-
feree.

S T A T E M E N T

By the Commission:

Western Disposal Company, of Arvada, Colorado, is the
owner and operator of PUC No. 2010, which authorizes:

Transportation of ashes, trash, and waste materials, in the territory described as follows: beginning at the intersection of West 72nd Avenue and Sheridan Boulevard, in Jefferson County; thence south along Sheridan Boulevard to West 29th Avenue; thence west along West 29th Avenue to Kipling Street; thence south along Kipling Street to Alameda Avenue; thence west along Alameda Avenue to a point where a line drawn north and south one mile east of Golden would intersect Alameda Avenue; thence north along said line drawn north and south one mile east of Golden to West 72nd Avenue; thence along said West 72nd Avenue to place of beginning; pick-up and delivery service of trash in the following-described additional territory, known as Edgewater, which is bounded on the north by West 29th Avenue, on the east by Sheridan Boulevard, on the south by West 20th Avenue, and on the west by Lamar Street; hauling, transportation, and disposal of garbage within the area described, in PUC 2010.

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Marion J. Gilreath, doing business as "Western Disposal Company," Arvada, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, at 532 State Services Building, Denver, Colorado, at ten o'clock A. M., May 15, 1961, where the matter was heard and taken under advisement.

At the hearing, the evidence disclosed that there is an Agreement between the parties whereby PUC No. 2010 and certain equipment is to be transferred to the transferee for the total purchase price of \$30,000, with \$2,500 down and \$300.00 per month, starting on March 10, 1961, until the total purchase price is paid, interest to be at the rate of $4\frac{1}{2}\%$ per annum on the unpaid balance. The Agreement is contingent upon the approval of the transfer by this Commission.

The net worth of transferee is approximately \$30,000, and he is well qualified by experience and financially, to carry on the proposed operations.

No one appeared in opposition to the authority herein sought.

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

F I N D I N G S

THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

That Western Disposal Company, Arvada, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 2010 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Marion J. Gilreath, doing business as "Western Disposal Company," Arvada,

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

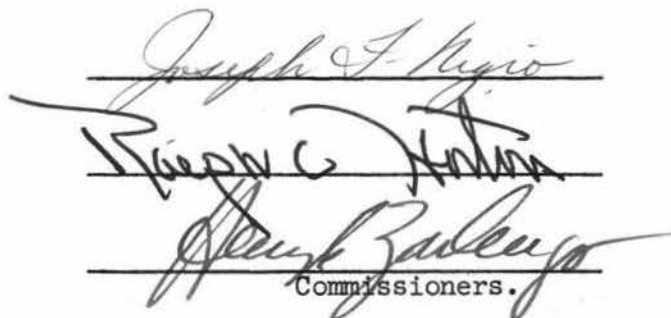
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

The tariff of rates, rules and regulations of 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 19th day of May, 1961.

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