

original

(Decision No. 56730)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF	)	
THE DENVER AND RIO GRANDE WESTERN	)	
RAILROAD COMPANY AND THE RAILWAY	)	
EXPRESS AGENCY, INCORPORATED, TO	)	
WITHDRAW ON A YEAR-AROUND BASIS	)	<u>APPLICATION NO. 18501</u>
THE RESPECTIVE RAIL AND EXPRESS	)	
AGENCIES WHICH THEY ARE PRES-	)	
ENTLY REQUIRED TO MAINTAIN AT	)	
CLIFTON, COLORADO, FROM JULY 1	)	
THROUGH OCTOBER 31, OF EACH YEAR.	)	
-----	)	

-----  
June 28, 1961  
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S T A T E M E N T

By the Commission:

On May 12, 1961, the above Applicants filed an application with this Commission seeking authority to terminate the seasonal operation and maintenance of an agent at the station in Clifton, Mesa County, Colorado. Past operation of the station during the period July 1st to November 1st was authorized by this Commission in Application No. 11143, Decision No. 36834, dated June 5, 1951.

Clifton is located 5½ miles west of Palisade and 7 miles east of Grand Junction, Colorado, on the main line of the Rio Grande Railroad. Practically all of the business at this station consists of carlot fruit shipments and is handled during the perishable shipping season between July 1st and November 1st of each year when service has been provided by a temporary Agent-Operator of the railroad. It appears that over the years, the year-around needs of the community have been handled by Rio Grande Motorway, Inc., wherein less-than-carload shipments are handled directly to and from the customer's premises.

In the instant matter, it is proposed that the billing and other station services can be satisfactorily and conveniently handled from the Palisade station and eliminate the Clifton station expense. No change is proposed in the substitute motor-carrier

service which is to remain.

Investigation by the Commission has verified the nature of the past operations wherein it appears that shipments are largely made by two shippers -- Cooperative Producers, Inc., Palisade, Colorado, and Pacific Fruit and Product Company, of Grand Junction and Denver, Colorado. Further, Cooperative Producers, Inc., has recently moved its main office from Grand Junction to Palisade, where it maintains a large operation in addition to the shipments from Clifton. Hence, no inconvenience is expected by the Clifton closing since this firm now desires to centralize its operations and handle its rail billings through the Palisade office. In like manner, the Pacific Fruit and Produce Company also has a large operation and maintains its offices at Grand Junction, where it prefers to deal with the rail agent at that point. Representatives of both firms have indicated their principal interest is not in the operation of the station but rather that sufficient cars, yard clerks and operating personnel be maintained to minimize claim losses and assure rapid movement of the crop.

Under the Commission's Rules and Regulations Pertaining to Railroads and Express Companies, proper notice of the requested change was posted May 12, 1961, at the Clifton Station. Pursuant to the Commission's Rules, there was provided in said notice a statement to the effect that any person desiring to protest the proposed change should file a written protest with the Commission at least ten days prior to July 1, 1961. The files of the Commission show that no protests were received regarding this matter, therefore, the Commission determined to hear, and has heard, said matter, forthwith, without further notice, upon the records and files herein.

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

##### THE COMMISSION FINDS:

That public convenience and necessity for seasonal handling of fruit shipments in the Clifton area can be adequately served by the agency stations at Palisade and Grand Junction, Colorado.

That the authority sought in the instant application should be granted, and the above Statement is made a part hereof by reference.

O R D E R

THE COMMISSION ORDERS:

That The Denver & Rio Grande Western Railroad Company and Railway Express Agency, Inc. be, and are hereby, authorized to withdraw the seasonal joint agent at Clifton, Mesa County, Colorado, effective July 1, 1961, and to thereafter maintain same as a pre-pay or non-agency station.

That reference shall be made to this decision in the tariff schedules applicable to this service as authority for such action.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ray E. Arlberg  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CECIL KING, 1007 "D" AVENUE, LA )  
JUNTA, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 18480  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
June 28, 1961  
- - - - -

Appearances: Cover Mendenhall, Esq.,  
Rocky Ford, Colorado,  
for Applicant;  
George L. Strain, Esq.,  
La Junta, Colorado, for  
John Blakney Trucking  
and Verquer Truck Line;  
Herbert Green, Fowler,  
Colorado, for Green  
Trucking Co.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle in the transportation of livestock between points within a 25-mile radius of La Junta, Colorado, and from and to points in said area to and from points within a radius of 100 miles of La Junta, Colorado, PROVIDED, HOWEVER, that applicant shall be limited to the use of bob-tailed trucks, only, designed for small shipments, said certificate to be limited to one office in La Junta, Colorado, or within a two-mile radius of said city of La Junta, for the purpose of soliciting 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 of the Federal Motor Carrier Act of 1935, as amended.

The application was set for hearing on May 17, 1961, at ten o'clock A. M., at the Court House, La Junta, 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 the protestants submitted evidence in protest.

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 motor vehicle transportation service of Cecil King, La Junta, Colorado, for the transportation of livestock, between points within a 25-mile radius of La Junta, Colorado, and from and to points in said area, to and from points within a radius of 100 miles of La Junta, Colorado, provided, however, that applicant shall be limited to the use of bob-tailed trucks, only, designed for small shipments, said certificate to be limited to one office in La Junta, Colorado, or within a two-mile radius of said City of La Junta, for the purpose of soliciting 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 of the Federal Motor Carrier Act of 1935, as amended, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

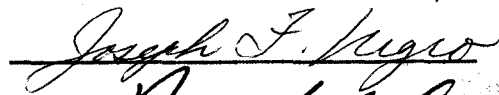

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT A. CONNELL, ROUTE 2, BOX )  
224-B, LOVELAND, COLORADO (IN THE )  
EVENT AUTHORITY SOUGHT IN APPLICA- )  
TION NO. 18508-PP-TRANSFER IS ) APPLICATION NO. 18509-PP-Extension  
GRANTED), FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PERMIT NO. B-6096. )  
- - - - - )

- - - - -  
June 28, 1961  
- - - - -

Appearances: Ned J. Carpenter, Esq.,  
Loveland, Colorado,  
for Applicant;  
Ernest Porter, Esq.,  
Denver, Colorado,  
for Rio Grande Motor  
Way, Inc., and Larson  
Transportation Co.;  
John Lewis, Esq., Denver,  
Colorado, for Colorado  
Cartage, Inc.;  
John P. Thompson, Esq.,  
Denver, Colorado, for  
Denver-Laramie-Walden  
Truck Line, Inc.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Robert A. Connell, Loveland, Colorado, is the owner  
and operator of Permit No. B-6096, which authorizes operation  
as a private carrier by motor vehicle for hire, as follows:

Transportation of hay (baled or loose),  
grain (in bulk), and processed feeds  
(in sacks), from, to and between points  
within a 30-mile radius of Loveland,  
Colorado, to and from all points in  
the State of Colorado, in intrastate  
commerce, only, with no town-to-town  
service,

and by the instant application, applicant seeks to extend and  
enlarge such permit to authorize transportation of processed feeds,  
mineral and feed supplement, salt and commercial fertilizer, in sacks,  
and grain, in bulk or sacks, to and from all points in Colorado, from  
and to Ranchway Feed Mills of Fort Collins, Colorado, only; also,

rough and/or finished lumber, logs, ties, posts and poles, from sawmills and places of storage and loading points, between, to, and from points and places in Colorado within a radius of 250 miles of Loveland, and from and to said 250-mile radius of Loveland, to and from other points in the State of Colorado.

The application was set for hearing on May 26, 1961, at ten o'clock A. M., at the Court House, Greeley, 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 conclusions.

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

That protestants submitted substantial evidence in protest.

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.

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 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 28th day of June, 1961.  
ea

*Joseph F. Regio*  
*Ray E. Spulver*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
YUMA COUNTY TRANSPORTATION COMPANY, )  
YUMA, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC 2642. )  
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APPLICATION NO. 18576

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June 27, 1961  
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S T A T E M E N T

By the Commission:

By the above-styled application, filed with the Commission on March 18, 1958, applicant herein, owner and operator of PUC No. 2642, sought authority to extend operations thereunder, to include the right to transport general commodities, between Fort Morgan, Colorado, and points east of Brush, Colorado, located on U. S. Highway No. 34.

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, notwithstanding inquiry made by the Commission by letter, of date February 21, 1961.

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 the Commission.

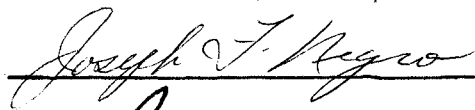

O R D E R

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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORLANDO CHACON, MANASSA, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )

APPLICATION NO. 18293-PP  
SUPPLEMENTAL ORDER

-----  
June 27, 1961  
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Appearances: Elizabeth A. Conour, Esq.,  
Del Norte, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

On March 2, 1961, the Commission entered its Decision No. 55984, in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicant has not filed list of customers and tariff with the Commission, as required by said Decision No. 55984,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 55984, of date March 2, 1961, be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 55984, viz., failure to file List of

Customers and Tariff.

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 27th day of June, 1961.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DON HACKNEY, DOING BUSINESS AS )	
"HACKNEY OIL COMPANY," 309 NORTH )	APPLICATION NO. 17999-PP
LYNN, LAMESA, TEXAS, FOR A CLASS "B" )	
PERMIT TO OPERATE AS A PRIVATE CAR- )	
RIER BY MOTOR VEHICLE FOR HIRE. )	
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-----  
June 27, 1961  
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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 wheat, from that part of Colorado lying east of U. S. Highway 85-87 and north of a line running east and west along Highway No. 24 at Limon, Colorado, and south of a line parallel to the Yuma-Phillips County Line, for the Colorado Milling and Elevator Company and any of their subsidiaries, from elevator to elevator.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, August 15, 1960, 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.

Thereafter, the Commission entered its Decision No. 54927, of date August 19, 1960, continuing said matter, to be later re-set for hearing.

It now appears that applicant no longer desires to prose-

cute said application.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be dismissed.

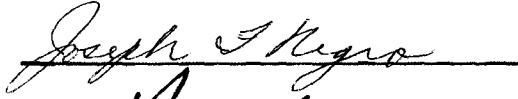

O R D E R

THE COMMISSION ORDERS:

That Application No. 17999-PP be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE PETITION OF )  
COLORADO-UTE ELECTRIC ASSOCIATION, )  
INC., MONTROSE, COLORADO, FOR AN )  
ORDER AUTHORIZING IT TO EXECUTE A )  
NOTE SECURED BY A MORTGAGE )  
OBLIGATION WITH THE UNITED STATES )  
OF AMERICA, AS OF MAY 1, 1961. )  
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APPLICATION NO. 18567  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed June 13, 1961, by the Colorado-Ute Electric Association, Inc., a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing July 7, 1961, at 9:00 o'clock A. M., 532 State Services Building, Denver, Colorado, respecting the matters involved and issues presented in the proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before July 3, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HORTON NOT PARTICIPATING

Joseph F. Nigro  
Alvin E. Zuley  
Commissioners

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

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEONARD DE LUE, E. L. DE LUE, D. J. )  
SEBERN, AND T. W. RINKER, CO-PART- )  
NERS, DOING BUSINESS AS "ARMORED )  
MOTORS SERVICE," 1536 WELTON STREET, ) APPLICATION NO. 17579  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
June 28, 1961  
- - - - -

Appearances: Barry and Boyle, Esqs.,  
Denver, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

On November 30, 1959, the above-styled application was filed with the Commission, seeking a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire.

Said application was regularly set for hearing before the Commission, at the then Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 12, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, Applicants requested that said hearing be vacated and said matter later re-set for hearing, upon request of Applicant.

To date, no request has been received to re-set said application for hearing, and the Commission is advised by Attorneys for Applicant herein that said Applicant no longer desires to prosecute the instant application, and requests dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

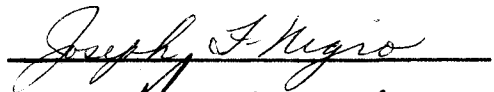

O R D E R

THE COMMISSION ORDERS:

That Application No. 17579 be, and the same hereby is,  
dismissed, upon request of Attorneys for Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRED L. LIVINGSTON AND WALTER W. )	
WILSON, CO-PARTNERS, DOING BUSI- )	
NESS AS "LIVINGSTON AND WILSON," )	<u>APPLICATION NO. 17266-PP-Extension</u>
P. O. BOX 819, LONGMONT, COLORADO, )	
FOR AUTHORITY TO EXTEND OPERATIONS )	
UNDER PERMIT NO. B-5551. )	
----- )	

-----  
June 28, 1961  
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S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein sought to extend operations under Permit No. B-5551, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand, and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to 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; uranium ore, from mines within a radius of three miles of Morrison, to mills within a ten-mile area south of Canon City, and beryl ore from Badger Flats Area, in the vicinity of Lake George, to Mineral Concentrates and Chemical Company Mill, at Loveland, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, July 31, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On July 27, 1959, upon request of applicants herein, said hearing was vacated.

No request has been received from applicants for re-setting of 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 applicants herein before the effective date of this Order, said application should be dismissed, and the matter closed upon the docket of the 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 Applicants 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

Joseph F. Nigro  
Ray E. Zarley  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EMIL VOEHRINGER, SILVERTON, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO OP- ) APPLICATION NO. 14671  
ERATE AS A COMMON CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
----- )

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June 28, 1961  
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S T A T E M E N T

By the Commission:

By the above-styled application, filed with this Commission on June 18, 1956, applicant herein sought a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of employees from Silverton to Gladstone, a dead-end road.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, August 24, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, applicant requested that said matter be continued, to be re-set for hearing at a later date. On September 5, 1956, the Commission entered its Decision No. 46461, taking such action.

On November 23, 1956, said application was re-set for hearing before the Commission, at the Court House, Montrose, Colorado, December 5, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

Prior to the hour designated for hearing, applicant advised the Commission, by telephone, that due to a storm he was unable to attend said hearing, and asked that said matter be again continued for hearing at a later date.



However, L. W. Parcell, Silverton, Colorado, appeared at said hearing, protesting the granting of authority herein sought, and requesting that said application be dismissed for failure of applicant to prosecute same.

On December 17, 1956, the Commission entered its Decision No. 46976, denying request for dismissal of said application, and again continuing said matter, to be later re-set for hearing.

Since that time, the Commission has, on several occasions, inquired of applicant as to whether or not he desires to prosecute the above-styled application. No request has been received from applicant herein for re-setting of said application.

Inasmuch as the Commission is now desirous of closing its docket on long-pending applications,

#### 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 the 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

Joseph J. Nigro  
Harry E. Zailony  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THUNDERBIRD FLYING SYSTEM, INC., )  
COLUMBINE AIRPORT, 6700 SOUTH KIP- )  
LING, LITTLETON, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER, BY AIRPLANE. )  
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APPLICATION NO. 18517  
SUPPLEMENTAL ORDER

-----  
June 28, 1961  
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Appearances: Jack P. Sakdol, Esq., Little-  
ton, Colorado, for Applicant;  
Ray Wilson, Denver, Colorado,  
for the Staff of the Commis-  
sion.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, applicant herein seeks a cer-  
tificate of public convenience and necessity authorizing the trans-  
portation by airplane of passengers and property, not on schedule,  
from Littleton, Colorado, to and between all points in the State of  
Colorado, with a base of operations at Littleton, Colorado, and air-  
ports within a radius of ten miles.

Said application was heard June 5, 1961, from which date  
it was continued for further hearing on June 23, 1961, and was at  
that time heard.

A number of witnesses testified in support of the appli-  
cation.

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

The Commission is of the opinion and finds that the appli-  
cant 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, and 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 transportation service of Thunderbird Flying System, Inc., Littleton, Colorado, for the transportation by airplane of passengers and property, not on schedule, from Littleton, Colorado, to and between all points in the State of Colorado, with a base of operations at Littleton, Colorado, and airports within a radius of ten miles, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall not establish an office or branch for the purpose of developing business at any town other than Littleton, Colorado, and airports located within ten miles of said town.

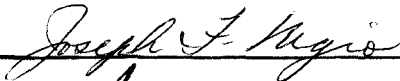

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission, and all required reports, within thirty (30) days from the date hereof, and such rates so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

The applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance

protection that may be required by the Commission.

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 28th day of June, 1961.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDWARD J. GOODING AND RONALD D. )  
O'NEAL, DOING BUSINESS AS "O'NEAL'S )  
MILK LINE," 712 LA SALLE, COLORADO )  
SPRINGS, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 3019 TO VIRGIL L. )  
BRAUER, DOING BUSINESS AS "BRAUER )  
MILK LINE," 2730 EAST BIJOU, COLO- )  
RADO SPRINGS, COLORADO. )

APPLICATION NO. 18556-Transfer

-----  
June 28, 1961  
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Appearances: Edward J. Gooding, Colorado  
Springs, Colorado, pro se;  
Donald D. O'Neal, Colorado  
Springs, Colorado, pro se;  
Virgil L. Brauer, Colorado  
Springs, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Edward J. Gooding and Ronald D. O'Neal, doing business as  
"O'Neal's Milk Line," Colorado Springs, Colorado, are the owners and  
operators of PUC No. 3019, authorizing:

Transportation of milk and dairy products  
in the following territory: Southerly  
limits to be easterly from the intersec-  
tion of Colorado State Highway No. 94 and  
U. S. Highway No. 24 east of Colorado  
Springs, Colorado, following Colorado  
State Highway No. 94 to Ellicott; thence  
south ten miles; thence east to a point  
ten miles south of Rush; thence north  
twenty-four miles, more or less, through  
Rush to the intersection with County Road  
No. 48; thence westerly approximately  
eleven miles to the intersection with U.  
S. Highway No. 24; thence southwesterly  
along U. S. Highway No. 24 to its inter-  
section with Colorado State Highway No.  
94, the place of beginning; also the area  
included within a distance of three miles  
on each side of County Road No. 521 from  
Calhan north to the El Paso County Line;

milk and dairy products, in cans and in bulk, in tank vehicles, within the following described territory: beginning at the intersection of Highway No. 94 and Highway No. 24 east of Colorado Springs, Colorado, following Highway No. 94 to the northwest corner of Section 16, Township 14 South, Range 65 West, 6th P. M.; thence south ten miles; thence east to the northeast corner of Section 3, Township 15 South, Range 60 West; thence north to the southwest corner of Section 34, Township 11 South, Range 60 West, located on El Paso County Road No. 48; thence east on said road one mile; thence north to intersect U. S. Highway No. 24 at Simla, Colorado; thence following said highway southwesterly to the Town of Ramah, Colorado; thence north to a point five miles north of the El Paso County line; thence west fourteen miles; thence south to intersect U. S. Highway No. 24 at a point three miles east of Peyton, Colorado; thence following U. S. Highway No. 24 to the place of beginning,

and by the instant application said certificate-holders seek authority to transfer said PUC No. 3019 to Virgil L. Brauer, doing business as "Brauer Milk Line," Colorado Springs, 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, June 23, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of the application.

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

The Commission is of the opinion and finds that the transferee will have sufficient equipment and experience to properly carry on the operations and the transferee's financial standing is established to the satisfaction of the Commission; and 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 Edward J. Gooding and Ronald D. O'Neal, doing business

as "O'Neal's Milk Line," Colorado Springs, Colorado, be, and hereby are, authorized to transfer all their right, title and interest in and to PUC No. 3019 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Virgil L. Brauer, doing business as "Brauer Milk Line," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph T. Nigro*  
*Alvin E. Fairbanks*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JAMES F. EBBERTS, 3636 WEST 26TH  
AVENUE, DENVER, COLORADO, FOR A  
CLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.

APPLICATION NO. 18557-PP

June 28, 1961

Appearances: James F. Ebberts, Denver,  
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 building materials, between points within the City and County of Denver, and to construction jobs within a radius of 25 miles of said City and County of Denver, State of Colorado, for Rio Grande Company, 123 Santa Fe Drive, Denver, Colorado, as a Class "B" private carrier by motor vehicle for hire.

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, June 23, 1961, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant and Ralph Surratt, Service Manager of Rio Grande Company, testified in support of the application.

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

The Commission is of the opinion and 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; and 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 James F. Ebberts, Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of building materials, between points within the City and County of Denver, and to construction jobs within a radius of 25 miles of said City and County of Denver, State of Colorado, for Rio Grande Company, 123 Santa Fe Drive, Denver, 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. Nigro*  
*Ralph C. Horton*  
Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

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

mls

Original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY CHAMBERS, 2241 WILLIAMS STREET, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 18558  
AMENDED

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June 29, 1961  
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Appearances: Richard E. Benson, Esq.,  
Denver, Colorado, for  
Applicant;  
Bennett A. Aisenberg, Esq.,  
Denver, Colorado, for  
Associated Rubbish Re-  
movers, and Best Way Dis-  
posal.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks a certifi-  
cate of public convenience and necessity to operate as a common car-  
rier by motor vehicle for hire for the transportation of ashes, trash  
and rubbish within the City and County of Denver, 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,  
and at the conclusion of the evidence, the matter was taken under ad-  
visement.

During the course of the hearing, the applicant moved to  
amend his application to restrict the area of operation to the follow-  
ing described area, to-wit: that area lying between East 20th Avenue  
and East 36th Avenue, and between Downing Street and Colorado Boule-  
vard, City and County of Denver, Colorado. There being no protest to  
the motion, the Commission finds that the motion should be granted.

The protestants withdrew their protests.

The Commission is of the opinion and finds 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, and 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 the motion to amend the application be, and the same hereby is, granted.

That public convenience and necessity require the proposed motor vehicle transportation service of Harry Chambers, Denver, Colorado, for the transportation of ashes, trash, and rubbish in the area lying between East 20th Avenue and East 36th Avenue, and between Downing Street and Colorado Boulevard, City and County of Denver, Colorado, to regularly-designated and approved dumps and disposal places, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Nigro*  
*August J. Zailer*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of June, 1961.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOLOMON P. MARTINEZ, 2411 STOUT )  
STREET, DENVER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 18559  
AMENDED

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June 29, 1961  
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Appearances: Roger Cisneros, Esq., Denver,  
Colorado, for Applicant;  
Bennett A. Aisenberg, Esq.,  
Denver, Colorado, for David  
Grant, Best Way Disposal,  
and Rubbish Removers Asso-  
ciation.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks a certifi-  
cate of public convenience and necessity to operate as a common car-  
rier by motor vehicle in the transportation of trash, ashes, and  
junk within the metropolitan area of Denver.

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, June 23, 1961, and at the conclusion of the evidence, the matter  
was taken under advisement.

After some evidence was presented in support of the appli-  
cation, counsel for applicant made a motion to amend the application  
to limit the commodities to be transported thereunder to grass, ashes  
and trash and to restrict the area to the following area, to-wit:  
that area lying between East 16th Avenue and East 38th Avenue, and be-  
tween Colorado Boulevard and Holly Street, City and County of Denver,

State of Colorado.

The Commission finds that this motion should be granted.

The protestants withdrew their protests.

The Commission is of the opinion and finds that there is a need for the proposed transportation service; 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; and 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 the motion to amend the application be, and the same hereby is, granted.

That public convenience and necessity require the proposed motor transportation service of Solomon P. Martinez, Denver, Colorado, for the transportation of grass, ashes and trash from that area lying between East 16th Avenue and East 38th Avenue, and between Colorado Boulevard and Holly Street, in the City and County of Denver, State of Colorado, to regularly-designated and approved dumps and disposal places, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Henry E. Zuller  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of June, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PROPOSED NEW TARIFF NAMING RULES,  
REGULATIONS, RATES AND CHARGES BY  
SORENSEN TRUCK SERVICE, INC., COVERING  
THE INTRASTATE TRANSPORTATION OF  
LIVESTOCK IN COLORADO.

INVESTIGATION AND SUSPENSION

DOCKET NO. 455

June 27, 1961

S T A T E M E N T

BY THE COMMISSION:

On May 26, 1961, Sorenson Truck Service, Inc., by Chris Sorenson, President, 306 Kimbark Street, Longmont, Colorado, filed with this Commission a new tariff naming rates, rules, regulations and provisions covering the intrastate transportation of livestock in the State of Colorado, designated as follows:

Sorenson Truck Service, Inc.,  
Colorado P.U.C. 337 and 409  
Local Motor Freight Tariff No. 2,  
Colorado P.U.C. No. 2,  
Naming commodity rates for the trans-  
portation of livestock between points  
in the State of Colorado.

The proposed new tariff is advertised to become effective June 28, 1961. On the same date the Colorado Motor Carriers' Association, Agent, filed 25th Revised Page No. 11 to its Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, to become effective June 28, 1961, wherein Sorenson Truck Service, Inc., is being canceled as a participating carrier insofar as the rates, rules, regulations and provisions published therein apply for the transportation of livestock, and refer to the Sorenson Tariff No. 2 for rates to apply.

The schedules contained in said tariffs make certain changes, additions, increases and decreases in the rates, rules, regulations and provisions whereby the rights and interests of the public may be injuriously affected. It is the opinion of the Commission that the effective date of said tariff in its entirety should be postponed, pending a hearing and decision thereon.

## F I N D I N G S

### THE COMMISSION FINDS:

That upon complaints, and upon its own motion, without formal pleading, the tariffs designated in the statement 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, be, and they are hereby made a part hereof.
2. This order shall become effective forthwith.
3. It shall, upon complaint, and upon its own motion, enter upon a hearing concerning the lawfulness of the rates, rules, regulations and provisions set forth in the tariffs designated in the statement.
4. The operation of said tariff shall be suspended and the use of same shall be deferred 120 days, or until October 25, 1961, unless otherwise ordered by the Commission, and no change shall be made during the said period of suspension.
5. The rates, rules, regulations and provisions thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.
6. A copy of this order shall be filed with said tariffs in the office of the Commission and that a copy hereof be forthwith served upon Mr. Chris Sorenson, President, Sorenson Truck Service, Inc., 306 Kimbark Street, Longmont, Colorado; Alvin J. Meiklejohn, Jr., Esq., 526 Denham Building, Denver 2, Colorado; and Colorado Motor Carriers' Association, 4060 Elati Street, Denver 16, Colorado.
7. This Investigation and Suspension Docket No. 455 be and the same is hereby set for hearing before the Commission on August 2, 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. Negro

Alvin J. Meiklejohn, Jr.  
Commissioners.

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

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING



original

(Decision No. 56746)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DONNIE TRUJILLO, DEL NORTE, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 18169-PP
OPERATE AS A PRIVATE CARRIER BY )	<u>SUPPLEMENTAL ORDER</u>
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
June 29, 1961  
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Appearances: Elizabeth A. Conour, Esq.,  
Del Norte, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

On November 15, 1960, the Commission entered its Decision No. 55354 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicant has not filed list of customers and tariff with the Commission, as required by said Decision No. 55354,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 55354, of date November 15, 1960, be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 55354, viz., failure to file List of Customers and Tariff.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negin  
Ralph C. Horton  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of June, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MANUEL A. MEDINA, DEL NORTE, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO OP- )	APPLICATION NO. 18164-PP
ERATE AS A PRIVATE CARRIER BY MOTOR )	<u>SUPPLEMENTAL ORDER</u>
VEHICLE FOR HIRE. )	
----- )	

-----  
June 29, 1961  
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Appearances: Conour and Conour, Esqs.,  
Del Norte, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

On November 14, 1960, the Commission entered its Decision No. 55349 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to file Certificate of Insurance and List of Customers, as required by said Decision No. 55349,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 55349, of date November 14, 1960, be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 55349, viz., failure to file Certificate of Insurance and List of Customers.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph E. Zurling  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of June, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROBERT B. MALOUFF, COSTILLA, NEW )	
MEXICO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 18163-PP
OPERATE AS A PRIVATE CARRIER BY )	<u>SUPPLEMENTAL ORDER</u>
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
June 29, 1961  
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Appearances: Elizabeth A. Conour, Esq.,  
Del Norte, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

On November 14, 1960, the Commission entered its Decision No. 55350 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to file Certificate of Insurance and List of Customers, as required by said Decision No. 55350,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 55350, of date November 14, 1960, be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 55350, viz., failure to file Certificate of Insurance and List of Customers.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Henry G. Hauling  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of June, 1961.

ea

original

(Decision No. 56749)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HENRY EDWARD DAVIS, FUN VALLEY, )	
SOUTH FORK, COLORADO, FOR A CLASS )	APPLICATION NO. 18162-PP
"B" PERMIT TO OPERATE AS A PRIVATE )	<u>SUPPLEMENTAL ORDER</u>
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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June 29, 1961  
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Appearances: Henry Edward Davis, South  
Fork, Colorado, pro se.

S T A T E M E N T

By the Commission:

On November 14, 1960, the Commission entered its Decision No. 55351 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to file Certificate of Insurance and List of Customers, as required by said Decision No. 55351,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 55351, of date November 14, 1960, be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 55351, viz., failure to file Certificate of Insurance and List of Customers.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Mignone  
Samuel Pauling  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of June, 1961.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES AND INCREASES )  
IN RATES PUBLISHED TO BECOME )  
EFFECTIVE JULY 3, 1961, FOR ACCOUNT )  
OF NORTH EASTERN MOTOR FREIGHT, INC., )  
AND DENVER-LARAMIE-WALDEN TRUCK LINE, )  
INC., IN TARIFF NO. 12-A, COLORADO )  
P.U.C. NO. 11, COLORADO MOTOR CAR- )  
RIERS' ASSOCIATION, AGENT, J. R. )  
SMITH, CHIEF OF TARIFF BUREAU, 4060 )  
ELATI STREET, DENVER 16, COLORADO. )  
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INVESTIGATION AND SUSPENSION

DOCKET NO. 456

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June 27, 1961  
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S T A T E M E N T

BY THE COMMISSION:

On May 26, 1961, The Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, 4060 Elati Street, Denver 16, Colorado, filed certain schedules, designated in the attached Appendix to become effective July 3, 1961, with this Commission.

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 is the opinion of the Commission that the effective date of said schedules in said tariff should be postponed pending a hearing and decision thereon.

The proposed increases reflect a 10 per cent increase in class rates and the various commodity items generally a 10 per cent increase.

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 October 31, 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 J. R. Arnold, President, North Eastern Motor Freight, Inc., 5231 Monroe Street, Denver 16, Colorado; Lowell Brooks, Brooks Transportation Company, Sterling Colorado; Ralph Kerzic, President, Denver-Laramie-Walden Truck Line, Inc., 1655 Decatur, Denver 4, Colorado, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, 4060 Elati Street, Denver 16, Colorado; John Norman, Manager, Motor Tariff Service, 1304 Cherokee Street, Denver 4, Colorado.

6. This proceeding be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph T. Negro  
Henry P. Paulsen  
Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING

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

ph

# APPENDIX "A"

Scheduled to become effective July 3, 1961, as published in:

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
Local and Joint Freight Tariff No. 12-A  
Colo. P.U.C. No. 11

EXCEPTIONS TO RATINGS OF THE GOVERNING CLASSIFICATION		
Item No.	Articles	Class Rating
100 E A	Agricultural Implements, other than hand: Corn Pickers or Corn Pickers and Huskers, combined: S. U., elevator detached Hay Presses and Windrow Pick-ups combined (On Colorado intrastate traffic, the above commodities must be of a width to fit into truck and not exceeding the maximum width and height permitted by the Uniform Motor Vehicle Act, 1935.) (Applies only via North Eastern Motor Freight, Inc.)	100
360	Furniture, all kinds, as described in the classification under the heading "Furniture" and carriages, go-carts or sulkies, baby or doll, L.T.L. Set-up ..... 100 Knocked down (see Note 1) ..... 85 Furniture, all kinds, as described in the classification under the heading "Furniture", L.T.L. Folded ..... 85 Furniture Parts, as described in the classification under the heading of "Furniture", L.T.L. Articles rated class 100 or higher, set-up ..... 100 Articles rated class 85 or higher, knocked down, (Note 1) ..... 85 Baby Walkers, with wheels, L.T.L., set-up ..... 100 Knocked down ..... 85 Clothes Hampers, wooden, fibre and wood combined, or wood and reed combined, L.T.L. set-up ..... 100 Knocked down ..... 85 Clothes Hampers, wooden, fibre or reed or fibre and wood combined, L.T.L., set-up ..... 100 Knocked down ..... 85  Articles rated lower than class 100, set-up and lower than class 85, knocked down or folded, in current classification L.T.L., will be subject to full classification basis.  NOTE 1: Applies only on articles shipped, K.D., when in manner shipped, such articles are specifically described and rated K.D., on pages 374 to 386, inclusive, of National Motor Freight Classification.  The provisions of this item will not apply via or in connection with Overland Motor Express, Inc., D/B/A Boulder-Denver Truck Line; Brighton-Ft. Lupton Transfer, Inc.; Buckingham Freight Lines; G. O. Anderson, D/B/A Castle Rock Transfer; Centennial Truck Lines, Inc.; Denver-Climax Truck Line, Inc.; Denver-Laramie-Walden Truck Line, Inc.; Denver-Limon-Burlington Transfer Co.; Floyd A. Henrikson, D/B/A Denver-Loveland Transportation; C. R. Bryant, D/B/A Evergreen Freight Line; Interstate Motor Freight System; Interstate Motor Lines, Inc.; McKie Transfer Co.; Ivan Miller and Dwight Miller, D/B/A Miller Bros. Truck Line; Navajo Freight Lines, Inc.; / A, North Eastern Motor Freight, Inc.	

SECTION NO. 1  
Class Rate Bases  
For Application, See Item No. 927.  
For Class Rates, See Pages 101 to 124.

Index No.	BETWEEN  AND	Miles	BRUSH, COLORADO				Route No.
			Less-Than- Truckload	MINIMUM WEIGHT--POUNDS			
				f C 2,000	5,000	10,000	
900	Atwood	28	A 116	105	87	81	32
910	Crook	62	A 157	143	121	114	32
920	Ft. Morgan	9	A 96	87	71	65	32
930	Goodrich	26	A 116	105	87	81	32
940	Haxtun	68	A 162	147	126	120	4
950	Hillrose	8	A 96	87	71	65	32
960	Holyoke	85	A 180	164	140	134	4
970	Iliff	47	A 138	125	105	99	32
980	Julesburg	93	A 187	170	145	139	32
990	Merino	22	A 110	100	83	78	32
1000	Orchard	29	A 116	105	87	81	32
1010	Ovid	85	A 180	164	140	134	32
1020	Proctor	54	A 146	133	112	106	32
1030	Sedgwick	78	A 172	156	133	127	32
1040	Sterling	35	A 121	110	91	86	32
1050	Weldona	20	A 106	96	79	72	32
1060	Wiggins	24	A 110	100	83	78	32

Index No.	BETWEEN  AND	Miles	DENVER, COLORADO				Route No.
			Less-Than- Truckload	MINIMUM WEIGHT--POUNDS			
				2,000	5,000	10,000	
7020	Amherst	183	A 245	f C 223	192	186	4
7180	Atwood	116	A 209	f C 190	163	158	32
7360	Bellvue	74	A 161	- -	139	132	158
7490	Boettcher	73	A 161	- -	139	132	158
7690	Brush	88	A 186	f C 169	144	138	32
7710	Buckingham	99	A 233	f C 212	148	143	32
8280	Crook	150	A 227	f C 206	176	170	32
8330	Dailey	151	A 231	f C 210	182	175	4
8850	Fleming	144	A 227	f C 206	176	170	4
8880	Ford	130	A 183	f C 166	160	154	32
*8900	Fort Collins	68	A 154	- -	134	128	158
8960	Fort Morgan	79	A 172	f C 156	133	127	32
9240	Goodrich	83	A 180	f C 164	140	134	32
9450	Haxtun	156	A 231	f C 210	182	175	4
9540	Hillrose	95	A 187	f C 170	145	139	32
9590	Holyoke	173	A 241	f C 219	190	184	4
9740	Iliff	135	A 218	f C 198	171	166	32
9860	Julesburg	181	A 245	f C 223	192	186	32
10060	La Porte	72	A 161	- -	139	132	158
10580	Merino	110	A 198	f C 180	153	147	32
10830	New Raymer	107	A 227	f C 206	153	147	32
10930	Orchard	80	A 172	f C 156	133	127	32
10970	Ovid	173	A 241	f C 219	190	184	32
10980	Padroni	134	A 218	f C 198	171	166	32
11020	Paoli	164	A 239	f C 217	187	182	4
11100	Peetz	148	A 227	f C 206	176	170	32
11280	Proctor	142	A 227	f C 206	176	170	32
11840	Sedgwick	166	A 239	f C 217	187	182	32
12140	Sterling	123	A 215	f C 195	168	162	32
12150	Stoneham	117	A 221	f C 201	163	158	32
12260	Ted's Place	76	A 163	- -	142	136	158
12540	Virginia Dale	101	A 187	- -	164	157	158
12640	Weldona	88	A 186	f C 169	144	138	32
12740	Wiggins	64	A 157	f C 143	121	114	32

\*Special Permission No. 14565 dated June 13, 1961, was granted to the publishing agent to correct an error. The proposed increase to Ft. Collins was erroneously applied to Ft. Carson.

SECTION NO. 1  
Class Rate Bases  
For Application, See Item No. 927.  
For Class Rates, See Pages 101 to 124.

Index No.	BETWEEN  AND	Miles	FORT MORGAN, COLORADO				Route No.
			Less-Than- Truckload	MINIMUM WEIGHT--POUNDS			
				F C 2,000	5,000	10,000	
14200	Atwood	37	A 128	116	97	90	32
14210	Brush	9	A 96	87	71	65	32
14220	Crook	71	A 169	154	130	124	32
14230	Goodrich	16	A 106	96	79	72	32
14240	Haxtun	77	A 172	156	133	127	4
14250	Hillrose	16	A 106	96	79	72	32
14260	Holyoke	94	A 187	170	145	139	4
14270	Iliff	56	A 153	139	118	111	32
14280	Julesburg	102	A 198	180	153	147	32
14290	Merino	31	A 121	110	91	86	32
14300	Orchard	19	A 106	96	79	72	32
14310	Ovid	94	A 187	170	145	139	32
14320	Proctor	63	A 160	145	121	114	32
14330	Sedgwick	87	A 186	169	144	138	32
14340	Sterling	44	A 132	120	102	96	32
14350	Weldona	10	A 96	87	71	65	32
14360	Wiggins	15	A 102	93	78	71	32
			GREELEY, COLORADO				
17200	Amherst	159	A 231	210	182	175	4
17210	Atwood	93	A 187	170	145	139	32
17240	Brush	68	A 162	147	126	120	32
17270	Crook	126	A 215	195	168	162	32
17280	Dailey	127	A 215	195	168	162	4
17300	Fleming	120	A 209	190	163	158	4
17310	Fort Morgan	58	A 153	139	118	111	32
17340	Goodrich	42	A 132	120	102	96	32
17370	Haxtun	132	A 218	198	171	166	4
17390	Hillrose	75	A 169	154	130	124	32
17400	Holyoke	149	A 227	206	176	170	4
17410	Iliff	111	A 209	190	163	158	32
17420	Julesburg	157	A 231	210	182	175	32
17460	Merino	86	A 186	169	144	138	32
17480	Orchard	39	A 128	116	97	90	32
17490	Ovid	149	A 227	206	176	170	32
17500	Padroni	110	A 199	181	155	150	32
17510	Paoli	140	A 218	198	171	166	4
17520	Peetz	124	A 215	195	168	162	32
17540	Proctor	118	A 209	190	163	158	32
17560	Sedgwick	142	A 227	206	176	170	32
17580	Sterling	99	A 190	173	148	143	32
17600	Weldona	48	A 138	125	105	99	32
17610	Wiggins	45	A 132	120	102	96	32
			JULESBURG, COLORADO				
18000	Atwood	65	A 157	143	121	114	32
18010	Brush	93	A 187	170	145	139	32
18020	Crook	31	A 121	110	91	86	32
18030	Fort Morgan	102	A 198	180	153	147	32
18040	Goodrich	118	A 209	190	163	158	32
18050	Haxtun	91	A 187	170	145	139	4
18060	Hillrose	86	A 186	169	144	138	32
18070	Holyoke	108	A 198	180	153	147	4
18080	Iliff	46	A 138	125	105	99	32
18090	Merino	71	A 169	154	130	124	32
18100	Orchard	121	A 215	195	168	162	32
18110	Ovid	8	A 96	87	71	65	32
18120	Proctor	39	A 128	116	97	90	32
18130	Sedgwick	15	A 102	93	78	71	32
18140	Sterling	58	A 153	139	118	111	32
18150	Weldona	112	A 209	190	163	158	32
18160	Wiggins	117	A 209	190	163	158	32

SECTION NO. 1  
Class Rate Bases  
For Application, See Item No. 927.  
For Class Rates, See Pages 101 to 124.

Index No.	BETWEEN  AND	Miles	STERLING, COLORADO				Route No.
			Less-Than- Truckload	MINIMUM WEIGHT--POUNDS			
				2,000	5,000	10,000	
25820	Atwood	7	A 96	87	71	67	32
25850	Brush	35	A 121	110	91	86	32
25860	Buckingham	44	A 132	120	102	96	32
25880	Crook	27	A 116	105	87	81	32
25930	Fort Morgan	44	A 132	120	102	96	32
25970	Goodrich	65	A 157	143	121	114	32
26010	Hillrose	24	A 110	100	83	78	32
26040	Iliff	12	A 102	93	78	71	32
26050	Julesburg	58	A 153	139	118	111	32
26080	Merino	13	A 102	93	78	71	32
26090	New Raymer	36	A 128	116	97	90	32
26100	Orchard	68	A 162	147	126	120	32
26120	Ovid	50	A 138	125	105	99	32
26130	Padroni	11	A 102	93	78	71	32
26150	Peetz	25	A 110	100	83	78	32
26170	Proctor	19	A 106	96	79	72	32
26190	Sedgwick	43	A 132	120	102	96	32
26210	Stoneham	26	A 116	105	87	81	32
26220	Weldona	59	A 153	139	118	111	32
26230	Wiggins	59	A 153	139	118	111	32

SECTION NO. 2  
Commodity Rates  
(For Application, See Page No. 190 of Tariff)

Rates are in cents per 100 pounds (unless otherwise stated)							
Item No.	Commodity	From	To	Rates			Route No.
	Commodities in the same item may be shipped in straight or mixed truck loads.	(Except as noted in individual items)					
1385 A	Burial Cases (Caskets or Coffins), subject to packing specifications of current N.M.F.C.	<u>BETWEEN</u>  Denver, Colo.	<u>AND</u> Brush, Colo.	150			32
			Ft. Morgan, Colo.	141			32
			Haxtun, Colo.	187			4
			Holyoke, Colo.	199			4
			Julesburg, Colo.	202			32
			Sterling, Colo.	173			32
1410 A	Candy, in bars, sticks, or drops, but not in hollow form; Cocoa; Cocoa Butter; Chocolate Compound; Chocolate; Chocolate Coating; Chocolate Syrup; Coating, Candy, other than chocolate. Packed in accordance with the current classification. ① Less-than-truckload. ② Minimum weight 5,000 pounds. ③ Minimum weight 10,000 pounds. The provisions of this item will not apply on candy in gift boxes or candy requiring refrigeration. (Subject to Item No. 770.)	<u>BETWEEN</u>  Denver, Colo.	<u>AND</u> <u>COLORADO</u> Brush	① 98	② 73	③ 68	32
			Ft. Morgan	91	68	65	
			Julesburg	131	98	91	
			Sterling	112	84	78	
1493 E A	Cartons, egg case or egg carrier, molded pulp, nested, in boxes or wrapped in packages.	<u>BETWEEN</u>  Denver, Colo.	<u>AND</u> Brush, Colo.	118			32
			Ft. Morgan, Colo.	108			
			Julesburg, Colo.	156			
			Sterling, Colo.	137			
			Haxtun, Colo.	147			
			Holyoke, Colo.	153			4

SECTION NO. 2 Commodity Rates (For Application, See Page No. 190 of Tariff)							
Rates are in cents per 100 pounds (unless otherwise stated)							
Item No.	Commodity Commodities in the same item may be shipped in straight or mixed truck loads.	From	To (Except as noted in individual items)	Rates	Route No.		
1910  A	Gas, compressed, viz.: Acetylene or Ozygen, in steel tanks. Carbide, in metal drums. Rods, welding, in boxes. Minimum weight 1,500 pounds.  (Rates do not include pick-up of full tanks or return of empty tanks at Denver, Colorado.)  Commodities listed above can be stored with the North Eastern Motor Freight, Inc., at Sterling or Ft. Morgan, Colorado, subject to a storage charge of 10¢ per 100 pounds per month, minimum storage charge \$5.00 per month (exception to Item No. 1100).	Denver, Colo.	Brush, Colo.	88	32		
			Ft. Morgan, Colo.	81			
			Julesburg, Colo.	117			
			Sterling, Colo.	99			
1920  E  A	Gas, compressed, viz.: Acetylene or Ozygen, in steel tanks.  Empty tanks returned to Ft. Morgan or Sterling will be subject to a charge of 25¢ each.  Not subject to Item No. 930.	Ft. Morgan, Colo.	Brush, Colo. Goodrich, Colo. Hillrose, Colo. Orchard, Colo. Weldona, Colo. Wiggins, Colo.	50¢ per tank	32		
		Sterling, Colo.	Atwood, Colo. Crook, Colo. Iliff, Colo. Julesburg, Colo. Merino, Colo. Ovid, Colo. Proctor, Colo. Sedgwick, Colo.				
2380  A	Pads, sanitary, external type, in bales or boxes.	Denver, Colo.	Brush, Colo. Ft. Morgan, Colo. Haxtun, Colo. Holyoke, Colo. Julesburg, Colo. Sterling, Colo.	186 172 231 241 245 215	32 32 4 4 32 32		
2390  A	Paper and Paper Articles, packed in accordance with current classification, viz.: Autographic Register; Adding Machine; Bags, paper, NOI; Books, blank, printed or not printed; Cash Register; Computing Machine; Cards or Tickets, autographic register, cash register, or time register; Crepe Paper; Cups, nested, drinking or baking; Envelopes, printed or not printed, not government stamped; Facial Cleansing Tissue; File Folders, paper or pulpboard, flat; Forms, NOI, ruled or not ruled, printed or not printed; Handkerchiefs; Loose Leaf Book Fillers, NOI, printed, ruled or plain; School Blanks or Forms, NOI, printed, ruled or not ruled; Tape, gummed; Table Cloths; Toilet Paper; Tablets or Pads, printed or not printed; Towels; Paper, printing; Paper, writing, other than folded; Paper, wrapping, waxed or not waxed.  ① Less-than-truckload. ② Minimum weight 5,000 pounds. ③ Minimum weight 10,000 pounds. (Subject to Item No. 770.)	<u>BETWEEN</u>  Denver, Colo.	<u>AND</u> <u>COLORADO</u>  Brush Ft. Morgan Julesburg Sterling Haxtun Holyoke	① 98 91 131 112 121 125	② 73 68 98 84 90 95	③ 68 65 91 78 85 88	32     4

SECTION NO. 2 Commodity Rates (For Application, See Page No. 190 of Tariff)					
Rates are in cents per 100 pounds (unless otherwise stated)					
Item No.	Commodity Commodities in the same item may be shipped in straight or mixed truck loads.	From	To	Rates	Route No.
		(Except as noted in individual items)			
2630 A	Sugar, in bags, minimum weight 5,000 pounds.	The site of the Great Western Sugar Company Factory adjacent to the city limits of Ft. Morgan, Colo.	Ft. Morgan, Colo.	19	32
2670 A	Sugar, in bags or barrels, minimum weight 10,000 pounds.	Ovid, Colo.	Sterling, Colo.	30	32
2710 A	Tires, rubber, pneumatic, old, second-hand, having value only for scrap or retreading loose, wrapped or in packages.	FROM COLORADO  Ft. Collins	TO		
			Denver	Route No.	Pueblo Route No.
			33	158	51 54
3010 A	Milk or Cream, fresh or sour. (Not subject to Item No. 930.) (Rate includes return of empty cans.)	Ft. Collins, Colo.	Denver, Colo.	35¢ per 10-gallon can	158
3070 A	Milk and/or Cream, fresh; Cream, sour, or curd, in 10-gallon shipping cans.  Rates include return of empty cans.  ② Rates in cents per 10-gallon can.	Amherst, Colo. Brush, Colo. Ft. Morgan, Colo. Haxtun, Colo. Holyoke, Colo. Julesburg, Colo. Sterling, Colo. Fleming, Colo.	Denver, Colo.	② 69 52 48 67 67 69 59 67	4 32 32 4 4 32 32 4

N.M.F.C. - National Motor Freight Classification.  
S.U. - Denotes set-up.  
L.T.L. - Denotes less-than-truckload.  
E - Denotes elimination.  
K.D. - Denotes knocked-down.

A - Denotes increase.  
/ - Denotes addition.  
C - Denotes a change resulting in neither an increase nor a reduction.

Route No. 4 - North Eastern Motor Freight, Inc., Sterling, Colorado, Brooks Transportation Company.  
Route No. 32 - North Eastern Motor Freight, Inc. - Direct.  
Route No. 54 - Denver-Laramie-Walden Truck Line, Inc., Denver, Colorado, Centennial Truck Lines, Inc., operated as Lessee by Red Ball Motor Freight, Inc., (in part) Robert W. Caddes, Receiver.  
Route No. 158 - Denver-Laramie-Walden Truck Line, Inc. - Direct.



*signed*

(Decision No. 56751)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FLOYD M. FREDRICKSON, 2386 U. S. 6 )	
AND 50, GRAND JUNCTION, COLORADO, )	APPLICATION NO. 18226-PP
FOR A CLASS "B" PERMIT TO OPERATE )	<u>SUPPLEMENTAL ORDER</u>
AS A PRIVATE CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	
----- )	

-----  
June 29, 1961  
-----

Appearances: Floyd M. Fredrickson, Grand  
Junction, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On January 5, 1961, the Commission entered its Decision No. 55658 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicant has failed to file Certificate of Insurance and List of Customers, as required by said Decision No. 55658,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

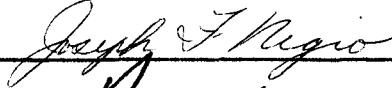

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 55658, of date January 5, 1961, be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 55658, viz., failure to file Certificate of Insurance and List of Customers.

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 29th day of June, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
SAM ROTH AND ED ROTH, CO-PARTNERS, )	
1156 MARIPOSA STREET, DENVER, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 18331-PP
OPERATE AS A PRIVATE CARRIER BY )	<u>SUPPLEMENTAL ORDER</u>
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
June 29, 1961  
-----

Appearances: Ed Roth, Denver, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

On March 6, 1961, the Commission entered its Decision No. 56052, in the above-styled application, granting to applicants herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicants have failed to file Certificate of Insurance and List of Customers, as required by said Decision No. 56052,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicants herein by Decision No. 56052, of date March 6, 1961, be, and the same hereby are, revoked, for failure of said applicants to comply with requirements set forth in said Decision No. 56052, viz., failure to file Certificate of Insurance and List of Customers.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Albert E. Zuley  
Commissioners

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of June, 1961.

ea

original

(Decision No. 56753)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WAYNE SMART, 12 EAST PARK, LA JUNTA, )	
COLORADO, FOR AUTHORITY TO TRANSFER )	APPLICATION NO. 18180-Transfer
PUC NO. 2721 AND PUC NO. 2721-I TO )	<u>SUPPLEMENTAL ORDER</u>
CECIL KING, 1007 "D" AVENUE, LA )	
JUNTA, COLORADO. )	
----- )	

-----  
June 29, 1961  
-----

Appearances: Wayne Smart, La Junta,  
Colorado, pro se;  
Cecil King, La Junta,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 55452, of date November 25, 1960, the Commission authorized Wayne Smart, La Junta, Colorado, to transfer PUC No. 2721 and PUC No. 2721-I to Cecil King, La Junta, Colorado.

The requirements which are a condition precedent to transfer of said certificates upon our records were never complied with, viz., filing of Tariff and Acceptance of Transfer, and the records of the Commission show that said operating rights are the property of Wayne Smart, La Junta, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 55452, of date November 25, 1960, entered by the Commission in Application No. 18180-Transfer, should be set aside, and the records of the Commission show that Wayne Smart, La Junta, Colorado, is the owner of said PUC No. 2721 and PUC No. 2721-I.

O R D E R

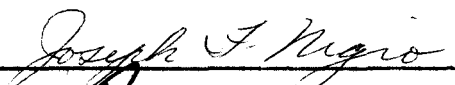

THE COMMISSION ORDERS:

That Decision No. 55452, of date November 25, 1960, authorizing transfer of PUC No. 2721 and PUC No. 2721-I from Wayne Smart, La Junta,

Colorado, to Cecil King, La Junta, Colorado, be, and the same hereby is, set aside, vacated, and held for naught, and the Secretary of the Commission is hereby directed to change the records of the Commission to show that Wayne Smart, La Junta, Colorado, is the owner of said PUC No. 2721 and PUC No. 2721-I.

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 29th day of June, 1961.

ea

original

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 )	APPLICATION NO. 18369-Extension
A CERTIFICATE OF PUBLIC CONVENIENCE )	<u>SUPPLEMENTAL ORDER</u>
AND NECESSITY, AUTHORIZING EXTENSION )	
OF OPERATIONS UNDER PUC NO. 149 AND )	
PUC NO. 149-I. )	
-----	

-----  
June 28, 1961  
-----

Appearances: Ernest P. Porter, Esq., Denver,  
Colorado, for Applicant;  
E. B. Evans, Esq., Denver, Colo-  
rado, for Westway Motor Freight,  
Inc.;  
J. M. Harrington, Denver, Colo-  
rado, for Goldstein Transporta-  
tion and Storage, Inc.

S T A T E M E N T

By the Commission:

On June 9, 1961, the Commission entered its Decision No. 56593 in the above-styled application, granting to applicant herein a certificate of public convenience and necessity, authorizing extension of operations under PUC No. 149 and PUC No. 149-I, as set forth in said Order.

On June 19, 1961, "Application for Rehearing" was filed herein by E. B. Evans, Attorney for Westway Motor Freight, Inc., Golden, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That said Application for Rehearing should be denied.

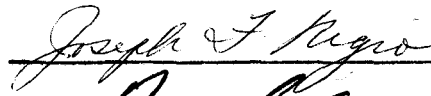
O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing in the above-styled matter, filed by E. B. Evans, Esq., for and on behalf of Westway Motor Freight, Inc., on June 19, 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

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF ISSUANCE OF )  
TEMPORARY CERTIFICATES OF PUBLIC )  
CONVENIENCE AND NECESSITY UNDER )  
CHAPTER 115, SESSION LAWS OF )  
COLORADO, 1953, FOR EMERGENCY )  
MOVEMENT OF CANNING CROPS. )  
-----

APPLICATION No. 18591

-----  
June 23, 1961  
-----

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency exists because of shortage of trucks for transportation of peas, snap beans, sweet corn, tomatoes, red beets, and pickles, to processing plants in the Counties of Adams, Boulder, Sedgwick, Weld, Morgan, Logan, Larimer, and Mesa, Colorado, and that said emergency will continue for a period of approximately ninety days, or until September 26, 1961.

Request is made for an Order of this Commission relative to issuance of temporary certificates for the seasonal transportation of said canning crops to processing plants in the Counties above named.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency exists because of shortage in certificated trucks for transportation of canning crops in the Counties of Adams, Boulder, Sedgwick, Weld, Morgan, Logan, Larimer, and Mesa, State of Colorado, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation of peas, snap

beans, sweet corn, tomatoes, red beets, and pickles to processing plants, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to be effective for a period of ninety (90) days, or from June 26, 1961, to September 26, 1961, both dates inclusive.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and they hereby are, authorized to be issued for the operation of motor vehicles, for the transportation of peas, snap beans, sweet corn, tomatoes, red beets, and pickles, to processing plants, in Adams, Boulder, Sedgwick, Weld, Morgan, Logan, Larimer, and Mesa Counties, Colorado, said certificates to be effective June 26, 1961, and to continue in force up to and including September 26, 1961, no such certificate to issue for transportation of such crops by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*August E. Federico*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of June, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 166 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 LOWELL E. BROOKS  
AND WENDELL B. BROOKS, DOING BUSINESS  
AS BROOKS TRANSPORTATION COMPANY TO  
BE ADDED AS A PARTICIPANT TO THE 50¢  
SURCHARGE.

CASE NO. 1585

June 29, 1961

S T A T E M E N T

BY THE COMMISSION:

On June 19, 1961, the above-stated application was filed with the Commission requesting permission to publish on less-than-statutory notice and to become effective on July 1, 1961, by adding Lowell E. Brooks and Wendell B. Brooks doing business as Brooks Transportation Company as a participant in the 50¢ surcharge on each bill of lading covering shipments weighing 2,000 pounds or less.

Mr. Lowell Brooks is quoted by the petitioner in a letter to him that:

"This application is based on the need for revenue derived from this charge in which we have received a prorate split from interline carriers who do belong to this and who are not going to allow the 50¢ charge to be used as revenue in the prorate after July 1.

"There will be no added charges to the public except on the few local shipments we handle. The main point of this is to continue to receive the prorate that we are now receiving. Over 95 per cent of our revenue is interline movements.

"Increased labor and operating costs make this imperative."

Considering all the existing circumstances and conditions surrounding the request of the Books Transportation Company, the Commission is of the opinion that, as a temporary measurement, the request should be authorized. However, in authorizing the requested publication, such action should not be considered as either approving or disapproving the reasonableness

and justness of the surcharge on intrastate traffic transported by Brooks Transportation Company.

The question of the reasonableness and justness of the so-called fifty (50) cents surcharge in connection with other carriers is now pending a decision by the Commission in Case No. 1585 and Investigation and Suspension Docket No. 439. Therefore, in authorizing the request herein made such action is without prejudice to a different conclusion by the Commission in disposing of the same issues involved in Case No. 1585 and Investigation and Suspension Docket No. 439.

### F I N D I N G S

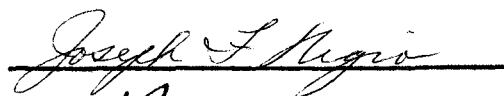
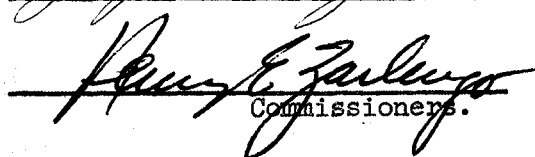
The Commission finds, that the request should be authorized on a temporary basis, subject to the terms, conditions and provisions set forth in the statement.

### 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. Wendell B. Brooks and Lowell E. Brooks, doing business as Brooks Transportation Company be, and it is hereby authorized to publish an emergency surcharge of fifty (50) cents on each bill of lading covering shipments weighing 2,000 pounds or less transported locally on its own line or jointly with other carriers. Such charge to be in addition to all other lawful charges, including minimum charges.
4. Such publication shall be made effective July 1, 1961, on one day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
5. 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 WALTER C. EDGEMON NOT PARTICIPATING~~

Dated at Denver, Colorado,  
this 29th day of June, 1961.

(Decision No. 56757 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF

ACORN PETROLEUM INC.  
529 South Nevada  
Colorado Springs, Colo.

AUTHORITY NO. M 14366

CASE NO. 5237 Ins.

July 3, 1961

S T A T E M E N T

By the Commission:

On June 27, 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. Magno*  
*Ralph C. Horton*  
*Alvin E. McLaughlin*  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of July, 1961

proposed

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 FOR AUTHORITY TO )  
ESTABLISH PUBLIC COUNTY ROAD CROS- )  
SING AND INSTALL AUTOMATIC FLASHING ) APPLICATION NO. 18553  
LIGHT CROSSING PROTECTION AT M. P. )  
463.20 NEAR GILSONITE, MESA COUNTY, )  
COLORADO. )  
- - - - - )

- - - - -  
June 30, 1961  
- - - - -

S T A T E M E N T

By the Commission:

On June 5, 1961, The Denver & Rio Grande Western Railroad Company (Rio Grande), by its Attorneys, filed the instant application with this Commission, which in effect is to restore a public crossing that existed at the above location; place flashing light signals at the crossing, and thereby eliminate a nearby private crossing that was constructed to serve the plant and lands of American Gilsonite Company (Gilsonite).

Authority for the former closing of the public grade crossing on Mesa County Road No. 15 (Railroad Mile Post 463.20) was granted by this Commission in Application No. 15660, Decision No. 49344, dated January 8, 1958.

Since that time, it appears that research and production, as carried on at the Gilsonite Plant for the processing and reduction of gilsonite ores into coke and gasoline, have indicated an extending continuity of operation. It appears the present private crossing serving the installation is no longer satisfactory because of increasing use and close proximity to the plant. Request was therefore made by American Gilsonite Company to Rio Grande Railroad and to Mesa County Commissioners to re-establish the former public road crossing at County Road No. 15, and install automatic flasher signal protection.

As a part of the instant application, Rio Grande has submitted various exhibits to show the following:

- Exhibit A: Rio Grande Drawing No. GR-79 to show a portion of Mesa County including location of Gilsonite private crossing and site of proposed crossing to be reopened and protected.
- Exhibit B: Resolution of Board of Mesa County Commissioners meeting of Jan. 9, 1961; pertaining to agreement in the relocation and protection of a new crossing entrance to the plant and lands of American Gilsonite Co.
- Exhibit C: Resolution of Board of Mesa County Commissioners meeting of Feb. 6, 1961; for change of Gilsonite crossing back to County Road No. 15.
- Exhibit D: Approval by Department of Highways for change of highway approach to serve new crossing at County Road No. 15.
- Exhibit E: Correspondence of American Gilsonite Company with Rio Grande dated Feb. 7, 1961, pertaining to agreed participation in cost of crossing signals.

Other supplementary material has been submitted and received as follows:

- Exhibit F: Rio Grande drawing Figure 2-A to show standard type of Flashing light signal.
- Exhibit G: Rio Grande drawing 463.2 to show wiring diagram and warning circuit for flasher signals and bell.

Letters of approval or concurrence with the instant application have also been submitted by:

Mesa County	Thomas K. Younge, County Atty.
Colo. Dept. of Highways	Adolph Zulian, Engineer of Surveys & Plans.
American Gilsonite Company	E. H. Owen, Secretary & Treas.

Upon Staff investigation in behalf of the Commission, verification report of the situation has been made and additional location map placed in the Commission's files, being American Gilsonite Drawing No. B-44-1711 to show layout of new crossing and related access road to refinery.

It appears further that in addition to the protection offered by moving the rail crossing an increased distance from the refinery area, the installation of automatic signals will also add to night-time protection for employees changing shifts, and all traffic over the crossing will have the benefit of train approach warning rather than the limited flagging protection as now provided by Gilsonite employees for departing trucks loaded with gasoline.

Upon completion of the construction and protection of the re-built crossing at County Road No. 15, it is proposed that the private crossing and approaches will then be removed. Estimated costs of the new work and manner of distribution as agreed are as follows:

New crossing work, automatic flashing signals, necessary signing and approaches:		\$7,850
By: Mesa County	\$2,650	
American Gilsonite Co.	4,530	
Denver & Rio Grande W. RR	<u>670</u>	
	\$7,850	

Since no public utilities or adjacent property owners will be adversely affected by the proposed crossing changes; since the public needs and safety will be aided, and as all proposed work will be in conformity with the Commission's rules, the Commission determined to hear, and has heard, said matter forthwith, upon the records and files herein.

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

##### THE COMMISSION FINDS:

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

That changes in operation, increased activity and added public traffic in and to the plant of American Gilsonite Company has indicated the need for a protected public crossing entrance.

That public convenience and necessity require the re-opening and construction of a public crossing on Mesa County Highway No. 15, over and across the main-line track of The Denver & Rio Grande Western Railroad Company at its Mile Post 463.20 near Gilsonite, Colorado.



That protection at the reopened grade crossing shall consist of automatic flashing signal lights.

O R D E R

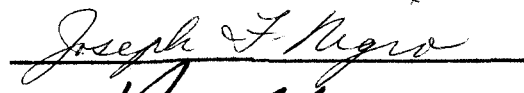

THE COMMISSION ORDERS:

That Applicant, The Denver & Rio Grande Western Railroad Company, be, and it hereby is, authorized to re-establish and construct an improved public grade crossing of County Road No. 15 over its track and right-of-way at Mile Post 463.20 and to therewith place and install automatic flasher signal lights at the new crossing; said Road No. 15 being situated along the north-south boundary line between Sections 11 and 12, Township 1-North, Range 3-West, Ute Meridian, Mesa County, Colorado.

That standard flashing light signal devices shall be installed and be in conformity with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of June, 1961.

ea

original

(Decision No. 56759)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
YORK INTERSTATE TRUCKING, INC., )	
P. O. BOX 26035, HOUSTON, TEXAS, )	
FOR AUTHORITY TO TRANSFER INTER- )	<u>PUC NO. 3739-I-Transfer</u>
STATE OPERATING RIGHTS TO RYDER )	
TANK LINE, INC., P. O. BOX 457, )	
GREENSBORO, NORTH CAROLINA. )	
----- )	

-----  
June 30, 1961  
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S T A T E M E N T

By the Commission:

Heretofore, York Interstate Trucking, Inc., Houston, Texas, was granted a certificate of public convenience and necessity (PUC No. 3739-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 PUC No. 3739-I to Ryder Tank Line, Inc., Greensboro, North Carolina.

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 York Interstate Trucking, Inc., Houston, Texas, be, and hereby is, authorized to transfer all right, title and interest

in and to PUC No. 3739-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Ryder Tank Line, Inc., Greensboro, North Carolina, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nizio  
Henry E. Paulsen  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of June, 1961.

ea

original

(Decision No. 56760)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
M. R. WATTERS, DOING BUSINESS	)	
AS "WATTERS TRUCK LINE," CHERAW,	)	<u>PERMIT NO. B-859</u>
COLORADO.	)	
-----	)	

-----  
June 30, 1961  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. R. Watters, doing business as "Watters Truck Line," Cheraw, Colorado, owner and operator of Permit No. B-859, 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 Permit No. B-859.

Rule 25 (a) of 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."

Inasmuch as the financial statement of applicant attached to the instant request is satisfactory,

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 M. R. Watters, doing business as "Watters Truck Line," Cheraw, Colorado, be, and he hereby is, granted a written waiver of the provisions of Section 25 (2) 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-859.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nizio*  
\_\_\_\_\_  
*Henry E. Sailer*  
\_\_\_\_\_  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of June, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CHECKER CAB COMPANY, 406 - 16TH )	
STREET, DENVER, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	APPLICATION NO. 14612-Extension
AND NECESSITY AUTHORIZING EXTENSION )	<u>SUPPLEMENTAL</u>
OF OPERATIONS UNDER PUC NO. 78. )	
----- )	

-----  
June 30, 1961  
-----

Appearances: John F. Mueller, Esq.,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

On July 25, 1960, the above-styled application was filed with the Commission by Checker Cab Company, Denver, Colorado, owner and operator of PUC No. 78, seeking a certificate of public convenience and necessity, authorizing extension of operations under said PUC No. 78, to include:

"its 'grandfather rights' under Article XXV of the Constitution of the State of Colorado authorizing it to engage in the transportation of passengers for hire in sightseeing service to and from all points and places within the City and County of Denver in the State of Colorado, and (b) authorizing it to use multi-passenger buses in sightseeing service as the public demand shall require in all sightseeing service conducted by it under its Certificate No. 78."

On August 12, 1960, the Commission set said application for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, August 29, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On August 18, 1960, said hearing set for August 29, 1960 was vacated, upon request of Attorney for Applicant herein, said application to be later re-set for hearing before the Commission, with notice to all parties in interest.

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

Inasmuch as the Commission is now desirous of closing its docket on long-pending applications,

### 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.

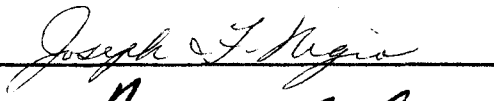
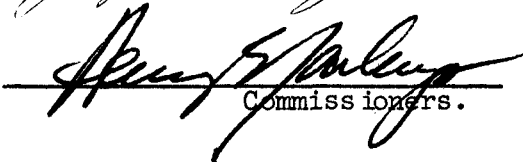
### O R D E R

#### 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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of June, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF RULES OF PRACTICE )  
AND PROCEDURE GOVERNING MATTERS BE- )  
FORE THE PUBLIC UTILITIES COMMIS- )  
SION OF THE STATE OF COLORADO. )  
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CASE NO. 5202

-----  
June 30, 1961  
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Appearances: Donald J. Dufford, Esq., Grand  
Junction, Colorado, for The  
Colorado Bar Association;  
Philip G. Dufford, Esq., Denver,  
Colorado, for The Denver Bar  
Association;  
Floyd Reyher, Haxtun, Colorado,  
for Haxtun Telephone Company,  
as his interests may appear;  
Jack Shepherd, Esq., Denver,  
Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

On May 9, 1961, the Commission entered its Decision No.  
56427 in the above-styled case, promulgating, adopting, approving  
and issuing "Rules of Practice and Procedure before The Public  
Utilities Commission of the State of Colorado."

On May 29, 1961, "Petition for Rehearing" was filed here-  
in, by The Denver Bar Association, and the Colorado Bar Association,  
by Philip G. Dufford and Donald J. Dufford, Chairmen, respectively,  
of said Associations.

On June 2, 1961, said Petition for Rehearing was set for  
oral argument before the Commission, on June 21, 1961, 1:30 o'clock  
P. M., at the Hearing Room of the Commission, 532 State Services  
Building, Denver, Colorado, due notice thereof being forwarded to  
all parties in interest.

At the time and place designated therefor, oral argument on



Protestants' Petition for Rehearing was heard by the Commission.

The Commission has reviewed the evidence adduced at oral argument of said Petition for Rehearing, and has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Petition for Rehearing filed herein should be denied.

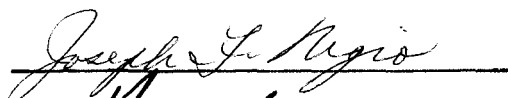

### O R D E R

#### THE COMMISSION ORDERS:

That Petition for Rehearing filed herein by Donald J. Dufford, Esq., and Philip G. Dufford, Esq., for and on behalf of The Denver Bar Association and the Colorado Bar Association, 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 30th day of June, 1961.  
mls

original

(Decision No. 56763)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HI-PLAINS HAULERS, INC., BOX )  
1188, AMARILLO, TEXAS. )  
-----

PUC NO. 1879-I

-----  
June 30, 1961  
-----

Appearances: Gilbson, Ochsner, Harlan,  
Kinney and Morris, Esqs.,  
Amarillo, Texas, for Hi-  
Plains Haulers, Inc.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Attorneys for the above-styled certificate-holder, stating Hi-Plains Haulers, Inc., owner and operator of PUC No. 1879-I, has changed its corporate name to: "Yockey Trucking Company, Inc. of Texas," 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 directed to change the records of the Commission to show PUC No. 1879-I to be owned and operated by:

"Yockey Trucking Company, Inc. of Texas,"

in lieu of:

"Hi-Plains Haulers, Inc."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ray E. Mulvey  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of June, 1961.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO )  
FOR AN ORDER GRANTING TO IT A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT GAS DISTRIB- )  
UTION SYSTEMS FOR THE PURCHASE, MAN- )  
UFACTURE, TRANSMISSION AND DISTRI- )  
BUTION OF GAS, EITHER NATURAL, ARTI- )  
FICIAL OR MIXED, IN THE TOWN OF DEL )  
NORTE, RIO GRANDE COUNTY, COLORADO, )  
AND IN THE TOWNS OF ANTONITO, LA )  
JARA, MANASSA, ROMEO AND SANFORD, )  
ALL IN CONEJOS COUNTY, COLORADO, AND )  
TO EXERCISE FRANCHISE RIGHTS UNDER )  
FRANCHISES ACQUIRED FOR THE DISTRI- )  
BUTION AND SALE OF GAS, EITHER )  
NATURAL, ARTIFICIAL OR MIXED, IN )  
SAID TOWNS. )  
----- )

APPLICATION NO. 18554

-----  
June 30, 1961  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colorado,  
by E. A. Stansfield, Esq.,  
for Applicant;  
E. R. Thompson, Denver, Colo-  
rado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On June 6, 1961, Public Service Company of Colorado  
filed an application with this Commission seeking a certificate  
of public convenience and necessity authorizing the construction  
of gas distribution systems in, and the exercise of franchise  
rights granted by the Town of Del Norte, Rio Grande County, Colo-  
rado, and the Towns of Antonito, La Jara, Manassa, Romeo and  
Sanford, all in Conejos County, Colorado, for the purchase, manu-  
facture, generation, transmission, distribution and sale of gas,  
either natural, artificial or mixed, in said towns.

The matter was set for hearing after due notice to all interested parties on Wednesday, June 28, 1961, at 9:30 A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The application was heard on said date. At the conclusion of the hearing, the matter was taken under advisement by the Commission.

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

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the purchase, generation, transmission, distribution and sale of electric energy, and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission in Application No. 18050.

Applicant presently does not serve natural gas in the San Luis Valley area and there are no other public utilities serving gas in the aforesaid towns. This Commission, on June 12, 1961, in Decision No. 56620, Application No. 18466, granted Western Slope Gas Company, a wholly-owned subsidiary of Applicant, a certificate of convenience and necessity to construct a natural gas transmission line and related facilities from the vicinity of Ignacio, La Plata County, Colorado, to various towns and cities in the San Luis Valley area of Colorado. Applicant has entered into a contract dated May 5, 1961, with Western Slope Gas Company for a gas supply for distribution in the respective towns. A copy of this contract was introduced at the hearing as Exhibit M; a copy has also been duly filed with the Company Tariff in the files of this Commission; said contract provides that the heating value of gas to be supplied will have a minimum monthly average of 850 Btu per cubic foot at a pressure of 30 inches of mercury at 32° Fahrenheit with the gas at a temperature of 66° Fahrenheit.

Applicant, at various dates in June and July, 1960, secured gas franchises from said towns, each for a term of twenty-five years from the effective dates of each such franchise. These franchises were granted by ordinances of the respective towns identified as follows:

<u>Town</u>	<u>County</u>	<u>Franchise Ordinance No.</u>	<u>Effective date of Franchise</u>
Antonito	Conejos	No. 83	June 18, 1960
Del Norte	Rio Grande	No. 250	July 24, 1960
La Jara	Conejos	No. 119	June 5, 1960
Manassa	Conejos	No. 112	June 6, 1960
Romeo	Conejos	No. 111	June 6, 1960
Sanford	Conejos	No. 50	June 8, 1960

All said franchises provide that the respective towns may terminate the franchise therein in the event that service is not supplied within a period of two years from the effective date thereof.

Certified copies of the franchises granted by the respective towns were received in evidence at the hearing as Exhibits A through F, inclusive, and entitled as follows:

#### ANTONITO

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF ANTONITO, CONEJOS COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF ANTONITO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF ANTONITO, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF ANTONITO, AND FIXING THE TERMS AND CONDITIONS THEREOF.

#### DEL NORTE

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF DEL NORTE, RIO GRANDE COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN

AND THROUGH THE TOWN OF DEL NORTE, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF DEL NORTE, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES OR MAINS, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF DEL NORTE, AND FIXING THE TERMS AND CONDITIONS THEREOF.

#### LA JARA

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF LA JARA, CONEJOS COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF LA JARA, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF LA JARA, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF LA JARA, AND FIXING THE TERMS AND CONDITIONS THEREOF.

#### MANASSA

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF MANASSA, CONEJOS COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF MANASSA, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF MANASSA, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF MANASSA, AND FIXING THE TERMS AND CONDITIONS THEREOF.

#### ROMEO

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF ROMEO, CONEJOS COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF ROMEO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL,

ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF ROMEO, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF ROMEO, AND FIXING THE TERMS AND CONDITIONS THEREOF.

SANFORD

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF SANFORD, CONEJOS COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF SANFORD, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF SANFORD, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF SANFORD, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The witness for Applicant, R. D. Speer, Assistant Treasurer and Director of Rates and Property Accounting for Applicant, summarily testified at the hearing that upon the granting of the authority requested, Applicant was ready to proceed immediately to construct the initial gas distribution systems in the six towns and areas adjacent thereto, and anticipated being able to supply service as soon as gas is available from the supplier, which it is expected will be in mid-October of this year. After the initial installations, extensions to the systems will be in accordance with the main extension and service connection policy contained in Applicant's tariff now on file with the Commission, or as such tariff may be lawfully amended from time to time. The charges for the gas service to be supplied will be in accordance with the rates contained in tariff as now on file with this Commission. A copy of the proposed rates was introduced as Exhibit P at the hearing. The witness further testified that said rates were determined on the basis of revenues required to pay the estimated cost of serving natural gas in all of the cities and towns to be served by Applicant in the San Luis Valley area. These estimates



are based on an anticipated 90% saturation of potential customers which saturation it is anticipated will be reached at the end of the third year of operation. At that time the rate of return is estimated to be approximately 6% on net plant investment.

A franchise tax of 2% of revenues received from the sale of gas within the corporate limits of each community subject to specified adjustments is contained in each ordinance.

Local offices would be established by Applicant in Del Norte and La Jara, and the latter office would serve the Towns of Antonito, Manassa, Romeo and Sanford as well. Arrangements would be made in each such town for a local collection office for the payment of customer bills. The population of the respective towns according to the 1960 census was: Antonito, 1,045; Del Norte, 1,856; La Jara, 724; Manassa, 831; Romeo, 339; and Sanford, 679. Applicant estimates that the number of residential customers it will be serving at the end of 1964 in the respective towns will be as follows: Antonito, 256; Del Norte, 463; La Jara, 161; Manassa, 219; Romeo, 89, and Sanford, 150. The investment to be made in the various towns during the 25-year terms of the various franchises is estimated to be: Antonito, \$112,000; Del Norte, \$186,000; La Jara, \$82,000; Manassa, \$107,000; Romeo, \$50,000; and Sanford, \$91,000. The cost of constructing the respective systems will be financed by Applicant from internal funds. The aforesaid amounts will be used in determining the issuance fee for the certificate herein granted. The basis of the fee will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The gas introduced into the gas distribution systems will be odorized.

The Commission has reviewed the instant application and the evidence presented by Applicant at the hearing in support thereof, and is of the opinion that the public convenience and necessity require and will require that the authority sought herein should be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That the public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado of the franchise rights for the purchase, manufacture, transmission, distribution and sale of gas, either natural, artificial or mixed, by Public Service Company of Colorado granted by the following ordinances of the respective towns: Antonito, Colorado, Ordinance No. 83; Del Norte, Colorado, Ordinance No. 250; La Jara, Colorado, Ordinance No. 119; Manassa, Colorado, Ordinance No. 112; Romeo, Colorado, Ordinance No. 111; and Sanford, Colorado, Ordinance No. 50, and the purchase, transmission, distribution and sale of such gas in the areas adjacent to said Towns.

## O R D E R

### THE COMMISSION ORDERS:

That the public convenience and necessity requires, and will require, the exercise by Public Service Company of Colorado of the franchise rights granted in and by the aforesaid ordinances of the respective Towns of Antonito, Del Norte, La Jara, Manassa, Romeo and Sanford, conformed copies of which were received in evidence as Exhibits A through F inclusive and which by reference are made a part hereof, for the purchase, manufacture, transmission, distribution and sale of gas, either natural, artificial or mixed, by Public Service Company of Colorado, in said Towns, and for the purchase, transmission and distribution and sale of such gas in the areas adjacent to said Towns, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

That Public Service Company of Colorado shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of June, 1961.

(Decision No. 56765)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., ROSS BUILDING, 1726 CHAMPA )  
STREET, DENVER, COLORADO, FOR AU- )  
THORITY TO ISSUE AND SELL SECURITIES )  
AT A PUBLIC OFFERING PRICE OF NOT )  
TO EXCEED \$3,525,000. )  
-----

APPLICATION NO. 18592-Securities

-----  
June 30, 1961  
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S T A T E M E N T

By the Commission:

Upon consideration of the application filed June 29, 1961 by  
Rocky Mountain Natural Gas Company, Inc., in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing at 9:30 o'clock A. M.,  
July 10, 1961, at the Hearing Room of the Commission, 532 State Services Build-  
ing, 1525 Sherman Street, 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 corpora-  
tion, 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 July 5, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.



Dated at Denver, Colorado,  
this 30th day of June, 1961.

*Joseph F. Higgins*  
*Henry E. Zuckerman*  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT J. VELTRIE, RURAL ROUTE 1, )  
SALIDA, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-847

-----  
July 6, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert J. Veltrie,  
Salida, Colorado  
requesting that Permit No. M-847 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-847, heretofore issued to Robert J. Veltrie,  
Salida, Colorado be,  
and the same is hereby, declared cancelled effective June 20, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 6th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GERALD S. AND MILDRED F. LITTLE, )  
DOING BUSINESS AS, "CALHAN CREAMERY", )  
P. O. BOX 38, CALHAN, COLORADO. )  
----- )

PERMIT NO. M-11995

-----  
July 6, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gerald S. and Mildred F. Little, doing business as, "Calhan Creamery", Calhan, Colorado requesting that Permit No. M-11995 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11995, heretofore issued to Gerald S. and Mildred F. Little, doing business as, "Calhan Creamery", Calhan, Colorado be, and the same is hereby, declared cancelled effective May 22, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Frank C. Fortson*  
*Edward E. Zuleygo*  
Commissioners

Dated at Denver, Colorado,

this 6th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. C. S. LUMBER COMPANY, INCORPORATED, )  
ANTONITO, COLORADO. )  
----- )

PERMIT NO. M-5167

-----  
July 6, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. C. S. Lumber  
Company, Inc., Antonito, Colorado  
requesting that Permit No. M-5167 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5167, heretofore issued to R. C. S. Lumber Company,  
Inc., Antonito, Colorado be,  
and the same is hereby, declared cancelled effective May 26, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Norton*  
*Henry E. Zepher*  
Commissioners

Dated at Denver, Colorado,

this 6th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THERMAN L. ANGLIN, 237 SOUTH SANTA FE )  
AVENUE, PUEBLO, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-15809

-----  
July 6, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Therman L. Anglin,  
Pueblo, Colorado

requesting that Permit No. M-15809 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15809, heretofore issued to Therman L. Anglin,  
Pueblo, Colorado be,

and the same is hereby, declared cancelled effective June 10, 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 6th day of July, 1961.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EARL OGDEN, 921 FRANKLIN STREET, )  
WRAY, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-4098

-----  
July 6, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Earl Ogden,  
Wray, Colorado  
requesting that Permit No. M-4098 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4098, heretofore issued to Earl Ogden,  
Wray, Colorado be,  
and the same is hereby, declared cancelled effective June 22, 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 6th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK BUMGARDNER, 810 NORTH AVENUE, )  
DODGE CITY, KANSAS. )  
\_\_\_\_\_ )

PERMIT NO. M-139

\_\_\_\_\_  
July 6, 1961  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank Bumgardner,  
Dodge City, Kansas  
requesting that Permit No. M-139 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-139, heretofore issued to Frank Bumgardner,  
Dodge City, Kansas be,  
and the same is hereby, declared cancelled effective June 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Walter C. Norton*  
*Wm. E. Zerk*  
Commissioners

Dated at Denver, Colorado,

this 6th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES E. WALKER, 227 NORTH GRANT, )  
FORT COLLINS, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-13388

-----  
July 13, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James E. Walker,  
Fort Collins, Colorado  
requesting that Permit No. M-13388 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13388, heretofore issued to James E. Walker,  
Fort Collins, Colorado be,  
and the same is hereby, declared cancelled effective May 30, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Nelson  
Arvid E. Zalkow  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1961.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 56773 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES E. WALKER, 227 NORTH GRANT )  
FORT COLLINS, COLORADO. )  
----- )

PERMIT NO. B-5553

-----  
July 13, 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-5553 be suspended  
for six months from May 30, 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 James E. Walker, Fort Collins, Colorado

be, and is hereby, authorized to suspend his operations under Permit  
No. B-5553 until November 30, 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*  
*Francis C. [unclear]*  
*Henry E. [unclear]*  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FLOYD R. GRIFFITH, DOING BUS- )  
INESS AS, "PIKES PEAK MOVING )  
AND STORAGE COMPANY", P. O. BOX )  
122, WEST END STATION, COLORADO )  
SPRINGS, COLORADO. )  
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PUC NO. 4301-I

-----  
July 13th, 1961  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Floyd R. Griffith,  
doing business as, "Pikes Peak Moving & Storage Company", Colorado Springs,  
Colorado  
requesting that Certificate of Public Convenience and Necessity No. 4301-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. 4301-I heretofore issued to Floyd R. Griffith,  
doing business as, "Pikes Peak Moving & Storage Company", Colorado Springs,  
Colorado  
be, and the same is hereby, declared cancelled effective June 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RONALD O. ARNETT, MULLEN, NEBRASKA. )

PERMIT NO. M-10388

July 13, 1961

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ronald O. Arnett,  
Mullen, Nebraska  
requesting that Permit No. M-10388 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-10388, heretofore issued to Ronald O. Arnett,  
Mullen, Nebraska be,  
and the same is hereby, declared cancelled effective June 21, 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 13th day of July, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MISSOURI PACIFIC RAILROAD COMPANY )  
TO CLOSE ITS STATION AND AGENCY AT )  
OLNEY SPRINGS, COLORADO. )  
-----

APPLICATION NO. 18476

-----  
July 5, 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, Missouri Pacific Railroad Company (Missouri Pacific) by its Attorneys, did, on April 27, 1961, file a petition requesting authority to discontinue agency service and close the station at Olney Springs, Crowley County, Colorado, said abandonment to be effective July 1, 1961.

Olney Springs is located on the Missouri Pacific main line serving between Pueblo, Colorado, and St. Louis, Missouri; being also some 5 miles west from Crowley, Colorado, and 11 miles west of Ordway, Colorado, where agency stations are also maintained. The local area is served by an all-weather paved highway connecting the various cities, being Colorado Highway No. 96.

In the instant application, it is proposed that the services of an agent at Olney Springs should be withdrawn because continuing declines in business, together with uncertain prospects for future improvement have indicated there is no longer sufficient need or justification to maintain the agent; principal business consists of outgoing carload shipments of sugar beets; inbound carload movements and less-than-carload shipments are minor. No other changes in service are pro-

posed, carload handling will be maintained and agent services will be available at either Crowley or Ordway, Colorado.

In further accordance with the above Commission rules herein, Missouri Pacific Railroad posted proper public notice at the Olney Springs station, describing the proposed withdrawal of agency service and indicating that public protests should be forwarded to the Public Utilities Commission. Letters were received from two patrons describing limited activity of the region and noting their regrets that the closing action was necessary.

Investigation by the Commission reveals the following: Principal occupation in the area is limited irrigated farming with some livestock feeding; estimated population is 290 persons. A recent town improvement is the installation of a city sewer system and an extension to its spring water distribution system. There is no industry in the Town and residents are mainly older semi-retired persons. Rail facilities at Olney Springs consists of a combination depot and freight house on the main line, a passing track of 79-car capacity and a yard track serving a stockyards, the grain elevator, a sugar beet dump, lumber yard, coal sheds, and gasoline unloading rig. Hours of service by the agent are 7:30 A. M. to 4:30 P. M., daily except Saturday and Sunday. There is no telephone toll expense between Olney Springs and Crowley.

Daily passenger service is provided by a stream-line train moving east at 7:36 P. M.; the train west is at 6:24 A. M.; with stops being made at Ordway, located 11 miles east. Switching service through Olney Springs is provided by a Local Freight working east out of Pueblo on Monday, Wednesday and Friday at about 6:00 P. M.; with westward movement in the afternoon on Tuesday, Thursday and Saturday.

With reference to the exhibit material as submitted in the instant application, we have a summary of the Olney Springs station activity as follows:



<u>ITEM</u>	<u>1958</u>		<u>1959</u>		<u>1960</u>	
	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>
Carloads						
Alfalfa seed	1				1	
Milo	2					
Popcorn	1					
Cattle	-	-	-	-	-	-
Sugar Beets	189	-	165		95	
Coal		3		2		2
Feed		20		1		
Fuel Oil				3		
Gasoline		5		7		1
Wallboard	—	—	—	—	—	<u>1</u>
Total carloads	193	28	165	13	96	4
Shipments:						
L.C.L.	3	64	2	57	-	51

Further study of the above station business reveals how little public service is offered or required on a year-around basis at the Olney Springs station. Less-car-load shipments offer the greatest public contact but average under five shipments per month. It is to be noted that carload movement of sugar beets 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 substitute agency services will be available at the adjacent station of Crowley at five miles east.

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

<u>Item</u>	<u>1958</u>	<u>1959</u>	<u>1960</u>
Wages	\$5,033.03	\$5,217.47	\$5,346.55
Payroll Tax	381.21	480.71	524.18
Welfare	81.60	81.60	81.60
Insurance	51.00	51.00	51.00
Electricity	193.08	195.06	195.16
Gas	63.78	66.45	61.64
Telephone	<u>84.12</u>	<u>84.12</u>	<u>84.12</u>
	\$5,886.82	\$6,176.41	\$6,344.25

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 times when agent is not on duty; and local handling of L.C.L. freight shipments will be maintained through the service of McClure Hardware.

It is therefore the belief of the Commission that the proposed change is compatible with the public interest, and, the Commission determined to hear, and has heard, said matter forthwith without further notice, upon the records and files herein.

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

##### THE COMMISSION FINDS:

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

That public convenience and necessity in the Olney Springs area can be adequately served by agency stations at Crowley and Ordway, 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

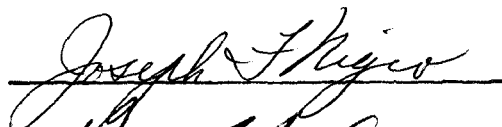

##### THE COMMISSION ORDERS:

That Applicant, Missouri Pacific Railroad Company, be, and is hereby, authorized to withdraw the agent at Olney Springs, Crowley County, Colorado, and to thereafter maintain same as a prepay or non-agency station.

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

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1961.

mls

(Decision No. 56777)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

ROWLAND BODDY AND DON LIBAL  
DON'S SHAMROCK SERVICE  
839 Main Street  
Longmont, Colorado  
-----

AUTHORITY NO. M 14511

CASE NO. 5178 Ins.

-----  
July 6, 1961  
-----

S T A T E M E N T

By the Commission:

On June 27, 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  
Raymond C. Hutton  
Ray E. Zurlengo  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of July, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ITEM NO. 505 (IRON AND STEEL  
ARTICLES), RIO GRANDE MOTOR WAY,  
INC., TARIFF NO. 10-I, COLORADO  
P.U.C. NO. 56, ISSUED BY R. E.  
TURANO, GENERAL TRAFFIC MANAGER,  
775 WAZEE STREET, DENVER 4,  
COLORADO, PUBLISHED TO BECOME  
EFFECTIVE JULY 12, 1961.

CASE NO. 1585

July 5, 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 July 12, 1961, designated as set forth below.

Under the provisions of Rule 18, Paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

In support of the changes involved in this order, excerpts are taken from a letter submitted by Ralph H. Knull, Traffic Manager for Rio Grande Motor Way, Inc.

The item as published appears as follows:

SECTION 2  
GENERAL COMMODITY RATES

Item No.	Commodity	From (Colo.)	To (Colo.)	Rates in Cents Per 100 Pounds
505	Iron or Steel Articles rated Class 70 or lower in the National Motor Freight Classification, truckloads, minimum weight 40,000 pounds.	Minnequa	Lemon Dam Site	80

Mr. Knull informs us in his letter that the location of the dam site is approximately  $16\frac{1}{2}$  miles north and east of Durango, Colorado, on the Florida River. The establishment of this rate is necessary to compete with private carriage and that it will produce satisfactory earnings.

The present rate (class rate) on such a shipment as this one, based on a total distance of 277 miles, with 226 miles in differential territory would be 109 cents per 100 pounds, subject to a minimum weight of 26,000 pounds, which would produce a minimum amount of revenue of \$283.40 versus \$320.00 under the proposed charges, or approximately 13 per cent more truck-mile revenue.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the changes set forth in the 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. On and after July 12, 1961, the provisions as set forth in the statement of this order shall become effective.
3. All motor vehicle common carriers who are affected by the changes prescribed herein shall charge the aforesaid rates as maximum and/or minimum rates.
4. All private carriers by motor vehicles to the extent they are affected by the changes involved herein shall charge the aforesaid rates as minimum rates.
5. The order entered in Case No. 1585, on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank J. Paulino  
Commissioners.

~~COMMISSIONER~~ RALPH C. HORTON NOT PARTICIPATING

Dated at Denver, Colorado,  
this 5th day of July, 1961.

ph

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM SCHOENTHALER, 1358 INDEPEN- )  
DENT AVENUE, GRAND JUNCTION, COLO- )  
RADO, FOR AUTHORITY TO EXTEND OPER- ) APPLICATION NO. 18438-PP-Extension  
ATIONS UNDER PERMIT NO. B-3108. )  
- - - - - )

- - - - -  
July 6, 1961  
- - - - -

Appearances: Charles Holmes, Esq., Grand  
Junction, Colorado, for  
Applicant;  
Lincoln D. Coit, Esq., Grand  
Junction, Colorado, for  
E. C. Pound and Lesley Estes;  
Marion R. Smyser, Esq., Denver,  
Colorado, for Carbon Motor-  
way, Inc., and Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose, Colo-  
rado, for Orville Dunlap  
and Sons;  
John Doyle, Delta, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

This is an application by William Schoenthaler, the appli-  
cant herein, for authority to extend his authority under Private  
Carrier Permit No. B-3108, which authorizes the transportation of  
livestock, farm produce, coal and lumber, into, out of, and between  
points within a radius of twenty-five miles of Grand Junction, Colo-  
rado. He now asks to have that radius extended to a fifty-mile radius  
of Grand Junction, Colorado.

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

In considering the above application, it is further compli-  
cated by the fact that applicant has bargained, and filed an application



for a transfer of Certificate of Public Convenience and Necessity No. 1061, which authorizes "the transportation of farm products, including livestock, and farm supplies, from and to farms within a twenty-mile radius of DeBeque, Colorado, and farms on Roan Creek, within 30 miles of DeBeque, to and from the Town of DeBeque and other loading points within said area, and to and from the above-described DeBeque area from and to points outside thereof, all for customers residing within said area, provided, however, that no authority is granted authorizing transportation of freight from town to town along U. S. Highway No. 24."

The application for authority to transfer this certificate was heard several months ago and the Order has not yet issued. I am informed that the reason for the failure of issuance is due to the fact that there is some indebtedness of the transferor, and it appears that the Supervisor of the Complaint and Investigation Division of the Commission, at the time of the hearing, gave the applicant herein temporary authority. The evidence indicates that the applicant has served certain livestock raisers efficiently under his present permit and under his temporary certificate, and his customers desire this extended service. They contend he is familiar with their ranches, pastures, etc., and makes pickups and deliveries of livestock in out of the way places and gives to them a specialized service beyond the duties of a regular common carrier.

Numerous witnesses who are livestock operators in the area testified in support of the application as to their particular need for applicant's extended service. During the hearing and after a conference with Orville Dunlap, representing Orville Dunlap and Sons, and John Doyle, who holds common carrier authority, applicant restricted his application, as follows:

"We have discussed a few of these things and the applicant has agreed not to ask for an extension into Montrose or Delta Counties. He does, however, desire to retain his present 25-mile area insofar as it may extend into Delta County at the present time. Let the record show that the applicant desires to limit his extension to the hauling of livestock, hay, and grain, including prepared feed."

At this point, Protestants Dunlap and Doyle withdrew their protests and in so doing stated that there were a few shippers for whom applicant -- due to location -- could give better service. With respect to the remaining question, as to the service in the DeBeque area, it appears to the Commission that that need for service is substantially covered by Certificate No. 1061. We are inclined to grant the application and to restrict from said authority the service covered by Certificate No. 1061. This, in our opinion, will not place additional carriers in the field and will give to the witnesses who appeared here, satisfactory and efficient transportation.

While protestants formally protested the granting of the application, the Commission feels that their protest was largely for the purpose of keeping new carriers out of the field, and that they were not too unhappy with the present transportation service authorized but do object to new competition.

#### 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 customers who will enter into a contract for his services.
4. We do not believe that the granting of this permit will seriously endanger the operations of protestants or impair the efficient public service of any authorized motor vehicle common carrier adequately serving the same territory over the same route or routes, and we are of the further opinion that applicant's customers who testified before us should not be deprived of applicant's service merely because it may divert some traffic from other carriers.

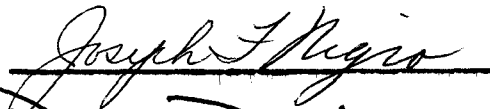


O R D E R

THE COMMISSION ORDERS:

That William Schoenthaler, Grand Junction, Colorado, be, and he hereby is, authorized to extend his operations under Private Carrier Permit No. B-3108, to include a radius of 50 miles of Grand Junction, Colorado, for the transportation of livestock, hay and grain, including prepared feed, between points in said 50-mile radius, and to and from said radius to all points in the State of Colorado, excluding from said extension all territory in Delta and Montrose Counties, and also excluding from said area the area covered by Certificate of Public Convenience and Necessity No. 1061 as of the date of this Order. If said Certificate No. 1061 is cancelled out for any purpose whatsoever, this restriction does not apply.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of July, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HAROLD D. HAMMOND, 510 SMITHLAND, )  
LA JUNTA, COLORADO. )  
----- )

PERMIT NO. M-10449

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold D. Hammond,  
510 Smithland, La Junta, Colorado  
requesting that Permit No. M-10449 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10449, heretofore issued to Harold D. Hammond,  
510 Smithland, La Junta, Colorado be,  
and the same is hereby, declared cancelled effective May 25, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 195/ 61.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 56781 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD D. HAMMOND, 510 SMITHLAND, )  
LA JUNTA, COLORADO. )

PERMIT NO. B-5528

July 13, 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-5528 be suspended  
for six months from May 25, 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 Harold D. Hammond, La Junta, Colorado

be, and is hereby, authorized to suspend his operations under Permit  
No. B-5528 until November 25, 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*  
*Ralph C. Hobson*  
*Wm. E. Zurling*  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RONALD O. ARNETT, MULLEN,  
NEBRASKA. )

PUC NO. 4367-I

July 13, 1961

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ronald O. Arnett,  
Mullen, Nebraska

requesting that Certificate of Public Convenience and Necessity No. 4367-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. 4367-I heretofore issued to Ronald O.  
Arnett, Mullen, Nebraska

be, and the same is hereby, declared cancelled effective June 21, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Norton*  
*Henry E. Zaulig*  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
STEVE V. DOLZANIE, SR., GULNARE STAR )  
ROUTE, WALSENBURG, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-3297

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July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Steve V. Dolzanie, Sr.,  
Gulnare Star Route, Walsenburg, Colorado  
requesting that Permit No. M-3297 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3297, heretofore issued to Steve V. Dolzanie, Sr.,  
Gulnare Star Route, Walsenburg, Colorado be,  
and the same is hereby, declared cancelled effective May 22, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Paul C. Holton  
Wm. E. Zickler  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
KURLAND MOTORS CORPORATION, 1134 )  
BROADWAY, DENVER 3, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-4393

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Kurland Motors  
Corporation, Denver 3, Colorado  
requesting that Permit No. M-4393 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4393, heretofore issued to Kurland Motors  
Corporation, Denver 3, Colorado be,  
and the same is hereby, declared cancelled effective July 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Norton  
Wm. E. Zurlungo  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 195/ 61.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. W. HUGHES COMPANY, GENERAL CON- )  
TRACTORS, 8407 PACIFIC STREET, OMAHA, )  
NEBRASKA. )  
----- )

PERMIT NO. M-621

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. W. Hughes Company,  
General Constructors, Omaha, Nebraska  
requesting that Permit No. M-621 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-621, heretofore issued to R. W. Hughes Company,  
General Constructors, Omaha, Nebraska be,  
and the same is hereby, declared cancelled effective December 31, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Holton  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
OREGON TIMBER AND BRICK, INCORPORATED,  
2300 WEST HAMPDEN, ENGLEWOOD, COLO-  
RADO.  
-----)

PERMIT NO. M-10956

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Oregon Timber and  
Brick, Inc., Englewood, Colorado  
requesting that Permit No. M-10956 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10956, heretofore issued to Oregon Timber and  
Brick, Inc., Englewood, Colorado be,  
and the same is hereby, declared cancelled effective May 5, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DELTA BRICK AND TILE COMPANY, P. O. )  
BOX 523, DELTA, COLORADO. )

PERMIT NO. M-3445

July 13, 1961

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Delta Brick and Tile Company, Delta, Colorado

requesting that Permit No. M-3445 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-3445, heretofore issued to Delta Brick and Tile  
Company, Delta, Colorado be.

and the same is hereby, declared cancelled effective May 28, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
INIS M. AHL, 1402 OGDEN, LONGMONT, )  
COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-14218

-----  
July 13, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Inis M. Ahl,  
Longmont, Colorado  
requesting that Permit No. M-14218 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14218, heretofore issued to Inis M. Ahl,  
Longmont, Colorado be,  
and the same is hereby, declared cancelled effective June 17, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 1961.

\*\*\*\*\*

PERMIT NO. M-8372

STATEMENT

The Commission is in receipt of a communication from Sam Pullan.

requesting that Permit No. M-8372 be cancelled.

That the request should be granted.

That Permit No. M-8372, heretofore issued to Sam Pullan,

be,

and the same is hereby, declared cancelled effective May 29, 1961.

Joseph F. Negro  
Frank C. Norton  
Homer E. Zaulings  
Commissioners

this 13th day of July, 197 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DEAL LUMBER AND CONSTRUCTION COMPANY, )  
INCORPORATED, 1104 SOUTH 2ND STREET, )  
LARAMIE, WYOMING. )  
----- )

PERMIT NO. M-8161

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Deal Lumber and Construction Company, Inc., Laramie, Wyoming  
requesting that Permit No. M-8161 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8161, heretofore issued to Deal Lumber and Construction Company, Inc., Laramie, Wyoming be,  
and the same is hereby, declared cancelled effective June 30, 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 13th day of July, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MID-CONTINENT COAL AND COKE COMPANY, )  
P. O. BOX 157, CARBONDALE, COLORADO. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-4465

\_\_\_\_\_  
July 13, 1961  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mid-Continent Coal  
and Coke Company, Carbondale, Colorado  
requesting that Permit No. M-4465 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4465, heretofore issued to Mid-Continent Coal & Coke  
Company, Carbondale, Colorado be,  
and the same is hereby, declared cancelled effective May 26, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
TRAVIS COGBURN, DOING BUSINESS AS, )  
"COGBURN OIL COMPANY", DEL NORTE, )  
COLORADO. )  
----- )

PERMIT NO. M-4959

-----  
July 13, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Travis Cogburn, doing  
business as, "Cogburn Oil Company", Del Norte, Colorado  
requesting that Permit No. M-4959 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4959, heretofore issued to Travis Cogburn, doing  
business as, "Cogburn Oil Company", Del Norte, Colorado be,  
and the same is hereby, declared cancelled effective June 23, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Horton  
Wm. E. Ziehlings  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1961.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DEAN H. KLINGENBERG, CORNISH, COLO- )  
RADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-14574

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dean H. Klingenberg,  
Cornish, Colorado  
requesting that Permit No. M-14574 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14574, heretofore issued to Dean H. Klingenberg,  
Cornish, Colorado be,  
and the same is hereby, declared cancelled effective May 28, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Hobson  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN ABITIA, DOING BUSINESS AS, )  
"CITY ICE COMPANY", 1000 NORTH MAIN, )  
LAMAR, COLORADO. )  
----- )

PERMIT NO. M-12738

-----  
July 13, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John Abitia, doing  
business as, "City Ice Company", Lamar, Colorado  
requesting that Permit No. M-12738 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12738, heretofore issued to John Abitia, doing  
business as, "City Ice Company", Lamar, Colorado be,  
and the same is hereby, declared cancelled effective June 19, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Robert C. Horton*  
*Wm. E. Zupke*  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 195/ 61.

original

(Decision No. 56795)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
K. C. ELECTRIC ASSOCIATION, A COLO- )  
RADO CORPORATION, HUGO, COLORADO, )  
FOR AN ORDER AUTHORIZING THE ISSU- ) APPLICATION NO. 16539-Securities  
ANCE OF SECURITIES AND THE APPLI- ) SUPPLEMENTAL ORDER  
CATION OF THE PROCEEDS THEREFROM. )  
----- )

-----  
July 6, 1961  
-----

Appearances: T. H. Thomas, Jr., Esq.,  
Burlington, Colorado,  
for Applicant;  
E. R. Lundborg, Esq.,  
Denver, Colorado, and  
E. R. Thompson, Denver,  
Colorado, for the  
Commission.

S T A T E M E N T

By the Commission:

On June 30, 1961, the K. C. Electric Association 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 39F Kit Carson," principal amount of \$126,000, dated August 1, 1958. This loan was authorized and approved by this Commission on September 11, 1958, in its Order, Decision No. 50913, Application No. 16539-Securities.

The parties above mentioned have now entered into an agreement which would modify the repayment obligations of Applicant. Only part of the \$126,000 has been "drawn down" by Applicant, and therefore it seeks to renew the loan on the unadvanced balance (\$76,274.40), 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, August 2, 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 \$126,000, and that Applicant asked for no changes in the provision other than moving the period of the note to a later date, 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 K. C. Electric Association, dated as of August 2, 1961, pertaining to REA Project designation "Colorado 39F Kit Carson."

### F I N D I N G S

#### THE COMMISSION FINDS:

After careful consideration of this supplemental application of K. C. Electric Association and of the data and records on file with this Commission pertaining thereto, the Commission is of the opinion that the Agreement, subject herein, should be authorized and approved.

That this Commission has jurisdiction of the lines of K. C. Electric Association as to the subject matter of the instant application, as defined in 115-1-3 and 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 K. C. Electric Association and the United States of America, dated August 2, 1961, referred to above and filed with this Commission June 30, 1961, is not inconsistent with the public interest and should be authorized and approved.

### O R D E R

#### THE COMMISSION ORDERS:

That the Agreement between K. C. Electric Association and the United States of America, dated August 2, 1961, and entitled

"Colorado 39F Kit Carson" as set forth fully in the copy of the Agreement attached to Application No. 16539-Securities, Supplemental, be, and the same is hereby, authorized and approved.

That K. C. Electric Association 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. 50913, Application No. 16539-Securities shall remain in full force and effect.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Wm E. Zalkow*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of July, 1961.

ea

(Decision No. 56796)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

ELDON L. SILVERS  
TED'S TIRES  
2240 So. King St.  
Denver 19, Colorado

AUTHORITY NO. M 11948

CASE NO. 5272 Ins.

-----  
July 7, 1961  
-----

S T A T E M E N T

By the Commission:

On June 27, 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  
Raymond G. Hinton  
Henry Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of July, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES E. POLLEY, 530 SOUTH 30TH, )  
COLORADO SPRINGS, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-7205

-----  
July 6, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from James E. Polley,  
Colorado Springs, Colorado  
requesting that Permit No. M-7205 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7205, heretofore issued to James E. Polley  
Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective April 4, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 6th day of July, 195/ 61.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GREAT NORTHERN UTILITIES COMPANY, A )  
CORPORATION, 8301 SHERIDAN BOULEVARD, )  
ARVADA, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING DISTRIBUTION AND SALE OF )  
WATER FOR DOMESTIC USE, IN JEFFERSON )  
COUNTY, STATE OF COLORADO, AND ALONG )  
THE PIPE LINE, OR PIPE LINES, AND )  
CONDUITS TO BE CONSTRUCTED BY APPLI- )  
CANT. )  
----- )

APPLICATION NO. 16935  
SUPPLEMENTAL ORDER

-----  
July 7, 1961  
-----

Appearances: J. Fred Schneider, Esq.,  
Denver, Colorado,  
for Applicant;  
Donald D. Cawelti, Esq.,  
Denver, Colorado, for  
the City of Westminster,  
as its interest may  
appear;  
E. R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 56063, of March 13, 1961, the Great Northern Utilities Company was granted a conditional certificate of public convenience and necessity to render water service by the use of surface water to supply prospective homes to be located in Lake Vista Subdivision, Taylor Heights Subdivision, and Far Horizons Subdivision, all in Jefferson County, Colorado. The conditions in the Order provided that the Applicant "shall have duly executed and entered into an Escrow Agreement providing for the deposit of \$75,000 in cash with Security Title Guaranty Company as Escrow Agent, said monies to be paid out by such Escrow Agent only for the construction of the surface water treatment facilities



and transmission lines, which are to provide water to Far Horizons Subdivision, Jefferson County, Colorado, and other areas within the certificated territory of the Applicant, and an executed copy of such Agreement is filed with the Commission within said period of ninety (90) days."

On June 30, 1961, Applicant filed with this Commission in compliance with the above Order within the time allotted, a copy of the Escrow Agreement and a letter from the Security Title Guaranty Company, stating that the sum of \$75,000 has been deposited by Great Northern Utilities to be held in escrow and paid out by Security, as the Escrow Agent, according to the Order of the Public Utilities Commission under its Decision No. 56063.

We have reviewed the conditions of our Order of March 13, 1961, the Escrow Agreement and the certification of deposit of the \$75,000 in escrow. It is apparent that Applicant, Great Northern Utilities, has complied with the Commission's decision referred to above and that a Supplemental Order should issue removing the conditions granting the certificate of public convenience and necessity to render water service in the designated areas by the Great Northern Utilities Company.

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

##### THE COMMISSION FINDS:

That Great Northern Utilities Company has complied with the escrow conditions set forth by the Commission in its Decision No. 56063 of March 13, 1961, and that said certificate of public convenience and necessity heretofore granted to Great Northern Utilities Company should be confirmed and made final, free of said conditions.

#### O R D E R

##### THE COMMISSION ORDERS:

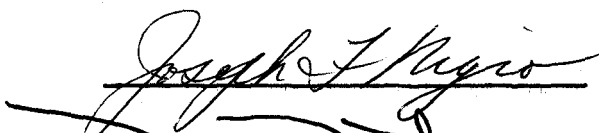
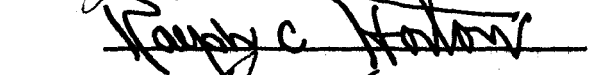

That Great Northern Utilities Company now having complied with the escrow conditions set forth by the Commission in its Decision No. 56063 of March 13, 1961, said certificate of public convenience

and necessity to render water service as a public utility in the areas set forth by said decision be, and the same hereby is, ordered to be in full force and effect, free of said conditions.

That all other terms and conditions set forth by Decision No. 56063 shall remain in full force and effect.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of July, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLAAR DEVELOPMENT COMPANY, A COLO- )  
RADO CORPORATION, GOLDEN, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING THE )  
PRODUCTION, PURIFICATION, TRANSPOR- )  
TATION, DISTRIBUTION AND DELIVERY OF )  
WATER FOR DOMESTIC PURPOSES AND OP- )  
ERATION OF A SANITARY SEWER SYSTEM )  
TO TRANSPORT AND CARRY AWAY SEWAGE )  
IN THE TWIN SPRUCE SUBDIVISION, A )  
SUBDIVISION IN THE EAST ONE-HALF OF )  
THE NORTHWEST ONE-QUARTER (E $\frac{1}{2}$ NW $\frac{1}{4}$ ), )  
SECTION 26, TOWNSHIP 3-SOUTH, RANGE )  
70-WEST OF THE 6TH P. M., JEFFERSON )  
COUNTY, COLORADO. )  
----- )

APPLICATION NO. 17092

-----  
July 7, 1961  
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Appearances: Frank Reinhard, Jr., Esq.,  
Golden, Colorado, for  
Applicant;  
Mr. and Mrs. Charles Warner,  
17580 Foothill Road,  
Golden, Colorado, pro se;  
Robert E. Burks, 17560 West  
32nd Avenue, Golden, Colo-  
rado, pro se;  
Clyde Davidson, 17580 West  
32nd Avenue, Golden, Colo-  
rado, pro se;  
Walter Ohlsen, 3385 Virgil  
Street, Golden, Colorado,  
pro se;  
Paul M. Brown, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On May 13, 1959, the Claar Development Company, through its attorney, filed an application with this Commission, seeking a certificate of public convenience and necessity to operate as a public utility for the distribution of water and for the treatment of sewage in the Twin Spruce Subdivision located in the East 1/2 of the Northwest 1/4 of Section 26, Township 3-South, Range 70-West,

in Jefferson County, Colorado.

The application was set for hearing by the Commission on Wednesday, December 7, 1960, at 532 State Services Building, Denver, Colorado, after due notice to all interested parties. Attorney for Applicant requested that the above date be vacated, and that the matter be set for a later date. The Commission again sent notice to all interested parties, setting the application for hearing on February 14, 1961, at ten o'clock A. M., at 532 State Services Building, Denver, Colorado. At said time and place this application was heard, and at the conclusion of the hearing, taken under advisement by the Commission.

Applicant is a Colorado corporation, and by its charter is authorized to engage in, among other things, the purchase and distribution of water. The Articles do not provide for the business of sewage treatment. A copy of the Articles of Incorporation is filed in this matter as Exhibit No. 2. A plat of Twin Spruce Subdivision was introduced as Exhibit No. 1, and as originally planned by the Applicant, it proposed to render water and sewer service to approximately 50 to 60 locations in said subdivision. Subsequent to the filing of the application herein, Adolph Coors Company of Golden, Colorado, purchased a majority of the lot sites that were for sale and as a result, Applicant at this time is rendering water and sewer service to 8 customers, including the residence of Mr. G. M. Claar, President of the Claar Development Company. Mr. Claar testified on behalf of Applicant and stated that while the Coors Company had purchased the lots, he did not know at this time whether or not these lots would be developed and the Claar Development Company be required to furnish water and sewer service.

Exclusive of the lots owned by the Coors Company, there are approximately 12 lots still for sale to the general public which if residences were to be built thereon, would give a potential of 20 customers for a limited water and sewer service in the event the Coors Company did not develop the lots which it owns.

The Claar Development Company has been rendering water service in the Twin Spruce Subdivision since July 23, 1959, and sewer service therein since August 7, 1959. The water and sewer services were designed by Mr. Dale Rae, a registered engineer, and the systems were also constructed according to his design.

Water is obtained from a well within the subdivision on land since purchased by the Coors Company. The sewage is collected by means of the sewage system which in turn transports it for treatment under a contract by and between the City of Golden, a municipal corporation, and the Claar Development Company. This sewage, in turn, is actually treated by a plant owned and operated by the Coors Company.

Exhibit No. 3, introduced at the hearing, is a copy of a contract by and between the Adolph Coors Company and the Claar Development Company relative to the purchase and sale of water from the Claar Well No. 1 located, as aforesaid, on property owned by Coors Company. This contract provides, among other things, that the Claar Development Company will be permitted to purchase water to supply 10 lots in the amount of water not to exceed 4,000,000 gallons a year and the rate to be 20¢ per thousand gallons. The Coors Company is to maintain the pump, while the Claar Company is to maintain the lines and pipes from the well. The water is to be used for domestic use only. The contract also provides "nothing herein contained shall be construed in any manner as constituting a utility service by Coors." The agreement is for a period of 5 years from the date of its execution.

Exhibit No. 4, introduced at the hearing, is a copy of a contract by and between the City of Golden and the Claar Development Company relative to the treatment of sewage. The contract provides that the rates to be paid by Claar will be those set forth by City Ordinance. The City of Golden can cancel this contract on 24-months written notice, and Claar cannot claim "any perpetual easement in its right to sewage treatment under this contract."

In determining whether or not a certificate of public convenience and necessity should be issued to an Applicant, the Commission, among other things in the case of a water utility, is interested in the source of water, the availability and the amount thereof, the financial ability of the Applicant to carry on the operation, and whether or not the service is needed. It is quite evident on this record that insofar as the present 8 customers are concerned, they undoubtedly have a need for both the water and sewer service requested herein. However, the Commission must be satisfied that Applicant is qualified under all the conditions mentioned and not with just one or two of said conditions. Assuming for the moment there is a need for the water and sewage treatment and that Applicant is financially able to carry on these operations, we still must examine as to whether or not the source of water is reliable and continuing, as well as the problem of continuing availability of sewage treatment. In granting a certificate, unless there are circumstances peculiar to the particular application, the certificate is granted in perpetuity, and before Applicant can cease such utility service, it must obtain further order of this Commission. The contract which Applicant has introduced herein under which it obtains its water, states that it is for a period of 5 years, and makes no mention of any renewal clause contained in the contract itself. Presumably, at the end of the five-year period, Applicant will be required to renegotiate a contract for water service if this same source of supply is to be used. The contract also by its terms states that Coors is not proposing to engage in a utility service and, therefore, would presume to give this Commission jurisdiction only over Claar as far as the water service is concerned.

The contract for sewage service between the City of Golden and Claar, as previously mentioned, can be cancelled by the City on 24 months' notice and again, the City states that Claar cannot claim any rights by virtue of the treatment of sewage under the contract.

The rates for sewage treatment are set by the City and here again, the Commission exercises no jurisdiction except as to Claar in the event a certificate is granted.

After reviewing all the evidence adduced at the hearing, together with the exhibits, we do not feel that Applicant should be granted a certificate of public convenience and necessity for either the water or the sewer service. If Coors does not elect to develop the lots in the Twin Spruce Subdivision now owned by it, this operation is very limited with a potential of approximately 20 customers. Even under the best of conditions rendering utility service to such a number of customers is a financial hazard since while the utility might be entitled to receive a particular rate by virtue of its investment and its operating expenses, it might still be too expensive to institute such a rate for such a small group of customers. Applicant might be required by the circumstances herein to suffer a financial loss continually if it were to undertake this operation and the customers in turn, because of the rate situation, might find themselves restricted in the use of water because of the rates.

In addition to the hazards involved in such a potentially small operation, the continuity of supply of both water and sewer service is so severely limited in period of time under Applicant's contracts for water supply and sewage disposal service, we feel that public convenience and necessity would not be served by granting the certificate requested herein.

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

##### THE COMMISSION FINDS:

That the applicant has failed to file "late-filed" exhibits concerning the financial status of the Claar Development Company, however, that even if such exhibits were on file, the Applicant failed to establish that public convenience and necessity require the granting of the certificate.

That the application should be denied.


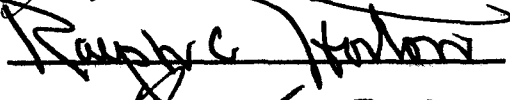

O R D E R

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 7th day of July, 1961.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CROSBY DUDLEY, DOING BUSINESS AS, )  
"CROSBY WHOLESALE", ROUTE 2 BOX 92, )  
BERTHOUD, COLORADO. )  
----- )

PERMIT NO. M-13731

-----  
July 6, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Crosby Dudley, doing  
business as, "Crosby Wholesale", Berthoud, Colorado  
requesting that Permit No. M-13731 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13731, heretofore issued to Crosby Dudley, doing  
business as, "Crosby Wholesale", Berthoud, Colorado be,  
and the same is hereby, declared cancelled effective June 13, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Houtant  
Henry E. Zalkow  
Commissioners

Dated at Denver, Colorado,

this 6th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LAWRENCE PATMON )  
Kanarado, Kansas )

AUTHORITY NO. M 12473

CASE NO. 5131 Ins.

-----  
July 11, 1961  
-----

S T A T E M E N T

By the Commission:

On June 27, 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

(S E A L)

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary

*Joseph F. Higgins*  
*Ralph C. Horton*  
*Alfred E. Edwards*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of July, 1961

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DEPARTMENT OF HIGHWAYS OF THE )  
STATE OF COLORADO FOR AUTHORITY TO )  
INSTALL HIGHWAY/RAILROAD GRADE )  
CROSSING PROTECTION DEVICES AT )  
THREE (3) LOCATIONS ON STATE HIGH- )  
WAY NO. 82 AND ONE (1) LOCATION ON ) APPLICATION NO. 18466  
STATE HIGHWAY NO. 133, AT MILEPOSTS )  
363.85, 365.41, 366.90 AND 372.20, )  
RESPECTIVELY, ON THE ASPEN BRANCH )  
OF THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY, IN GARFIELD COUNTY, )  
STATE OF COLORADO. )  
----- )

-----  
July 10, 1961  
-----

Appearances: James R. Richards, Assistant  
Attorney General, Denver,  
Colorado, for Applicant;  
J. L. McNeill, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to interested parties and to the Chairman of the Board of Garfield County Commissioners, was set for hearing in the District Court Room, Court House, Glenwood Springs, Colorado, June 12, 1961, where the matter was heard by the Commission and taken under advisement.

The purpose of the instant application is to secure Commission approval for the installation of automatic flashing light signals and general safety improvement of four highway-railroad grade crossings on the Aspen Branch of the Rio Grande Railroad, located in the 13-mile area southward from Glenwood Springs to Carbondale, Colorado. 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 No. 1: Prepared statement of Mr. King regarding the project to explain further details of: Location, agreements, approvals, roads involved, need for improved protection and statement of costs.

Exhibit No. 2: Agreement dated March 6, 1961, between the Department of Highways and Rio Grande Railroad Company regarding crossings, protection devices, costs and maintenance.

Exhibit No. 3: Separate and complete copy of instant application containing map, location sketches and wiring diagrams for new signals to be placed at Mile Posts 363.85, 365.41, 366.90 and 372.20.

Mr. King explained that the instant rail crossings involve State Highway No. 82 between Glenwood Springs and Carbondale where State Highway No. 133 is crossed at Mile Post 372.20. Both highways are on the Federal Aid Secondary Highway System, and serve rather extensive year-round recreational areas, afford the farming and ranching interests access to marketing facilities, and provide means of reaching extensive coal mining properties in the Carbondale area.

The crossings involve only the single track of the Aspen Branch line, averaging two train movements daily for movement of empty cars and full loads of coal or coke with other loadings of local merchandise and livestock.

Average train speeds on this branch line are 20 miles per hour, while vehicular traffic speeds are variable up to 60 miles per hour. However, much of the construction in the area can be classed as "winding mountain roads" and additional hazards of grade and limited vision are common at each crossing location. Hence, with the increasing volumes of traffic connected with the previously mentioned year-round recreational areas and new coal mining activity, there is now necessity to provide the added protection.

In other testimony at the hearing, Mr. King noted that plans were under consideration for gradual improvement and alignment changes in the three-mile area extending from the Glenwood Springs

City Limits to the first grade crossing at Mile Post 363.85; therefore, we have the instant proposal for immediate crossing protection in the area where the current rail traffic is heavy for coal and coke movement.

In accordance with the various terms of the agreement herein and under the programming of this work, total cost is shared on a 90/10 basis, according to the preliminary estimate, as follows:

<u>Location</u>	<u>Federal Aid Funds</u>	<u>Railroad Portion</u>	<u>Department of Highways</u>	<u>Total Cost</u>
M.P. 363.85	\$3,775	\$372	\$10	\$4,157
M.P. 365.41	3,923	387	10	4,320
M.P. 366.90	3,893	384	10	4,287
M.P. 372.20	<u>3,960</u>	<u>400</u>	<u>--</u>	<u>4,360</u>
	\$15,551	\$1,543	\$30	\$17,124

Upon completion of the signal installation, continuing operation and maintenance is by the Railroad Company. Reflectorized Advance Warning signs will be supplied and installed where necessary by the Department of Highways to complete the standard installation. Approvals of the project have been given by: Chief Engineer, Department of Highways; the Bureau of Public Roads; and the Chief Engineer, The Denver & Rio Grande Western Railroad Company. No objections to the proposed work were submitted at the hearing, and none appears in the files of the Commission.

## F I N D I N G S

### THE COMMISSION FINDS:

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

That public safety, convenience and necessity will require the improvement consisting of automatic flasher light signals to be installed at four existing highway-railroad grade crossings on State Highways Nos. 82 and 133, located along the Aspen Branch line of The Denver & Rio Grande Western Railroad Company at Mile Posts 363.85, 365.41, 366.90 and 372.20, situated south of Glenwood Springs, Garfield County, Colorado.

O R D E R

THE COMMISSION ORDERS:

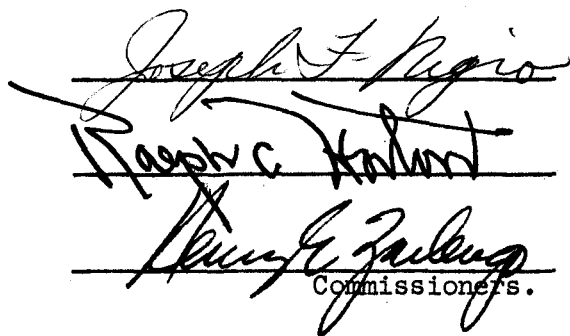
That Applicant, The Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the improvement of four existing highway-railroad grade crossings by and through the installation thereat of automatic flashing light signals on State Highways Nos. 82 and 133, as located at Mile Posts 363.85, 365.41, 366.90 and 372.20 of the Aspen Branch of The Denver & Rio Grande Western Railroad Company and situated south from Glenwood Springs, Garfield County, Colorado.

That the work to be done, costs, installation, and maintenance of the protection devices and improvement of the crossings, shall be as indicated in the preceding Statement, said Statement and Exhibits 1, 2, and 3, are, by reference, made a part hereof.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of July, 1961.

ea

*Saguache*

(Decision No. 56803)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF ISSUANCE OF )  
TEMPORARY CERTIFICATES OF PUBLIC )  
CONVENIENCE AND NECESSITY UNDER )  
CHAPTER 115, SESSION LAWS OF )  
COLORADO, 1953, FOR EMERGENCY )  
MOVEMENT OF VEGETABLES AND GRAIN, )  
IN THE COUNTIES OF ALAMOSA, )  
COSTILLA, CONEJOS, RIO GRANDE, )  
AND SAGUACHE, COLORADO. )  
----- )

APPLICATION NO. 18597

-----  
July 6, 1961  
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S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency exists because of shortage of trucks for transportation of vegetable crops and grain, from fields to the nearest place of storage or processing plant, in the Counties of Alamosa, Costilla, Conejos, Rio Grande, and Saguache, Colorado, and that said emergency will probably continue for a period of approximately eighty (80) days hereafter.

Request is made for an Order of the Commission relative to issuance of temporary certificates of public convenience and necessity for the seasonal transportation of said vegetable crops and grain in the counties above set forth.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency exists because of the shortage in certificated trucks for transportation of vegetable crops and grain in the Counties of Alamosa, Costilla, Conejos, Rio Grande, and Saguache, Colorado, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation

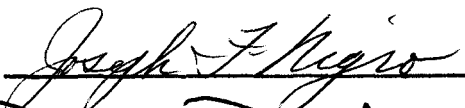
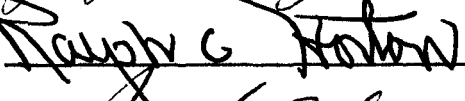

of said vegetable crops and grain, from fields to the nearest place of storage or processing plant, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to be effective from July 10, 1961, to and including October 1, 1961.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to be issued for operation of motor vehicles, for the transportation of vegetable crops and grain, from fields to the nearest place of storage or processing plant, in the Counties of Alamosa, Costilla, Conejos, Rio Grande, and Saguache, Colorado, said certificates to become effective July 10, 1961, and to continue in force up to and including October 1, 1961, no such certificate to issue for transportation of said vegetable crops and grain by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of July, 1961.

ea



original

(Decision No. 56804)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
UNITED STATES VAN LINES, INC., )	
FRANKLIN PARK, ILLINOIS. )	<u>PUC NO. 1695-I</u>
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-----  
July 5, 1961  
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S T A T E M E N T

By the Commission:

Heretofore, United States Van Lines, Inc., Franklin Park, Illinois, was granted a certificate of public convenience and necessity (PUC No. 1695-I), authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

The Commission is now in receipt of a communication from John R. VandenBergh, Manager, Interstate Regulation, advising that the corporate name of said corporation has been changed to "U S Van Lines, Inc.," and the address of said corporation has been changed from Franklin Park, Illinois, to "P. O. Box 2608, South Bend, 14, Indiana," 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 requests should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission be, and he hereby is, directed to change the records of the Commission to show PUC No.

1695-I to be owned and operated by:

"U. S. Van Lines, Inc.,  
P. O. Box 2608,  
South Bend 14, Indiana,"

in lieu of:

"United States Van Lines, Inc.,  
Franklin Park, Illinois."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nizio*  
*Ralph C. Hutton*  
*Samuel H. Hutton*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of July, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MARVEL V. COLEMAN )  
1535 Sieger Drive, R. R. S. )  
Wichita, Kansas )

AUTHORITY NO. m 10545

CASE NO. 2140 Ins.

-----  
July 11, 1961  
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S T A T E M E N T

By the Commission:

On September 2, 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

(S E A L)

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary

*Joseph F. Negro*  
*Ralph C. Martin*  
*Harry J. Adair*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 11th day of July, 1961

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
W. C. MALEY, COLIBRAN, COLORADO, )	
FOR AUTHORITY TO TRANSFER PUC NO. )	APPLICATION NO. 16444-Transfer
1061 TO WILLIAM SCHOENTHALER, 702 )	
INDEPENDENT AVENUE, GRAND JUNCTION, )	
COLORADO. )	
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-----  
July 10, 1961  
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Appearances: Helman, Younge and Hockensmith,  
Esqs., Grand Junction, Colo-  
rado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled application was heard and taken under advisement by the Commission, wherein W. C. Maley, Collbran, Colorado, owner of PUC No. 1061, seeks authority to transfer said operating rights to William Schoenthaler, Grand Junction, Colorado, said PUC No. 1061 being the right to operate as a common carrier by motor vehicle for hire, for the conduct of:

a general cartage and transfer business in the Town of DeBeque, and for the transportation of farm products, including livestock, and farm supplies from and to farms within a twenty-mile radius of DeBeque and farms on Roan Creek within 30 miles of DeBeque, to and from the Town of DeBeque and other loading points within said area, and to and from points in the above-described DeBeque area, from and to points outside thereof, all for customers residing within said area, provided, however, that no authority is granted authorizing transportation of freight from town to town along U. S. Highway No. 24.

Through inadvertence, Order has not been entered by the Commission in said matter.

The operating experience and financial responsibility of transferee herein have been established to the satisfaction of the

Commission.

## F I N D I N G S

### THE COMMISSION FINDS:

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

## O R D E R

### THE COMMISSION ORDERS:

That W. C. Maley, Collbran, Colorado, be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1061 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Wm. Schoenthaler, Grand Junction, 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. Negro*  
*Ralph C. Horton*  
*Henry E. Adams*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of July, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
HARRY B. HAWKS, MONTROSE, COLO-  
RADO.

PERMIT NO. B-1365

-----  
July 10, 1961  
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Appearances: Brooks & Miller, Esqs., Mont-  
rose, Colorado, for Harry B.  
Hawks.

S T A T E M E N T

By the Commission:

Harry B. Hawks, Montrose, Colorado, is the owner and oper-  
ator of Permit No. B-1365, which permit, in part, authorizes trans-  
portation of:

"petroleum products in bulk, in tank trucks  
only, from and to points within a radius of  
50 miles of Montrose, Colorado, to and from  
points in the State of Colorado, such ser-  
vice to be limited to the following custom-  
ers, to-wit:

"Philip Schneider, Jr., doing business as  
'Schneider's Service Station,' Montrose,  
Colorado;

"Charles Quint, doing business as 'Quint's  
Service,' Montrose, Colorado;

"Consumers Gas and Oil Cooperative, Delta,  
Colorado;

"Montrose Consumers Oil Corporation, Mont-  
rose, Colorado, and

"Consumers Gas and Supply Company, Olathe,  
Colorado,

"without authority to add any other customers  
without permission first obtained from the  
Commission."

The Commission is now in receipt of a communication from  
Brooks and Miller, Esqs., for and on behalf of said Harry B. Hawks,

requesting authority to substitute as customers:

"Fellin Bros. and W. H. Hill,"

in lieu of:

"Philip Schneider, Jr., doing business as  
'Schneider;s Service Station,' and

"Charles Quint, doing business as 'Quint's  
Service,'

in the conduct of operations under said Permit No. B-1365.

#### 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 a portion of authority of Harry B. Hawks, Montrose, Colorado, under Permit No. B-1365, set forth in the Statement preceding, which is made a part hereof, by reference, be, and the same hereby is, amended, by substituting:

"Fellin Bros. and W. H. Hill,"

in lieu of:

"Philip Schneider, Jr., doing business as  
'Schneider's Service Station,' and

"Charles Quint, doing business as 'Quint's  
Service,'"

so that said portion of said operating rights under Permit No. B-1365, as amended, shall read as follows:

"transportation of petroleum products, in bulk, in tank trucks only, from and to points within a radius of 50 miles of Montrose, Colorado, to and from points in the State of Colorado, such service to be limited to the following customers, to-wit:

"Fellin Bros.;

"W. H. Hill;

"Consumers Gas and Oil Cooperative, Delta, Colorado;

"Montrose Consumers Oil Corporation, Montrose, Colorado, and

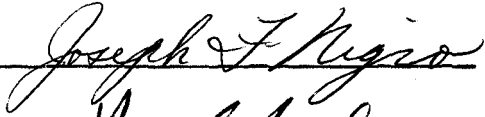
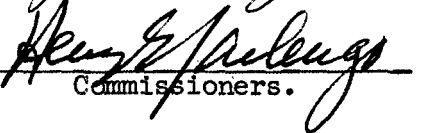


"Consumers Gas and Supply Company, Olathe,  
Colorado,

"without the right to add any other custom-  
ers without permission first obtained from  
the Commission."

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 10th day of July, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE I. D. LOVELL AND R. H. DEHN, )  
DOING BUSINESS AS INTERSTATE )  
DETECTIVE BUREAU, DENVER, )  
COLORADO. )  
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CASE NO. 1585

-----  
July 10, 1961  
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S T A T E M E N T

BY THE COMMISSION:

On June 15, 1961, Decision No. 56646, in Application No. 18542-PP, the Commission authorized I. D. Lovell and R. H. Dehn, doing business as Interstate Detective Bureau, 2874 Colorado Boulevard, Denver, Colorado, to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, intrastate and interstate, of automobiles and trucks repossessed by banks, finance companies, individuals, with or without court order, and delivered, between points within a radius of fifteen miles of Colfax and Broadway in Denver, Colorado, and from and to points within said radius to and from points within the State of Colorado; and between all points in Colorado and the Colorado state boundary lines where all highways cross the same in interstate commerce, interstate operating rights being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Among other requirements contained in the Commission's Order, were the filing of a list of customers and the necessary tariffs.

On July 5, 1961, I. D. Lovell and R. H. Dehn, d/b/a Interstate Detective Bureau, filed an application with the Commission requesting authority to waive the requirements of Rules No. 18, 19, 20 and 22 of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle.

Rule 18 covers contracts and customer lists.  
Rule 19 covers rates and charges.  
Rule 20 covers tariffs to be filed.  
Rule 22 covers bills of lading.

In support of its request the petition sets forth the following justification:

"This carrier is in the business of repossessing property, properly described as personal chattels for persons who are the holders of an equitable mortgage. This is a special service insofar as the recovery of the goods is concerned.

"With respect to the charges: One price is paid for the recovery and the return of the goods to the mortgagor. When applicants are requested to repossess an automobile it is not known to them if it will be for resale, or if the mortgagor will reclaim it by bringing his account into good standing with the vendor. In many cases numerous trips must be made by the carrier before he can reclaim the goods. In this case he would only receive a particular amount for the service. Due to the type and nature of the repossession business it is impossible for the carrier to file a customer list, tariffs, and keep bills of lading."

In granting the private carrier permit the order of the Commission states in part:

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

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

The Commission has granted similar private carrier permits to Wm. G. Bowser, d/b/a Denver Repossession Bureau, Denver, Colorado, and Lorenzo Chase, Denver, Colorado, and in its Decision No. 56221, Case No. 1585, it has relieved these carriers from the requirements of Rules No. 19, 20 and 22.

The circumstances and conditions surrounding this permit are, from an operating standpoint, the same as the Bowser and Chase permits and similar treatment should be accorded this permit as the other permits.

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

##### THE COMMISSION FINDS, That:

1. I. D. Lovell and R. H. Dehn, doing business as "Interstate Detective Bureau, Denver, Colorado, a private carrier by motor vehicle, should be relieved from the requirements of Rule 19 (Observance of the prescribed rates and charges), Rule 20 (Filing of a tariff), and Rule 22 (Bills of lading), of the Rules and Regulations Governing Private Carriers by Motor Vehicle.
2. The requirements of Rule 18 (Contracts and Customers Lists) should be observed.


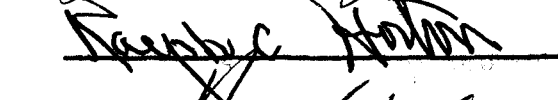
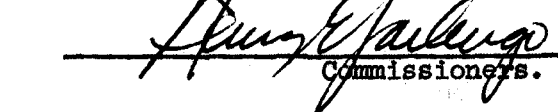
3. Such exemption should be without prejudice to a different conclusion at some subsequent time if a complaint is filed relative to a competitive situation which may arise between the service of the said private carrier and that of motor vehicle common carriers.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The prescribed rules, viz.: Rule 19 (Observance of the prescribed rates and charges), Rule 20 (Filing of tariffs), and Rule 22 (Bills of lading), governing private carriers by motor vehicle shall not apply to the operation of I. D. Lovell and R. H. Dehn, doing business as Interstate Detective Bureau, Denver, Colorado.
4. This action is without prejudice to a different conclusion at some subsequent time if a complaint is filed relative to a competitive situation which may arise between the service of the said private carrier and that of motor vehicle common carriers.
5. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force until the further order of the Commission.
6. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of July, 1961.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN G. ALVARADO, DOING BUSINESS AS, )  
"JOHNNY'S MOBIL BRAKE SERVICE", 1314 )  
KALAMATH STREET, DENVER 4, COLORADO. )  
----- )

PERMIT NO. M-141

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from John G. Alvarado,  
doing business as, "Johnny's Mobil Brake Service", Denver 4, Colorado  
requesting that Permit No. M-141 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-141, heretofore issued to John G. Alvarado, doing  
business as, "Johnny's Mobil Brake Service", Denver 4, Colorado be,  
and the same is hereby, declared cancelled effective February 27, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MIDWEST SKELGAS COMPANY (A CORPORATION),  
LUSK, WYOMING.

PERMIT NO. M-13718

July 13, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Midwest Skelgas Company,  
(A Corporation), Lusk, Wyoming

requesting that Permit No. M-13718 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13718, heretofore issued to Midwest Skelgas Company,  
(A Corporation), Lusk, Wyoming be,

and the same is hereby, declared cancelled effective June 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Horton*  
*Henry E. Zaulinger*  
Commissioners

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PETER PHILLIP HOPPAL, JR., DOING )  
BUSINESS AS, "SQUIRT AND DUFFIES )  
DISTRIBUTION", 341 DELAWARE STREET, )  
STERLING, COLORADO. )  
-----

PERMIT NO. M-12595

-----  
July 13, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Peter Phillip Hoppal, Jr.,  
doing business as, "Squirt and Duffies Distribution", Sterling, Colorado  
requesting that Permit No. M-12595 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12595, heretofore issued to Peter Phillip Hoppal, Jr.,  
doing business as, "Squirt and Duffies Distribution", Sterling, Colorado be,  
and the same is hereby, declared cancelled effective May 30, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED W. MARTINEZ, 2800 EAST 15TH )  
STREET, PUEBLO, COLORADO. )  
----- )

PUC NO. 3937

-----  
July 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 certificate-holder requesting that his PUC No. 3937 be suspended for six months from May 22, 1961.

F I N D I N G STHE COMMISSION FINDS:

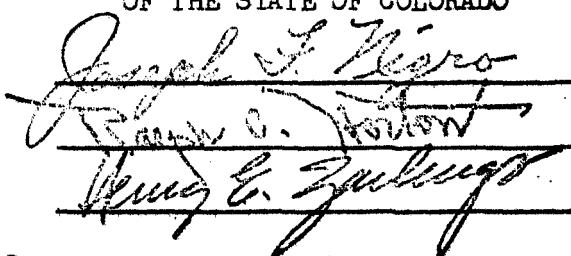
That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Fred W. Martinez, Pueblo, Colorado

\_\_\_\_\_ be, and is hereby, authorized to suspend operations under PUC No. 3937 until November 22, 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

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK A. CRAIG, 204 EAST 1ST STREET, )  
SALIDA, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-14655

-----  
July 13, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank A. Craig,  
Salida, Colorado  
requesting that Permit No. M-14655 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14655, heretofore issued to Frank A. Craig,  
Salida, Colorado be,  
and the same is hereby, declared cancelled effective July 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 13th day of July, 195 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FELIX OLGUIN, 1482 WEST MAPLE, DENVER )  
23, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10587

-----  
July 20, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Felix Olguin, Denver  
23, Colorado  
requesting that Permit No. M-10587 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10587, heretofore issued to Felix Olguin, Denver  
23, Colorado be,  
and the same is hereby, declared cancelled effective June 8, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Garth C. Horton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 20th day of July, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
FELIX OLGUIN, 1482 WEST MAPLE,  
DENVER 23, COLORADO.

PUC NO. 4072

July 20, 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. 4072 be suspended for six months from June 8, 1961.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

O R D E R.

**THE COMMISSION ORDERS:**

That Felix Olguin, Denver 23, Colorado

\_\_\_\_\_ be, and is hereby, authorized to suspend operations under PUC No. 4072 until December 8, 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  
Ramon C. Horton  
Henry E. Zerkow

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

**Inc**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR URBACH, 1865 ZUNI, DENVER )  
23, COLORADO. )

PERMIT NO. M-8152

July 20, 1961

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur Urbach,  
Denver 23, Colorado  
requesting that Permit No. M-8152 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-8152, heretofore issued to Arthur Urbach,  
Denver 23, Colorado be,  
and the same is hereby, declared cancelled effective June 22, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
 Ralph C. Horton  
 Hugo C. Zullinger  
 Commissioners

Dated at Denver, Colorado,

this 20th day of July, 1976.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PLATEAU CREAMERY ASSOCIATION, )  
(A CORPORATION), COLLBRAN, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-14666

-----  
July 20, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Plateau Creamery  
Association, (A Corporation), Collbran, Colorado  
requesting that Permit No. M-14666 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14666, heretofore issued to Plateau Creamery  
Association, (A Corporation), Collbran, Colorado be,  
and the same is hereby, declared cancelled effective June 8, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry C. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 20th day of July, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLEN TURNER, DOING BUSINESS AS, )  
"TURNER ELECTRIC", 2935 SOUTH MARION )  
STREET, ENGLEWOOD, COLORADO. )  
----- )

PERMIT NO. M-1573

-----  
July 20, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen Turner, doing  
business as, "Turner Electric", Englewood, Colorado  
requesting that Permit No. M-1573 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1573, heretofore issued to Glen Turner, doing  
business as, "Turner Electric", Englewood, Colorado be,  
and the same is hereby, declared cancelled effective April 30, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Tolson  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 20th day of July, 1961.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
STANTON TRANSPORTATION COMPANY, A )  
CORPORATION, CRAIG, COLORADO, FOR )  
AUTHORITY TO TRANSFER PERMIT NO. ) APPLICATION NO. 18156-PP-Transfer  
B-225 TO KERR TRUCK COMPANY, CAMEO, ) SUPPLEMENTAL ORDER  
COLORADO. )  
-----)

-----  
July 10, 1961  
-----

Appearances: Norman Hotchkiss, Esq.,  
Grand Junction, Colorado,  
for Transferee;  
Jones, Meiklejohn and Kilroy,  
Esqs., Denver, Colorado, by  
Edward T. Lyons, Esq., Denver,  
Colorado, for Transferor;  
Elizabeth A. Conour, Esq.,  
Del Norte, Colorado, for  
Private Carriers' Conference  
of The Colorado Motor Car-  
riers' Association;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Colorado Transfer  
and Warehousemen's Association,  
Weicker Transfer and Storage  
Company;  
John P. Thompson, Esq., Denver,  
Colorado, for Intrastate Line  
Haul Common Carriers' Division  
of The Motor Truck Common  
Carriers' Association, W. R.  
Hall Transportation and  
Storage Company;  
E. B. Evans, Esq., Denver, Colo-  
rado, for Beavers Brothers,  
Harry Harp, Valley Transfer;  
Orville Dunlap, Montrose, Colo-  
rado, for Orville Dunlap  
and Son.

S T A T E M E N T

By the Commission:

On November 25, 1960, the Commission entered its Decision  
No. 55501 in the above-styled application.

On December 15, 1960, "Petition for Rehearing" was filed  
with the Commission in said matter, by Kerr Truck Company, by  
Norman B. Hotchkiss, Attorney, as well as "Petition for Rehearing"  
by Stanton Transportation Company, by Jones, Meiklejohn and Kilroy, Esqs.

On December 15, 1960, the Commission entered its Decision No. 55578 in said matter, staying said Decision No. 55501,

"until further Order of the Commission, and until oral argument may be had before the Commission by interested parties on those matters alleged in said Petitions for Rehearing, said oral argument to be at a time and place to be set by the Commission."

Oral argument was had on said Petitions for Rehearing on January 5, 1961, pursuant to appropriate notice to all parties in interest, and the matter was taken under advisement.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered Petitions for Rehearing filed herein, and oral arguments had thereon.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Petitions for Rehearing filed herein should be denied.

That inasmuch as Decision No. 55501 was stayed and suspended by Decision No. 55578, of date December 15, 1960, said Decision No. 55501 should now be declared to be in full force and effect.

### O R D E R


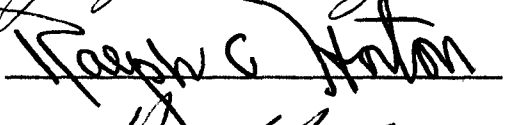

#### THE COMMISSION ORDERS:

That Petitions for Rehearing filed herein on December 15, 1960, by Kerr Truck Company, by Norman B. Hotchkiss, Esq.;, and by Stanton Transportation Company, by Jones, Meiklejohn and Kilroy, Esqs., be, and the same hereby are, denied.

That Decision No. 55501, of date November 25, 1960, be, and the same hereby is, declared to be in full force and effect.

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 July, 1961.



original

(Decision No. 56820)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO UTE ELECTRIC ASSOCIATION, )  
INC., 28 NORTH CASCADE, MONTROSE, )  
COLORADO, FOR AN ORDER AUTHORIZING )  
IT TO EXECUTE A NOTE SECURED BY A )  
MORTGAGE OBLIGATION WITH THE UNITED )  
STATES OF AMERICA, AS OF MAY 1, 1961.)  
-----

APPLICATION NO. 18567  
SECURITIES

-----  
July 11, 1961  
-----

Appearances: Moses and DeSouchet, Esqs.,  
Alamosa, Colorado, by  
William O. DeSouchet, Jr.,  
and  
John A. Hughes, Esq., Mont-  
rose, Colorado, for Appli-  
cant;  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Colorado Ute Electric Association, Inc., later referred to as Colorado Ute, is a non-profit Colorado corporation incorporated under Chapter 41, Article 16, Colorado Statutes Annotated 1935, for the purpose of generating, transmitting and distributing electric energy to its members only and to do such other things as provided for by the Articles of Incorporation filed with the Secretary of State of the State of Colorado.

The Colorado Ute Electric Association, Inc., is considered to be a public utility and subject to the regulation and authority of this Commission under the provisions of Section 115-1-3, CRS 1953, as amended by House Bill 245, 43rd General Assembly.

Applicant is a cooperative composed of rural electric co-operatives and serves only such cooperatives and is financed by loans from the United States of America.

On June 13, 1961, Colorado Ute filed with the Commission the above entitled application for authority and approval of a mortgage note for \$212,000.00, identified as Colorado 46 E Ute by Colorado Ute Electric Association, Inc., to United States of America, dated May 1, 1961. In addition to this note for \$212,000, Exhibit No. 2, Applicant seeks the Commission's approval and ratification of all the borrowings from the United States Government evidenced by the original loan agreement, mortgage notes, mortgages, supplemental mortgages and amendments thereto, pertaining to REA Projects Colorado 46 A Ute, Colorado 46 B Ute, Colorado 46 C Ute, and Colorado 46 D Ute, executed since the enactment of the Securities Section of the Public Utilities Act, Chapter 115-1-4, Colorado Revised Statutes 1953, effective March 22, 1947. These loan agreements, mortgages and supplemental mortgages pertaining to REA Project Colorado 46 E Ute are listed as follows:

#### NOTES

<u>DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>FINAL PAYMENT DATE</u>
June 1, 1955	\$1,000,000.00	June 1, 1990
June 1, 1957	1,000,000.00	June 1, 1992
September 3, 1957	5,000,000.00	September 3, 1992
June 20, 1958	2,000,000.00	June 20, 1993
January 10, 1959	1,155,000.00	January 10, 1994
April 1, 1959	1,000,000.00	April 1, 1994
June 1, 1959	1,000,000.00	June 1, 1994
June 5, 1959	1,230,000.00	June 5, 1994
November 1, 1960	2,920,000.00	November 1, 1995

#### MORTGAGES

June 1, 1955	Original Mortgage
June 3, 1957	Supplemental Mortgage
January 12, 1959	Supplemental Mortgage
June 8, 1959	Supplemental Mortgage

#### LOAN CONTRACTS

May 24, 1955	Original Loan Contract
September 12, 1957	Amendment to Loan Contract
September 22, 1958	Amendment to Loan Contract
August 11, 1960	Amendment to Loan Contract

This matter was set for hearing after due notice to all interested parties on Friday, July 7, 1961, at 9:00 A. M., at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and at the conclusion of the hearing at said time and place, the matter was taken under advisement.

Applicant's witness, Mr. Gordon Robertson, Assistant Manager of Colorado Ute, identified the Articles of Incorporation with all amendments to date certified to by the Secretary of the State of Colorado which were received in evidence. Mr. Robertson testified that the borrowing of \$212,000 as evidenced by a mortgage note dated May 1, 1961, for \$212,000 is for the construction of a headquarters building near Montrose, Colorado. The present headquarters building is now located in rental facilities which are grossly inadequate and impair the efficient operation of Colorado Ute Electric Association, Inc. He stated also that the lease on such present facilities is about to expire and will not be renewed. He said that Colorado Ute will have 14 employees working in and out of this office at Montrose and that the proposed building is of only sufficient size to accommodate the needs of Colorado Ute now and in the foreseeable future.

He stated also that later the electric load dispatching office may be located in this building. This building of approximately 10,000 square feet of floor space, is to be constructed so as to fit in with the residential character of the neighborhood where it will be situated and be fully air conditioned. Construction costs are estimated to be 10% higher than those in Denver for the same type of building.

Mr. Robertson also identified Exhibits No. 3, No. 4, No. 5, No. 6, No. 7, and No. 8, which are all documents having to do with borrowing from the United States Government for the construction of the generating station at Nucla, Colorado, and various transmission

lines, all prior to the passage of House Bill No. 245. These Exhibits are as follows:

EXHIBIT NO. 3:

Colorado 46 A Ute:

Mortgage Note to United States of America dated as of June 1, 1955

Mortgage Note to United States of America dated as of June 1, 1957

Mortgage Note to United States of America dated as of September 3, 1957

Mortgage Note to United States of America dated as of June 20, 1958

Mortgage Note to United States of America dated as of January 10, 1959

Colorado 46 B Ute:

Mortgage Note to United States of America dated as of April 1, 1959

Mortgage Note to United States of America dated as of June 1, 1959

Colorado 46 C Ute:

Mortgage Note to United States of America dated as of June 5, 1959

Colorado 46 D Ute:

Mortgage Note to United States of America dated as of November 1, 1960

EXHIBIT NO. 4:

Mortgages:

Mortgage to United States of America dated as of June 1, 1955

Supplemental Mortgage to United States of America dated as of June 3, 1957

Supplemental Mortgage to United States of America dated as of January 12, 1959

Supplemental Mortgage to United States of America dated as of June 8, 1959

EXHIBIT NO. 5:

Colorado 46 A Ute:

Original Loan Contract with United States of  
America dated as of May 24, 1955

EXHIBIT NO. 6:

Colorado 46 B Ute:

Amendment to Loan Contract with United States  
Government dated as of September 12, 1957

EXHIBIT NO. 7:

Colorado 46 C Ute:

Amendment to Loan Contract with United States  
Government dated September 22, 1958

EXHIBIT NO. 8:

Colorado 46 D Ute:

Amendment to Loan Contract with United States  
Government dated as of August 11, 1960

As evidence of Colorado Ute's financial status, Mr. Charles H. Kimble, Office Manager, Colorado Ute, presented Colorado Ute's Balance Sheet as of December 31, 1960, Exhibit No. 9, and its Operating Statement for the 12-months period ending December 31, 1960, Exhibit No. 10. He stated that Colorado Ute is current in all its payments of interest and its repayments of debt. He stated also that the current operating deficit is a temporary matter and with sufficient increase in sales of electricity to members, the Company will not then be operating at a deficit. Upon cross examination, Mr. Kimble stated that the land upon which the new headquarters building will be situated comprises approximately  $2\frac{1}{2}$  acres and cost \$10,000.00. He testified also that the administrative and general expenses of approximately \$31,000 included the unusual and non-recurring expense of dedication of the Nucla generating station.

No one filed protests of intervention prior to the hearing and no one appeared at the hearing in opposition to the Commission's approval of Colorado Ute's financing as set forth in the above Statement.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Colorado Ute Electric Association, Inc., a Colorado corporation, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, as Amended by House Bill No. 245, 43rd General Assembly.

That the Commission has jurisdiction of Applicant and the subject matter of the Application herein.

That the Commission is fully advised in the premises.

That the above and foregoing Statement be incorporated as part of these Findings.

That the issuance of the mortgage note to the United States of America for \$212,000, dated May 1, 1961, Exhibit No. 2, is not inconsistent with the public interest or with provisions of the law governing such transactions and should be authorized and approved.

That the issuance of debt securities prior to the effective date of House Bill No. 245, April 23, 1961, as evidenced by the executed loan agreements, mortgage notes, mortgages and supplemental mortgages listed in the above Statement should be ratified and approved.

That within 120 days of the final execution of the mortgage note for \$212,000 to the United States of America, dated May 1, 1961, authorized herein, Applicant should file with the Commission one conformed executed copy.

## O R D E R

### THE COMMISSION ORDERS:

That the issuance of the mortgage note for \$212,000, dated May 1, 1961, by Colorado Ute Association, Inc., to United States of America, Exhibit No. 2, be, and the same is, authorized and approved.

That the issuance of debt securities by the Colorado Ute Electric Association, Inc., prior to April 23, 1961, and since the

effective date, March 22, 1947, of Chapter 115-1-4, Colorado Revised Statutes, 1953, as evidenced by the specific instruments listed below, be, and the same hereby are, ratified and approved.

EXHIBIT NO. 3:

Colorado 46 A Ute:

Mortgage Note to United States of America dated as of June 1, 1955

Mortgage Note to United States of America dated as of June 1, 1957

Mortgage Note to United States of America dated as of September 3, 1957

Mortgage Note to United States of America dated as of June 20, 1958

Mortgage Note to United States of America dated as of January 10, 1959

Colorado 46 B Ute:

Mortgage Note to United States of America dated as of April 1, 1959

Mortgage Note to United States of America dated as of June 1, 1959

Colorado 46 C Ute:

Mortgage Note to United States of America dated as of June 5, 1959

Colorado 46 D Ute:

Mortgage Note to United States of America dated as of November 1, 1960

EXHIBIT NO. 2:

Mortgage to United States of America dated as of June 1, 1955

Supplemental Mortgage to United States of America dated as of June 3, 1957

Supplemental Mortgage to United States of America dated as of January 12, 1959

Supplemental Mortgage to United States of America dated as of June 8, 1959

That nothing herein contained shall be construed to imply any recommendations or guaranty of, or any obligation with respect

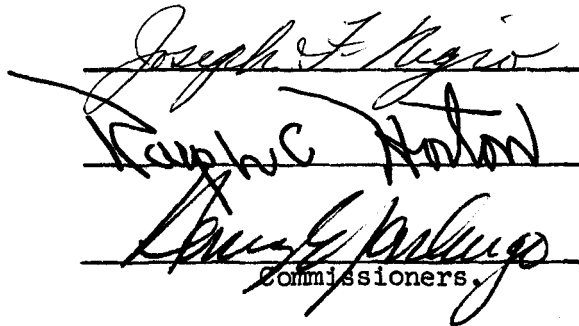
to, said securities on the part of the State of Colorado.

That within 120 days of the final execution of the mortgage note for \$212,000 to the United States of America, dated May 1, 1961, authorized herein, or the date of this Order, Applicant shall file with the Commission one conformed executed copy.

That the Commission retains jurisdiction of this proceeding 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 authorized from and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of July, 1961.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE AIRPLANE OPERATIONS OF )	
MAUVERDENE J. ROBINSON, 1000 )	APPLICATION NO. 10550-Transfer
SANTA FE, SPRINGFIELD, COLO- )	<u>SUPPLEMENTAL ORDER</u>
RADO. )	
----- )	

-----  
July 11, 1961  
-----

S T A T E M E N T

By the Commission:

On April 13, 1950, the Commission entered its Decision No. 34572 in the above-styled matter, authorizing Springfield Flying Service, Inc., Springfield, Colorado, to transfer to Mauverdene J. Robinson, Springfield, Colorado, the certificate of public convenience and necessity, authorizing operation as a non-scheduled common carrier, by airplane, in intrastate and interstate commerce, for the transportation of:

passengers and their baggage, and express, between points within a radius of fifty miles of Springfield, Colorado, and from and to points in said area, to and from points in the State of Colorado, with the right to furnish occasional service between all points in the State of Colorado.

On June 27, 1961, inquiry was made by the Commission of said certificate-holder as to whether or not said operation had been abandoned.

On July 3, 1961, Mauverdene J. Robinson advised the Commission that said operation had been abandoned, and requested cancellation of said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

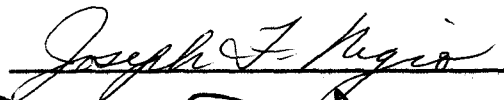
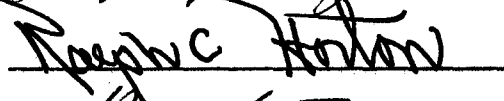
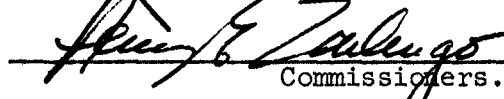
O R D E R

THE COMMISSION ORDERS:

That operating rights granted by Decision No. 28060, of date April 11, 1947, to Springfield Flying Service, Inc., Springfield, Colorado, and transferred to Mauverdene J. Robinson, Springfield, Colorado, pursuant to authority contained in Decision No. 34572, of date April 13, 1950, be, and the same hereby are, cancelled and revoked.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at D enver, Colorado,  
this 11th day of July, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WRIMACCO )  
1463 York St. )  
Denver 6, Colorado )

AUTHORITY NO. M 3087

CASE NO. 2306 Ins.

-----  
July 13, 1961  
-----

S T A T E M E N T

By the Commission:

On October 24, 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

(S E A L)

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary

*Joseph L. Nigro*  
*Ralph C. Anton*  
*Henry E. Zuluaga*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of July, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 143, OF THE COLORADO MOTOR  
CARRIERS' ASSOCIATION, AS AGENT, FOR AND ON  
BEHALF OF BOULDER-DENVER TRUCK LINE, INC.,  
CENTENNIAL TRUCK LINES, INC., DENVER-LIMON-  
BURLINGTON TRANSFER COMPANY, FLOYD A. HENRIKSON,  
DOING BUSINESS AS DENVER-LOVELAND TRANSPORTATION,  
MCKIE TRANSFER COMPANY, NORTH EASTERN MOTOR FREIGHT,  
INC., OVERLAND MOTOR EXPRESS, INC., RICHARD H. AND  
LOIS MAE ESHE, DOING BUSINESS AS SOUTH PARK MOTOR  
LINES, WESTWAY MOTOR FREIGHT, INC., AND JOHN B.  
WINDECKER, DOING BUSINESS AS WINDECKER TRUCK LINES  
TO (1) DISCONTINUE ALL PROCEEDINGS UNDER INVESTIGATION  
AND SUSPENSION DOCKET NO. 427, AND AUTHORIZE YOUR  
PETITIONER TO CANCEL THE SUSPENDED MINIMUM CHARGES;  
(2) ISSUE AN ORDER MAKING PERMANENT THE 50 CENTS PER  
SHIPMENT SURCHARGE NOW EFFECTIVE FOR ACCOUNT OF THE  
ABOVE-NAMED CARRIERS. ALSO OTHER MATTERS MORE  
SPECIFICALLY SET FORTH IN THE STATEMENT.

CASE NO. 1585

INVESTIGATION AND

SUSPENSION DOCKETS

NOS. 427 AND 439

-----  
July 13, 1961  
-----

Appearances: R. B. Danks, Esq., c/o Hughes & Dorsey,  
First National Bank Building, Denver,  
Colorado, for Centennial Truck Lines,  
Inc;

John P. Thompson, Esq., and James G.  
Johnson, Esq., 220 Denver Club Building,  
Denver 2, Colorado, for Boulder-Denver  
Truck Line, Inc., (Merged with Overland  
Motor Express, Inc.); Centennial Truck  
Lines now Red Ball Motor Freight; Denver-  
Limon-Burlington Transfer; Floyd A. Henrikson,  
DBA Denver-Loveland Transportation; McKie  
Transportation Co.; North Eastern Motor  
Freight, Inc.; Overland Motor Express, Inc.  
(see Boulder-Denver Truck Line, Inc.); Richard  
H. and Lois Mae Eshe, DBA South Park Motor  
Lines; Westway Motor Freight, Inc.; John B.  
Windecker, DBA Windecker Truck Line; Denver-  
Laramie-Walden Truck Line and Bethke Truck Lines;

Robert C. Peterson for Denver-Limon-Burlington  
Transfer Co., 1420 - 18th Street, Denver,  
Colorado;

Bennie Goldstein for Goldstein Transportation  
and Storage, Denver, Colorado;

Ivan Miller for Miller Bros. Truck Lines,  
619 - 6th Avenue, Greeley, Colorado;

Mrs. Russell Robinson for K & K Transfer,  
Springfield, Colorado;

Earl F. Baker, Morey Merc. Div. of Consolidated  
Foods Corp., 16th & Wazee Streets, Denver,  
Colorado;

Wm. E. Carraway, Chamber of Commerce,  
Colorado Springs, Colorado;

Clyde K. Amidon for Davis Bros., Inc.,  
501 West 44th Avenue, Denver, Colorado;

Vernon D. Gabe for Denver Chamber of  
Commerce, 1301 Welton, Denver, Colorado;

Charles L. Thomson for Pueblo Chamber of  
Commerce, and the Pueblo Manufactures  
and Distributors Association, 211 West  
Fifth Street, Pueblo, Colorado;

John H. Anderson for Empire Traffic Service,  
632 Denham Building, Denver 2, Colorado;

Edwin R. Lundborg, Esq., A. J. Tait, T. S.  
Wood, and S. J. Philippon for the staff  
of the Commission, State Services Building,  
Denver, Colorado.

#### S T A T E M E N T

##### BY THE COMMISSION:

The proceeding with which we are here concerned relates to the lawfulness of a proposed minimum charge of \$2.75 and a proposed surcharge of 50 cents on each bill of lading covering shipments weighing 2,000 pounds or less.

The minimum charge of \$2.75 per shipment was filed to become effective on August 28, 1959, for application via or in conjunction with Boulder-Denver Truck Line, Inc., Centennial Truck Lines, Inc., Denver-Limon-Burlington Transfer Co., Floyd A. Henrikson, DBA Denver-Loveland Transportation, McKie Transfer Co., North Eastern Motor Freight, Inc., Overland Motor Express, Inc., Richard H. and Lois May Eshe, DBA South Park Motor Lines, Westway Motor Freight, Inc., and John B. Windecker, DBA Windecker Truck Line, hereinafter referred to as respondents, when the shipment originates at, is destined to, or is interlined at Denver, Colorado, and points within five miles of Denver City Limits, Colorado Springs, Colorado, or Pueblo, Colorado. The proposed minimum charge is not to apply when five or more shipments are tendered the carrier at one time nor to shipments tendered at carrier's dock for delivery to points other than Colorado Springs, Pueblo, or within five miles of Denver, including Denver, Colorado. Bethke Truck Lines and Red Ball Motor Freight, Inc., were given temporary authority on February 21, 1961, to operate designated parts of Centennial Truck Lines, Inc., authority, Colorado P.U.C. No. 8, following bankruptcy of Centennial Truck Lines, Inc. Further reference to Centennial Truck Lines, Inc., herein will include the aforementioned carriers.

The proposed minimum charge was suspended, upon the protests of interested shippers, to December 25, 1959, I and S Docket No. 427, Decision No. 52972, dated August 27, 1959. It was further suspended to June 25, 1960, Decision No. 53546, dated December 22, 1959. Respondents on June 3, 1960, by tariff publication, postponed the effective date of the proposed minimum charge indefinitely. A hearing for the account of Centennial Truck Lines, only, was held on this matter in Denver, Colorado, on October 20, 1959.

By Application No. 135, filed December 2, 1959, by the Colorado Motor Carriers' Association, for and on behalf of the respondents in I and S Docket No. 427, hereinafter referred to as applicants, a request for authority to assess an emergency surcharge of 50 cents on each bill of lading covering shipments weighing 2,000 pounds or less transported locally on the lines of applicants or jointly with other carriers. This Commission expressed the view that the proposed surcharge should be authorized as an emergency only and as a temporary increase subject to its final order. The surcharge was ordered to become effective December 23, 1959, Decision No. 53490 dated December 3, 1959, for the account of the applicants locally and jointly as requested. A hearing was held on the surcharge at Denver, Colorado, on March 1, 1960.

Through Application No. 143 filed May 20, 1960, by the Colorado Motor Carriers' Association, as Agent, for and on behalf of applicants, the proposal was made to (1) Discontinue all proceedings under Investigation and Suspension Docket No. 427 and authorize cancellation of the suspended minimum charges; (2) Issue an order making permanent the 50¢ per shipment surcharge.

By schedules filed to become effective August 29, 1960, Denver-Laramie-Walden Truck Line, Inc., Thomas D. Lane, dba Thomas D. Lane Truck Lines and Ivan Miller and Dwight Miller, dba Miller Bros. Truck Line, hereinafter called respondents, proposed an emergency surcharge of 50 cents on each bill of lading covering shipments weighing 2,000 pounds or less transported locally or jointly. The proposed surcharge was suspended, on the Commission's own motion, on August 26, 1960, to December 28, 1960, I and S Docket No. 439, Decision No. 55001. The surcharge was further suspended to June 28, 1961, Decision No. 55600 dated December 21, 1960. By Decision No. 56716 of June 23, 1961, orders in decisions

numbered 55001 and 55600 suspending the operation of said schedules were vacated and set aside as of June 28, 1961, with the investigation of the proposed surcharge continuing.

The emergency surcharge of 50 cents became applicable for K & K Transfer, Springfield, Colorado, hereinafter called respondent, on July 16, 1960, Decision No. 54678, dated July 13, 1960.

The Colorado Motor Carriers' Association, as Agent, by its Application No. 150, filed September 22, 1960, for an on behalf of Evergreen Freight Lines, hereinafter referred to as applicant, requested authority to assess the 50 cent surcharge as heretofore outlined.

The aforementioned investigation and suspension dockets and applications were set for initial or further hearing, as the case may be, on May 9, 1961, at the Commission's hearing room in Denver, Colorado, and on May 11, 1961, at the City Council Chambers, City Hall, Pueblo, Colorado. Three and one-half days of hearings were held in Denver and one day in Pueblo. Twenty-two exhibits were offered and accepted in evidence. Twenty-seven witnesses in all gave testimony in these matters. There were seven shipper witnesses, all from Pueblo, seventeen carrier and three Commission staff witnesses. Representatives from the Denver Chamber of Commerce and a Denver shipper entered appearances but offered no testimony. These matters were taken under advisement at the conclusion of the hearing at Denver on May 18, 1961.

Most of the applicants and/or respondents offered evidence and testimony pertaining to the total number of shipments handled during the year 1960, in interstate and intrastate commerce, without regard to weight, the number of shipments weighing 2,000 pounds or less, and those weighing over 2,000 pounds. No breakdown was provided by weight or revenue. Late filed exhibits, received June 19, 1961, prepared in response to the Commission's suggestion, were submitted by twelve applicants<sup>1</sup> and/or respondents,<sup>1</sup> which disclose the following:

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<sup>1</sup>Bethke, Boulder-Denver, Denver-Laramie-Walden, Denver-Limon-Burlington, Denver-Loveland, McKie Transfer, Miller Bros., North Eastern, Red Ball, South Park, Westway and Windecker.

# COLORADO INTRASTATE TRAFFIC<sup>1</sup>

<u>Number of Shipments</u>	<u>Weight Bracket Pounds Per Shipment</u>	<u>Per Cent of Total Number of Shipments</u>
2071	0 - 100	37.74
1300	101 - 200	23.69
641	201 - 300	11.68
404	301 - 400	7.36
308	401 - 500	5.61
195	501 - 600	3.55
124	601 - 700	2.26
80	701 - 800	1.45
84	801 - 900	1.53
<u>280</u>	<u>901 - 2000</u>	<u>5.10</u>
Totals 5487	0 - 2000	99.97

The applicants and/or respondents also conduct interstate operations in addition to Colorado intrastate operations. The volume of interstate traffic, either by weight or revenue, for the year 1960 is not of record. The only weight and revenue figures are those for both inter and intrastate traffic combined. McKie Transfer Co., a respondent and/or applicant, made an analysis of its traffic for the month of June, 1960, which shows 960 shipments, weight 438,049 pounds, revenue \$2,947.95, moved in intrastate commerce and 816 shipments, weight 256,450 pounds, revenue \$1,995.31, moved in interstate commerce. On the basis of the number of shipments, 54 per cent were intrastate and 46 per cent were interstate. Based on revenue, the percentage of intrastate traffic is 59.6 per cent while the interstate is 40.4 per cent. Weight wise the intrastate traffic is 63 per cent with the interstate percentage being 37 per cent.

There follows a recapitulation of the total number of shipments transported, without regard to weight, broken down between inter and intrastate commerce during the year 1960 by the named respondents:

<u>Respondent</u>	<u>Total Number of Shipments</u>	<u>Shipments in Inter-state Commerce</u>	<u>Shipments in Intra-state Commerce</u>	<u>Per Cent of Total Shipments</u>	
				<u>Interstate</u>	<u>Intrastate</u>
Boulder-Denver	72,024	34,002	38,022	47.2	52.8
Denver-Limon-Burlington	42,750	12,850	29,900	30.06	69.94
Denver-Loveland	28,653 <sup>2</sup>	11,344	17,309	39.6	60.4
K & K Transfer	9,441	1,707	7,734	18.08	81.9
Miller Bros.	7,784	3,071	4,713	39.45	60.55
McKie Transfer	21,657	11,281	10,376	52.1	47.9
North Eastern	87,646	36,122	51,524	41.3	58.7
Westway	26,344 <sup>3</sup>	19,777	6,567	75	25
Windecker	<u>2,124</u>	<u>371</u>	<u>1,753</u>	<u>17.5</u>	<u>82.5</u>
Totals	298,423	130,525	167,898	43.7	56.3

<sup>1</sup>Period generally April 17 through April 21, 1961. Three carriers reported for shorter or different periods.

<sup>2</sup>Exhibit No. 11 shows total of 27,691 shipments. Breakdown results in total of 28,653. This latter total used here.

<sup>3</sup>Exhibit No. 9 shows total of 25,795 shipments. Breakdown results in total of 26,344. This latter total used here.



The percentage of interstate traffic varies from a high of 75 per cent to a low of 17.5 per cent while the intrastate varies from a high of 82.5 per cent to a low of 25 per cent with the average of the interstate traffic, for the respondents named, being 43.7 per cent and the intrastate being 56.3 per cent. Thus a substantial percentage of the traffic of respondents, by shipments, moves in interstate commerce. The record is silent as to the weight or revenue of either the intrastate or interstate traffic for that period. Most of the respondents participate in joint interstate rates with divisions received therefrom resulting in rates which are lower<sup>1</sup> than their local intrastate rates, examples of which are as follows:

<u>Between</u>	<u>And</u>	<u>Class 100</u>	<u>Per Cent of Inter-<sup>2</sup> state Class 100 Joint Rate to Respondent</u>	<u>Rate to Respondent</u>	<u>Per Cent of Respondents Class 100 Rate</u>
Denver	Boulder	1.08			
Boulder	Chicago	4.71	15	.70	64.8
Denver	Ft. Collins	1.40			
Ft. Collins	Chicago	4.65	20	.93	66.4
Denver	Greeley	1.30			
Greeley	Chicago	4.59	18	.83	63.8
Denver	Longmont	1.14			
Longmont	Chicago	4.65	16	.74	64.9
Denver	Pueblo	1.85			
Pueblo	Chicago	4.71	24	1.13	61.0
Denver	Sterling	1.95			
Sterling	Chicago	4.65	25	1.16	59.4

Respondents who are participants in tariffs published by the Rocky Mountain Motor Tariff Bureau, Inc., Denver, Colorado, are to receive, effective June 17 and July 1, 1961, an additional 20 cents per cwt., subject to a minimum of 20 cents per shipment, in their divisions. Respondents position will be enhanced to an unknown degree by this increase in divisions on interstate traffic moving under said tariffs.

Many of the respondents transport, under contract, interstate traffic for the freight forwarding companies at rates which are 80 per cent of their local rates.

<sup>1</sup>A respondent or applicant testified there were cases where local truckload rates were less than interstate divisions received for a comparable haul.

<sup>2</sup>Based on first class rate prorate using 1942 factors, as increased.

No data were presented at the hearing to show the compensativeness of the divisions received from interstate traffic. Respondents urged that the divisions were compensatory, however. Without a showing of the cost of handling interstate traffic, we cannot accept mere self-serving testimony that revenue received from interstate traffic is compensatory and consequently that it does not cast a burden on intrastate commerce.

The freight revenues of the respondents and/or applicants for the year 1960 were \$14,883,264; the expenses were \$14,073,121; and the operating ratio 94.5 per cent. Immediately following is a table showing the revenues, expenses and operating ratios of said respondents and/or applicants.

	<u>Freight Revenue</u>	<u>Expenses</u>	<u>Operating Ratio Per Cent</u>
Bethke Truck Line <sup>1</sup>	169,169	147,938	87.4
Boulder-Denver Truck Line	280,440	274,040	97.72
Denver-Laramie-Walden	314,989	326,245	103.57
Denver-Limon-Burlington	179,160	178,879	99.84
Denver-Loveland Transfer	151,832	142,400	93.79
K & K Transfer	27,688	23,199	83.79
McKie Transfer	82,216	82,575	100.44
Miller Bros. Truck Line <sup>1</sup>	203,553 <sup>2</sup>	181,779 <sup>2</sup>	89.31 <sup>2</sup>
North Eastern Motor Freight	389,619	396,014	101.41
Red Ball Motor Freight	12,891,817	12,127,079	94.07
South Park Motor Line	33,824	31,132	92.04
Westway Motor Freight	144,342	150,903	104.55
Windecker Truck Line	<u>14,615</u>	<u>10,938</u>	<u>74.84</u>
Totals	14,883,264	14,073,121	94.5

The proof submitted by the respondents and/or applicants fails to make a case for either the minimum charge or the surcharge. However, a showing has been made for the need of additional revenue by most of the respondents and/or applicants. We are of the view that under Sections 115-3-1 and 115-6-11 of the Public Utilities Law, Chapter 115, Colorado Revised Statutes, 1953, we may determine just and reasonable bases of rates and charges in lieu of the 50 cent surcharge. Accordingly we shall order certain respondents and/or applicants, as named in paragraph 7 hereafter, to establish the following bases of rates and charges, in lieu of the surcharge:

1. A minimum charge per shipment of 100 pounds at the class 100 rate but not less than \$2.50 per shipment.

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<sup>1</sup>Common and private carrier revenue, expenses and operating ratio.

<sup>2</sup>Exhibit No. 18 shows common carrier revenue as \$39,965; expenses \$39,196 resulting in operating ratio of 98.1 per cent.

2. On shipments of 1,000 pounds or less, the point to point less-than-truckload class rates in effect May 9, 1961, be increased 10 cents per cwt.
3. On shipments of over 1,000 pounds but not over 2,000 pounds, the point to point less-than-truckload class rates in effect May 9, 1961, be increased 5 cents per cwt.
4. On shipments of over 2,000 pounds, the point to point less-than-truckload class rates in effect May 9, 1961, to continue in effect, unincreased.
5. Charges resulting from the application of the increased rates will be subject to Rule 15 of the Commission's Consolidated Order in Case 1585, dated March 15, 1943. (See Item 770 of Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff 12-A, Colorado P.U.C. No. 11.)
6. The increased minimum charge and the increased rates shall not be the prescribed minimum charge and the increased rates for application to shipments weighing 100 pounds or less, transported within plains territory, between Denver, Colorado, and points within a 100-mile radius lying north of a line running east and west through Denver, Colorado.
7. The increased minimum charge, the increased and unincreased rates as referred to in paragraphs 1 through 4 above, to have application locally and only over the lines of Overland Motor Express, Inc., D/B/A Boulder-Denver Truck Line; Denver-Laramie-Walden Truck Line, Inc.; Denver-Limon-Burlington Transfer Company; Floyd A. Henrikson, doing business as Denver-Loveland Transportation; Russell R. Robinson and Mauverdene Robinson, doing business as K & K Transfer Company; McKie Transfer Company; Ivan Miller and Dwight Miller, doing business as Miller Brothers Truck Line; North Eastern Motor Freight, Inc.; Richard H. & Lois Mae Eshe, doing business as South Park Motor Lines; Westway Motor Freight, Inc.; and John B. Windecker, doing business as Windecker Truck Line. No increase in joint rates or minimum charge is approved or to be ordered.
8. Tariff or tariffs to be amended to reflect the increased and unincreased point to point class rates as applicable hereunder, viz.: The tariff publisher will publish out specific class rates and not provide by tariff publication, for the construction of class rates as will be ordered here.
9. The record in this proceeding to be held open until February 1, 1962, unless otherwise ordered by the Commission, for the purpose of determining the increased revenue resulting from the application of the increased rates to the traffic of respondents and/or applicants named in paragraph 7 hereof. These respondents and/or applicants will furnish the Rate Department of the Commission, daily, copies of all freight bills issued and covering shipments weighing 2,000 pounds or less and moving in either interstate or intrastate commerce during the period August 1, 1961, to January 1, 1962.

Thomas D. Lane, dba Thomas D. Lane Truck Line offered no evidence in support of the surcharge under investigation. Evergreen Freight Line provided no justification for the approval of its Application No. 150, filed on its behalf by the Colorado Motor Carriers' Association.

The record, as made, does not convince us that either Frederic A. Bethke D/B/A Bethke Truck Lines or Red Ball Motor Freight, Inc., have justified the surcharge or the minimum charge or shown the need for increased revenue.

Our order, will of necessity, deny any and all increases sought by the four named respondents and/or applicants.

An order will be entered requiring the cancellation of the suspended schedules and prescribing the rates and minimum charge provided for herein.

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

##### THE COMMISSION FINDS, That:

1. The minimum charge of \$2.75 per shipment has not been shown to be just and reasonable or otherwise lawful.
2. The surcharge of 50 cents has not been shown to be just and reasonable or otherwise lawful.
3. Except as provided in finding No. 9 hereof, a minimum charge per shipment of 100 pounds at the class 100 rate but not less than \$2.50 per shipment will be just and reasonable and otherwise lawful.
4. On shipments of 1,000 pounds or less, the point to point less-than-truckload class rates, in effect May 9, 1961, increased 10 cents per cwt., will result in just, reasonable and otherwise lawful rates.
5. On shipments of over 1,000 pounds but not over 2,000 pounds, the point to point less-than-truckload class rates, in effect May 9, 1961, increased 5 cents per cwt., will result in just, reasonable and otherwise lawful rates.
6. On shipments of over 2,000 pounds, the point to point less-than-truckload class rates, in effect May 9, 1961, continued in effect unincreased, are just, reasonable and otherwise lawful.
7. Charges resulting from the application of the increased rates subject to Rule 15 of the Commission's Consolidated Order in Case 1585, dated March 15, 1943, will be just, reasonable, and otherwise lawful.
8. The increased minimum charge, the increased and unincreased rates as referred to in paragraphs 3 to 7, both inclusive above, having application locally and only over the lines of Overland Motor Express, Inc., D/B/A Boulder-Denver Truck Line; Denver-Laramie-Walden Truck Line, Inc.; Denver-Limon-Burlington Transfer Company; Floyd A. Henrikson, doing business as Denver-Loveland Transportation; Russell R. Robinson and Mauverdene Robinson, doing business as K & K Transfer Company; McKie Transfer Company; Ivan Miller and Dwight Miller, doing business as Miller Brothers Truck Line; North Eastern Motor Freight,

Inc.; Richard H. & Lois Mae Eshe, doing business as South Park Motor Lines; Westway Motor Freight, Inc.; and John B. Windecker, doing business as Windecker Truck Line will be just, reasonable and otherwise lawful.

9. The increased minimum charge and the increased rates shall not be considered as prescribed for application to shipments weighing 100 pounds or less, transported within plains territory, between Denver, Colorado, and points within a 100-mile radius lying north of a line running east and west through Denver, Colorado.

10. Tariffs should be amended to reflect the increased and unincreased point to point class rates as applicable hereunder, viz.: The tariff publishers will publish out specific class rates and not provide by tariff publication for the construction of class rates as ordered here.

11. The record in this proceeding should be held open until February 1, 1962, unless otherwise ordered by the Commission, for the purpose of determining the increased revenue resulting from the application of the increased rates to the traffic of respondents and/or applicants named in paragraph 8 hereof, and for the issuance of such order or orders, in the premises, as the Commission believes to be proper. These respondents and/or applicants will furnish the Rate Department of the Commission, daily, copies of all freight bills issued and covering shipments weighing 2,000 pounds or less and moving in either interstate or intrastate commerce during the period August 1, 1961, to January 1, 1962.

#### O R D E R

##### THE COMMISSION ORDERS, That:

1. The Statement and Findings be, and they are hereby made a part hereof.
2. The order shall become effective forthwith.
3. The minimum charge, rates and provisions set out in paragraphs 3 through 8, both inclusive, and 10 of our findings shall be the prescribed minimum charge, rates and provisions of the Commission.
4. Applications numbered 143 and 150 of the Colorado Motor Carriers' Association are denied.

5. The increased minimum charge and rates provided for in our findings numbered 3 through 8, both inclusive, and 10 are not to apply over the lines of Frederic A. Bethke D/B/A Bethke Truck Line or Red Ball Motor Freight, Inc.

6. The respondents and/or applicants, as named in paragraph 8, of our findings, shall furnish the Rate Department of the Commission, daily, with copies of freight bills as set out in paragraph 11, of the findings.

7. The respondents and/or applicants be, and they are hereby notified and required to cancel the minimum charge of \$2.75 per shipment and the surcharge of 50 cents per bill of lading covering shipments weighing 2,000 pounds or less transported locally or jointly with other carriers, on August 15, 1961, upon ten (10) days' notice to the Commission and the general public by filing and posting in the manner prescribed by the Commission.

8. The record in these proceedings shall be held open as provided in paragraph 11 of the findings herein.

9. The minimum charge and rates provided for in paragraphs 3 to 10, both inclusive, of our findings shall become effective on August 15, 1961, on ten (10) days' notice to the Commission and the general public.

10. Call and demand motor vehicle common carriers and Class B private carriers by motor vehicle transporting shipments in competition with the carriers named in paragraph 8 of the findings herein shall be subject to the penalty rule of twenty (20) per cent.

11. Class A private carriers by motor vehicle, in competition with any of the carriers named in paragraph 8 of the findings herein, shall publish or cause to be published a minimum charge and rates, which shall be not less than those prescribed in paragraphs 3 to 8, both inclusive, and 10 of our findings herein. Provided, however, where there exists scheduled motor vehicle common carrier service by more than one carrier between points other than those named in said paragraph 8, the lowest of the applicable rates shall be the minimum rates of Class A private carriers.

12. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

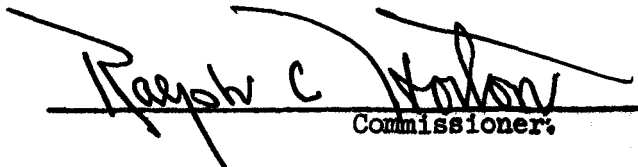
THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Kysio  
Henry E. Zailing  
Commissioners.

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

COMMISSIONER HORTON CONCURRING:

I reluctantly concur in the order proposed by my associates. I have carefully reviewed the record and I concur in the conclusion that the applicants herein need more revenue, and I definitely feel that applicants failed to establish a case for either the minimum charge or the surcharge. I seriously doubt the wisdom of the Commission setting rates under the record made in Investigation and Suspension Docket Nos. 427 and 439, nor am I happy about the exclusion of Bethke Truck Line or Red Ball Motor Freight, Inc., in paragraph 5 of the Order; however, I can find no better solution to the problem and, while I am not satisfied with the order, I have been unable, after careful consideration, to suggest any better solution, so I therefore concur.

  
Commissioner.

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



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE GENERAL INVESTIGATION IN THE )  
MATTER OF SIGHTSEEING AND CHARTER )  
SERVICE COVERING SERVICES, AUTH- )  
ORITIES AND THE INTERPRETATION )  
THEREOF, RATES, AND EQUIPMENT FOR )  
TRANSPORTATION OF PASSENGERS, BY )  
SIGHTSEEING, LIMOUSINE, CHARTER, )  
AND SPECIAL BUS OPERATORS AND FOR )  
THE PURPOSE OF ADOPTING RULES AND )  
REGULATIONS THEREFOR. )  
----- )

CASE NO. 5180

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July 13, 1961  
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- Appearances: E. R. Lundborg, Esq., Denver,  
Colorado, for the Staff of  
the Commission;  
John R. Barry, Esq., Denver,  
Colorado, for Denver-Colorado  
Springs-Pueblo Motor Way,  
American Bus Lines, Inc.,  
Continental Trailways, Inc.,  
Transcontinental Bus System, Inc.;  
Hughes and Dorsey, Esqs., Denver,  
Colorado, and  
R. B. Danks, Esq., Denver, Colo-  
rado, for The Denver Tramway  
Corporation;  
T. P. Williams, Denver, Colo-  
rado, for Denver Tramway  
Corporation;  
David Butler, Esq., Denver, Colo-  
rado, for Colorado Transportation  
Company, Colorado Motorway, Inc.,  
Denver-Boulder Bus Company;  
Walter M. Simon, Esq., Denver, Colo-  
rado, for Airport Limousine Ser-  
vice, Inc.;  
Horn, Anderson and Johnson, Esqs.,  
Colorado Springs, Colorado, for  
Colorado Springs Transit Company;  
William A. Baker, Esq., Colorado  
Springs, Colorado, for Pikes Peak  
Automobile Company;  
K. B. Charlesworth, Colorado Springs,  
Colorado, for Colburn Motor  
Tours, Inc.;  
Harold L. Lesh, Glenwood Springs,  
Colorado, for Glenwood-Aspen Stages;  
J. L. Clapper, Leadville, Colorado,  
for Yellow Cab Company;  
Sam J. Quigley, Denver, Colorado,  
for Burke Taxicab Line, Inc.;

K. A. Howard, Denver, Colorado,  
for Greyhound Bus Lines;  
Ed W. Dundon, Denver, Colo-  
rado, for Checker Cab Company;  
Mr. Hanks, Denver, Colorado,  
for Masterson;  
Woodrow W. Pebini, Colorado  
Springs, Colorado, for  
Tarman Tours;  
E. L. Rowlett, Colorado Springs,  
Colorado, for R & P Scenic Tours;  
Carl Lind, Denver, Colorado, for  
Lind & Hill Scenic Colorado Tours;  
D. C. Koshland, Englewood, Colo-  
rado, for Suburban Transit Company;  
F. P. Finney, Colorado Springs,  
Colorado, for Finney Sightseeing.

#### S T A T E M E N T

By the Commission:

The Commission having in Case No. 5180 taken testimony on rules and regulations concerning charter, special bus, limousine, and sightseeing services, and in said case provided that the complaints against the Colorado Motorway Inc., relative to its operations under Permit No. B-277, and an interpretation of said permit be considered separately and disposed of in a separate decision.

The testimony, record and files herein show that Permit No. B-277 is a Private Carrier Permit issued to the Greeley Transportation Company on October 5, 1931; that this Permit expired on May 16, 1935, and was not renewed; that on August 30, 1935, Greeley Transportation Company, by I. B. James, filed an application for a renewal of said Permit No. B-277, and on September 23, 1935, this Commission in Decision No. 6684 reinstated and renewed said Permit; that on June 2, 1952, in Case 12-cl, the Commission revoked said Permit for failure to file a list of customers, and on June 18, 1952, the Commission, in Decision No. 38894, set aside said revocation; that on December 4, 1953, the name of Greeley Transportation Company was changed to Colorado Motorway, Inc.; that as of the day hereof, the Colorado Motor Way, Inc. is the owner of Permit No. B-277.

The testimony, records and files further show that on October 5, 1931, the date of the issuance of Permit No. B-277 to

the Greeley Transportation Company, the said Greeley Transportation Company was the owner of Certificate No. 312 issued by this Commission; that the authority under Certificate No. 312 provided for the transportation of passengers within the City Limits of the City of Greeley.

Exhibit No. 4, introduced by the staff, is the application of Greeley Transportation Company for, and the authority under which applicant intended to operate combined in one instrument. The Commission made no order based upon this application, it being the custom to allow the applicant to operate as requested in the application. The Exhibit shows that no specific or regular routes were named, the authority sought in said application being:

"outside of the territory described in its present certificate of public convenience and necessity."

Louis J. Carter, of the Commission's staff, testified that he is the Supervisor of Complaints and Investigations for the Commission; that as such Supervisor he has received many complaints relative to the operations of the Colorado Motorway, Inc. under Permit No. B-277; that as a result of these complaints the Enforcement Division, which is under his supervision, made a study and investigation of these complaints and found that the Colorado Motorway, Inc. is operating out of Colorado Springs and Pueblo under Permit No. B-277; that Kenneth Charlesworth, who operated as Colburn Motor Tours as a motor vehicle common carrier under Certificate No. 1265, and Howard Emmons, Manager of the Pueblo Ordinance Transit Co., operating as a motor vehicle common carrier under Certificate No. 276, were acting as agents for the Colorado Motorway, Inc. in the Cities of Colorado Springs and Pueblo, respectively.

Witness Carter further testified that as a part of his investigation he had prepared a summary of the operations of the Greeley Transportation Company under Permit No. B-277 for the period from June 1935 through December 1943; that this summary was taken

from the road tax reports filed by the Greeley Transportation Company, which reports show the number of passengers, the origin and destination of the passenger movements; a copy of the summary is a part of the record herein, and was admitted into evidence as Exhibit No. 13.

This Exhibit shows that during the period of June 1935 through December 1943, one hundred and seventy-seven (177) charter trips were made, one hundred and seventy-five (175) of which originated in Greeley, one (1) of which terminated in Greeley, and one (1) which went from Loveland to Pueblo.

Mr. I. B. James testified that F. E. James was the President of the Greeley Transportation Company at the time Permit No. B-277 was issued to them; that he is well acquainted with the issuance of the permit; that the Greeley Transportation Company at that time was the owner of Certificate No. 312; that through some agreement with Mr. Worth Allen, a member of the Public Utilities Commission, and a Mr. Jack Scott, at that time attorney for the Greeley Transportation Company, an unrestricted B permit was issued; that this Commission, through its staff, issued identification cab cards which on their face showed no restrictions, and that authority sheets were also issued by the staff, which showed the wording "not restricted;" that the Greeley Transportation Company and its successor, the Colorado Motorway, Inc., have kept filed a tariff with the Commission covering its fares and charges; that from 1942 to 1951 there was very little activity under Permit No. B-277; that the Colorado Motorway, Inc. operates a line-haul service between Denver and Fort Collins, and is the owner of a charter authority; that dollar-wise, this Common Carrier charter authority brings in more revenue than Permit No. B-277; that Colorado Motorway, Inc. maintains agents in Colorado Springs and Pueblo; that Mr. Kenneth Charlesworth acted as agent in Colorado Springs, and Howard Emmons in Pueblo; that the agreement between the Motorway and these agents provides that when the Motorway furnishes the necessary motor vehicle

equipment, the agents receive 10 per cent of the revenue, when the agents furnish the necessary motor vehicle equipment, the Motorway receives 10 per cent of the revenue; that the Motorway furnishes the drivers when it furnishes the buses, when the agents furnish the buses the agents furnish the drivers.

Kenneth Charlesworth testified that he acts as the agent in Colorado Springs for the Colorado Motorway, Inc., and has acted as such agent since 1955; that he had, by reason of a subpoena, the charter orders developed by him through the period 1955 through 1960; that there were 450 charters and that the gross revenue was \$26,822.00; that if the Colorado Motorway, Inc. had not established an agency in Colorado Springs, a large part of this transportation business would have gone to Denver-Colorado Springs-Pueblo Motor Way.

Howard Emmons testified that he is the manager of the Pueblo Transportation Co. and the Pueblo Ordnance Transit Company; that he acts as an agent for the Colorado Motorway, Inc.; that the arrangement for the payment of the agency commissions is the same as with Mr. Charlesworth; that the charter receipts for the period February 17, 1957 through April 27, 1960, amounted to \$4,850.00; that if the Colorado Motorway, Inc. had not established an agency in Pueblo to develop this business it all would have gone to the Denver-Colorado Springs-Pueblo Motor Way.

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

##### THE COMMISSION FINDS:

From the testimony, exhibits and files herein, the Commission finds that the Colorado Motorway, Inc. is the present owner of Private Carrier Permit No. B-277; that said Permit was issued to the Greeley Transportation Company on October 5, 1931, and that the Colorado Motorway, Inc. is the successor to said Greeley Transportation Company; that on the date of the issuance of said Private Carrier Permit No. B-277, the Greeley Transportation Company was engaged in the transportation of passengers within the City of Greeley under Certificate No. 312; that the original statute dealing with Private

Carriers by Motor Vehicle in Colorado was passed as House Bill 173, Chapter 120, Colorado Session Laws of 1931, and became effective May 16, 1931; that thereafter and on October 5, 1931, the Greeley Transportation Company filed its application for a permit to operate as a Private Carrier by Motor Vehicle; that the application named no routes but recited the following:

"outside of the territory described in its present Certificate of Public Convenience and Necessity."

that no hearing was held upon this application, and that the authority under which the Greeley Transportation Company received and operated under was that authority sought in the application; that it is apparent that the Greeley Transportation Company, who were operating wholly within the City of Greeley, needed some authority which would allow them to transport their Greeley patrons to and from Greeley to other points in the State; that this is evidenced by the tying of the authority sought into their Greeley operations, and by their use of Permit No. B-277, which use shows that 175 of 177 charter trips, between 1935 through 1943, moved to and from Greeley.

The Commission further finds that the use of Permit No. B-277 by the Colorado Motorway in Colorado Springs and Pueblo, or in any other place, except when the proposed transportation either originates or terminates in Greeley, is outside of the authority contained in Permit No. B-277; that the ownership of the Greeley Transportation Company and its successor, the Colorado Motorway, Inc. rested in the same family and were both managed and controlled by I. B. James; and that the said I. B. James was fully cognizant of the provisions and authority under Permit No. B-277.

The Commission further finds, determines and interprets Private Carrier Permit No. B-277 to be for the:

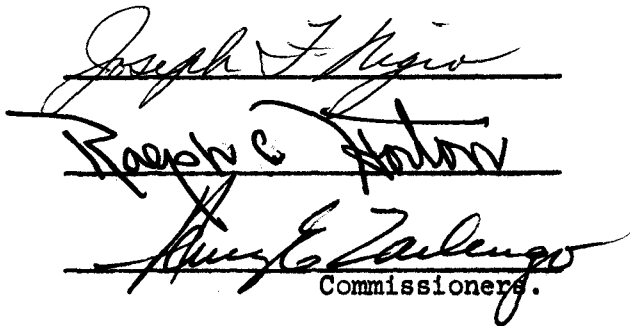
"Transportation of passengers by charter or special bus from and to the City of Greeley, to and from all points in the State."

O R D E R

IT IS THEREFORE ORDERED, That the Colorado Motorway, Inc. shall cease and desist any transportation of passengers under its Private Carrier Permit No. B-277 unless the same shall originate or terminate in the City of Greeley.

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 July, 1961.

ea

original

(Decision No. 56825)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE C. ARMIJO, 2412 CLAY STREET, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE ) APPLICATION NO. 18587-PP  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
July 13, 1961  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coke, from point to point within the City and County of Denver, Colorado.

Said application was regularly set for hearing, after statutory notice to all interested parties, at 532 State Services Building, Denver, Colorado, at ten o'clock A. M., on July 7, 1961.

When the application was called for hearing, applicant did not appear, either in person or by counsel, nor did any protestants appear.

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

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied.

O R D E R

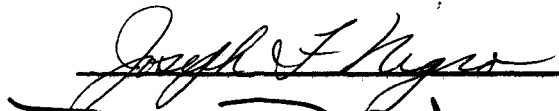
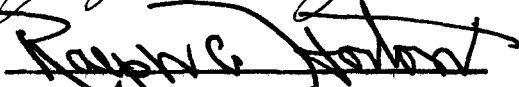

THE COMMISSION ORDERS:

That Application No. 18587-PP be, and the same is hereby, denied.



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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners,

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES E. MC FARLAND )  
607 33 3/4 Road )  
Clifton, Colorado )

AUTHORITY NO.      M 8537  
CASE NO.      5243 Ins.

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July 14, 1961  
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S T A T E M E N T

By the Commission:

On May 8, 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.

(S E A L)

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Joseph F. Nigro  
Robert C. Patton  
Henry E. Zalkeng  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of July, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE PETITION OF )	
SAN LUIS VALLEY RURAL ELECTRIC )	
COOPERATIVE, INC., MONTE VISTA, )	
COLORADO, FOR AN ORDER AUTHORIZING )	APPLICATION NO. 18617
IT TO EXECUTE A NOTE AND MORTGAGE )	Securities
SECURING SUCH NOTE TO THE UNITED )	
STATES OF AMERICA. )	
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S T A T E M E N T

By the Commission:

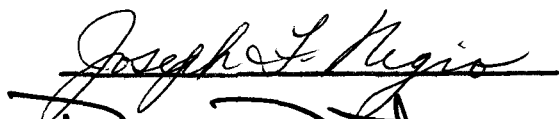
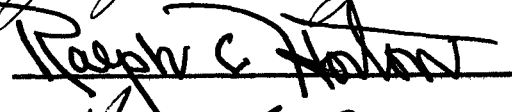

Upon consideration of the application filed July 6, 1961, by San Luis Valley Rural Electric Cooperative, Inc., a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing July 25, 1961, at 10:00 o'clock A. M., District Court, Court House, Alamosa, Colorado, respecting the matters involved and issues presented in the proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before July 19, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION	)	
OF K. C. ELECTRIC ASSOCIATION, A	)	
COLORADO CORPORATION, HUGO, COLORADO,	)	
FOR AN ORDER AUTHORIZING THE ISSU-	)	APPLICATION NO. 18618
ANCE OF SECURITIES AND THE APPLICA-	)	Securities
TION OF THE PROCEEDS THEREFROM.	)	
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S T A T E M E N T

By the Commission:

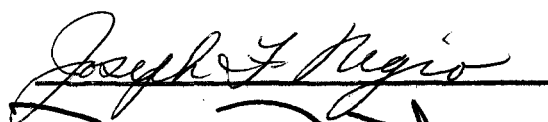
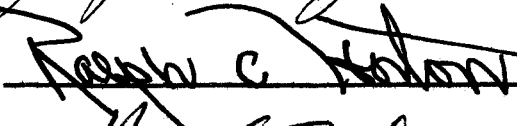
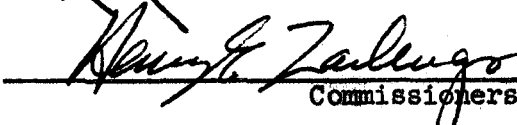
Upon consideration of the application filed July 6, 1961, by the K. C. Electric Association, a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing July 27, 1961, at 2:00 o'clock P.M., 532 State Services Building, Denver, Colorado, respecting the matters involved and issues presented in the proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before July 21, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION	)	
OF CARBON POWER & LIGHT, INC.,	)	
SARATOGA, WYOMING, FOR ORDER	)	APPLICATION NO. 18613
APPROVING EXECUTION OF A CERTAIN	)	Securities
NOTE AND SUPPLEMENTAL MORTGAGE.	)	
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S T A T E M E N T

By the Commission:

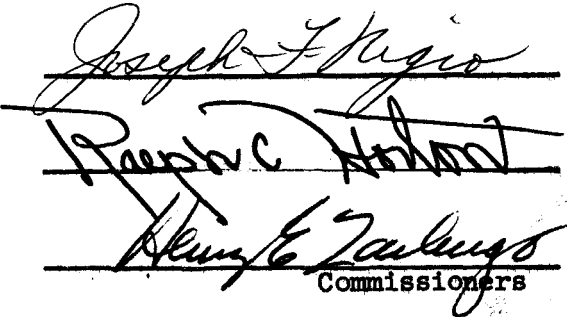
Upon consideration of the application filed July 7, 1961, by Carbon Power & Light, Inc., a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing July 27, 1961, at 2:00 o'clock P. M., 532 State Services Building, Denver, Colorado, respecting the matters involved and issues presented in the proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before July 21, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

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

original

(Decision No. 56830)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE CITY OF WESTMINSTER, COLORADO, )  
FOR PERMISSION TO CONSTRUCT AND MAIN- )  
TAIN A RAILROAD GRADE CROSSING OVER )  
THE TRACKS OF THE COLORADO AND )  
SOUTHERN RAILWAY COMPANY WITHIN SAID )  
CITY. )  
-----

APPLICATION NO. 18472

-----  
July 14, 1961  
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Appearances: Donald D. Cawelti, Esq.,  
Westminster, Colorado,  
for Applicant;  
W. L. Peck, Esq., Denver,  
Colorado, for Colorado  
and Southern Railway  
Company;  
Howard Roepnack, Arvada,  
Colorado, for School  
District No. 50;  
William B. Goodstein, Esq.,  
Chicago, Illinois, for  
Mrs. Jean Pilot, Sam  
Tepper and Helen Kotin;  
J. L. McNeill, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to all interested parties, including the owners of adjacent property, the Chairman of the Board of Adams County Commissioners, and the President, Adams County School District No. 50, was set for hearing in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, May 23, 1961, where the matter was heard by the Commission.

Purpose of the instant application is to secure Commission approval for the establishment and construction of a new grade crossing on the westward extension of West 76th Avenue in order to provide

access to a new elementary school being constructed near West 75th Avenue on the west side of the Colorado and Southern rail line. At the hearing, the following exhibits were received, after explanation given by Westminster Mayor Malcolm J. O'Shea:

Exhibit No. 1

Map of the City of Westminster to show city boundaries, location of Fire Stations, school sites, existing rail crossings and relation of proposed new crossing to westward city growth.

Exhibit No. 2

City of Westminster Drawing No. 2-2 to show plan and grade profile of West 76th Avenue as proposed for extension from Stuart Street to Sheridan Boulevard, including situation at proposed crossing over Colorado & Southern rail line.

Exhibit No. 3

City of Westminster Drawing No. 2-1 to show crossing layout and drainage details at proposed Colorado & Southern crossing.

Mr. O'Shea explained that population of Westminster in the past ten years has increased from 1686 (1950 Census) to 13,850 (1960 Census) and the City Limits have therefore been extended in order to provide additional housing and commercial area. Current expansion identified as the Rosewood Subdivision is located west of the Railroad toward Sheridan Boulevard and extends northward from West 72nd Avenue toward West 76th Avenue. Located in this area, between West 74th and West 75th Avenues and adjacent to the west right-of-way boundary of the railroad, lands have been secured for an Elementary School site and construction of a new 18 classroom school building is now underway.

According to Mayor O'Shea there is now need for the proposed grade crossing in order that West 76th Avenue may be extended into the undeveloped area and thereby provide access to the new school; to also provide an interior traffic route permitting improved fire and police protection within the City; and to secure more direct

travel to the established commercial centers for residents of the new area.

In the matter of crossing safety, Mr. O'Shea noted that four rail crossings as shown on Exhibit No. 1 are located along the south and western borders of the City at Lowell Boulevard, West 72nd Avenue, Bradburn Boulevard and West 80th Avenue. Protection at the above crossings consisting of continuous flashing yellow overhead signal lights has been installed by the City, and speed of trains has been established at 10 miles per hour by City Ordinance.

In the instant matter, standard protection of reflectorized crossbucks is proposed since only minimum traffic is expected until there is more complete development of the area; thereafter, the added protection of flashing yellow signals would be installed as the increased traffic need would indicate. Development is now fairly complete in the crossing locality on the east side of the rail line and with the zoning control of the City, it is proposed that the present open view in the crossing area can be maintained.

In like manner, Mr. O'Shea explained that the City has established local speed limits of 25 miles per hour for street traffic; street maintenance is citywide for snow removal and the hazards for winter stopping at the crossing are thereby minimized.

Other exhibits as follows were also received at the hearing after explanation given by Mr. Ivor C. Ranum, Superintendent of Schools for District No. 50, which includes the Westminster area.

Exhibit No. 4

Map of City of Westminster to show present distribution of students within two districts where facilities are heavily crowded.

Exhibit No. 5

Westminster City Map showing proposed division of students into three districts by use of school under construction to serve new areas.



Mr. Ranum stated the current student enrollment of 9,200 represents an increase of 7,000 students in the past ten years. In describing the new facility, Mr. Ranum explained that the site was made available through cooperation of City of Westminster and the area subdivider; that it was located on high firm ground in relation to surrounding area and near a street of limited traffic. It was also noted that the school was immediately adjacent to the rail line, but he anticipated no difficulty from train noise and the grounds are to be enclosed by a six-foot high chain-link fence. It is planned that pedestrian students will be encouraged to use the nearby crossing and a training program would be maintained to discourage walking on or across the rail line.

Mr. George W. Haffey, Principal Assistant Engineer for Colorado and Southern at Denver, Colorado, stated the instant crossing proposal had been reviewed by the Railroad and an Easement Agreement was in process of final completion at Chicago main office. A photo-copy of the fully executed Agreement was received as a "Late filed Exhibit" by the Commission on June 1, 1961.

Mr. Haffey related that rail traffic along the Westminster line consists of two daily passenger trains at 7:10 A. M. and 10:00 P. M. An early morning and a night freight train are also operated daily. On three days per week there are two movements by a Local Freight train, and other special movements are made according to service demands. He also noted that no trains are scheduled during the usual hours of student arrivals or dismissals.

Proposed crossing construction will consist of heavy timbers at each side of the rails with roadbed surfacing of asphalt pavement and to be 42 feet wide. Protection to consist of two reflectorized crossbuck signs and two reflectorized advance warning signs. The street crossing will be at a near right-angle over the rail line and high ground of the area offers open track vision. Estimated cost is

\$1,070.00 for the crossing work and protection, and to be paid by Colorado and Southern Railway Company.

It appears there is a need for the crossing on the basis of development of the area. No traffic counts are available due to absence of a crossing now and with only a slow development planned the minimum protection is proposed.

The opening of a new railroad grade crossing must of necessity be considered with certain misgivings and doubt. Here we have a street that is apparently necessary as an intermediate local traffic artery. Separation of the crossing grades is not warranted by the anticipated low volume of traffic and testimony of Mayor O'Shea indicates the concern of the City of Westminster in planning to provide the City protection devices of flashing yellow lights as development and increased traffic would require. It is to be noted too, that in the instant "Easement Agreement" for establishment of the crossing, there is agreement by both parties - (City of Westminster and Colorado and Southern) - that flashing signal protection would be installed on a joint expense participation of 90% by the City and 10% by the Railroad when it would be determined that such higher type protection becomes necessary.

Therefore, after a careful consideration of the filings herein and testimony offered at the hearing, it appears that the proposed crossing installation should be approved as a facility for benefit of the general public. No objections to the proposed work have been received by the Commission and none was offered at the hearing.

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

##### THE COMMISSION FINDS:

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

That public safety, convenience and necessity require the

establishment, construction, use and maintenance of a new highway-railroad grade crossing, being the extension of West 76th Avenue over the single track and right-of-way of the Colorado and Southern Railway Company, at its Mile Post 7 less 74.4 feet, Westminster, Colorado.

That the protective devices at the new crossing should consist of two reflectorized crossbuck signs with added reflectorized advance warning signs.

#### O R D E R

##### THE COMMISSION ORDERS:

That authority is hereby granted for the establishment, construction, operation and maintenance of a new public highway-railroad grade crossing on the extension of West 76th Avenue over the Colorado and Southern Railway main line at Mile Post 7 less 74.4 feet, Westminster, Adams County, Colorado.

That two standard reflectorized crossbuck signs with necessary added reflectorized advance warning street signs shall be installed at the crossing and be in conformity with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

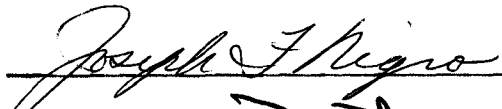
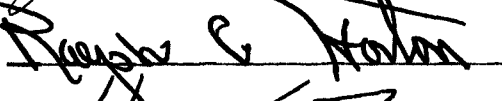
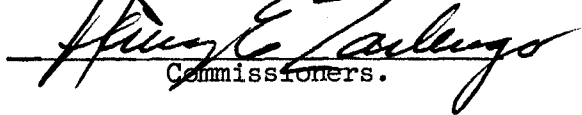
That continuing maintenance of the rail crossing and signs shall be by the Railroad Company.

That installation and maintenance of reflectorized advance warning signs on West 76th Avenue shall be by the City of Westminster.

That the work to be done, costs, installation, and other maintenance shall be as indicated in the preceding Statement, Exhibits 1, 2, 3, 4, 5 and "Late filed Easement," all of which by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., SUITE 300, ROSS BUILDING, 1726 )  
CHAMPA STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, TO CONSTRUCT TRANS- )  
MISSION AND GATHERING LINES FOR THE )  
TRANSMISSION OF GAS, EITHER NATURAL, )  
ARTIFICIAL, OR MIXED, ON A PRESCRIBED )  
ROUTE THROUGH MESA COUNTY, GARFIELD )  
COUNTY, EAGLE COUNTY, AND PITKIN )  
COUNTY, STATE OF COLORADO, AND FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY FOR THE DISTRIBUTION )  
AND SALE OF GAS IN THE AREAS ADJACENT )  
TO SAID TRANSMISSION AND GATHERING )  
LINES )  
----- )

APPLICATION NO. 18471

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July 13, 1961  
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Appearances: Grant E. McGee, Esq., Denver,  
Colorado, and  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for  
Rocky Mountain Natural Gas  
Company, Inc.;  
Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
Bryant O'Donnell, Esq., for  
Public Service Company, as its  
interests may appear;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 17, 1961, the Rocky Mountain Natural Gas Company, Inc., by its attorneys, filed with this Commission applications to render natural gas service to certain cities and towns located in areas adjacent to its transmission line located in Mesa, Garfield, Eagle and Pitkin Counties in Western Colorado. Applicant proposes to construct a natural gas transmission system from the vicinity of

Collbran in Mesa County, to serve the following cities and towns set out below, as well as prospective customers located along the route of the transmission and gathering lines. These applications were all heard on a joint record, but for the purposes of convenience, a separate order will issue for each application.

Application No. 18467 - Carbondale  
No. 18468 - Basalt  
No. 18469 - Aspen  
No. 18470 - Glenwood Springs  
No. 18471 - Transmission System  
No. 18592 - Securities.

These matters were all set for hearing before the Commission on Monday, July 10, 1961, at 9:30 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, after due notice to all interested parties. The hearings were concluded on July 10, 1961, and at said date were taken under advisement by the Commission.

Rocky Mountain Natural Gas Company, Inc. is a Colorado corporation, duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation have heretofore been filed with this Commission. Applicant is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and distributes natural gas at retail in various towns and cities throughout the State of Colorado. The address and principal office of the applicant is Suite 300, Ross Building, 1726 Champa Street, Denver 2, Colorado.

Applications Nos. 18467 to and including Application No. 18470, all have to do with the exercise of franchise rights in the various cities and towns to which applicant proposes to render gas service, and reference is hereby made to these applications for the detail regarding the granting of certificates to exercise the franchise rights. Application No. 18592 has to do with authorization by this Commission of the right of the applicant to sell securities and reference is hereby made to that application for the detail regarding said authorization.

Testimony at the hearing revealed that applicant has entered into gas purchase contracts for the purchase of natural gas at the wellhead. Copies of these contracts were submitted as exhibits, being Exhibits Nos. 1, 2, 3, 4, 5. Extension agreements to some of the contracts were submitted as exhibits herein, being Exhibits Nos. 11, 12 and 13, and Exhibit No. 29 was submitted by a letter agreement adding an additional well to one of the contracts, Exhibit No. 5. Exhibit No. 1 is a contract between El Paso Natural Gas Company and Rocky Mountain Natural Gas Company, and as to those with the sale of gas in the Conoco Government No. 1 Well and the Skyline Hittle No. 1 Well, and Exhibit No. 13 extends the term of said contract. The period of the contract, together with the extension, is for a period of twenty-five years and the price to be paid for the gas at the wellhead is 15¢ per MCF, commencing with the initial delivery of gas until January 1, 1965. The contract provides for 1¢ per MCF increase for each succeeding five-year period after January 1, 1965. Gas is purchased at 15.025 p.s.i.a. and 60° F. Exhibit No. 2 is a contract by and between Pan American Petroleum and Rocky Mountain Natural Gas providing for the sale of gas from the Lowther Government No. 1 Well. The contract is for a period of twenty-five years, with the initial price of gas at 15¢ per MCF to January 1, 1965, and a 1¢ per MCF increase for each succeeding five years after January 1, 1965. Gas is purchased at 15.025 p.s.i.a. and 60° F. Exhibit No. 3 is a contract by and between Nebraska Drillers, Inc. and Rocky Mountain Natural Gas Company, Inc. for the sale of gas in the Nebraska Drillers Mickelson No. 1 Well. Exhibit No. 12 is an extension to said agreement as signed by Apache Oil, successor to Nebraska Drillers, Inc. The term of the contract, together with the extension, is for a period of twenty-five years, with the initial price of gas at 15¢ per MCF to January 1, 1965, and a 1¢ per MCF increase for each succeeding five years after January 1, 1965. Gas is purchased at 15.025 p.s.i.a.

and 60° F. Exhibit No. 4 is a gas purchase contract by and between Tennessee Gas Transmission and Rocky Mountain Natural Gas Company from the Tennessee Gas-Currier Well. Exhibit No. 11 is an extension agreement to said term signed by Tenneco, a corporation, formerly Tennessee Gas Transmission Company, extending the term of the original contract. The term of the contract, together with the extension, is for a period of twenty-five years, with the initial price of gas at 15¢ per MCF to January 1, 1965, and a 1¢ per MCF increase for each succeeding five years after January 1, 1965. Gas is purchased at 15.025 p.s.i.a. and 60° F. Exhibit No. 5 is a gas purchase contract by and between Tennessee Gas Transmission Company, Union Oil Company of California and Rocky Mountain Natural Gas Company providing for the sale of gas from the Union-Buzzard Creek Well No. 1 and Union Gunderson No. 1. Exhibit No. 29 is a letter agreement including in said contract the Buzzard Unit No. 2 Well. The contract is for a period of five years, with the right by sellers to renew the agreement for one or more successive five year periods, up to a total of twenty-five years. The initial price is 15¢ per MCF up to January 1, 1965, and 1¢ per MCF increase for each succeeding five years after January 1, 1965. The gas is purchased at 15.025 p.s.i.a. and 60° F. Certain of the gas contracts provide that the gas shall have a gross heat of not less than 750 b.t.u. Others provide for a minimum of 1000 b.t.u. per standard cubic foot saturated with water vapor.

All of the above wells are located in Mesa County in Townships 9, 10 or 11 South and Ranges 92, 93, 94, and 95 West. The wells are all in the vicinity of Collbran, Colorado, and are Southwest from the Divide Creek Gas Field.

Mr. D. J. Low, a petroleum engineer, employed by E. A. Polumbus, Jr., and Associates, Inc., testified at the hearing regarding the gas reserves from these wells. Exhibits 27 and 28 were updated reports as to reserve and deliverability as to the gas reserves from the various wells. Each well was assigned an area of 640 acres for the purposes of the calculations herein. Set out



below is a tabulation showing the estimated reserves and deliverability from the various wells:

<u>Estimated Producing Rates</u>	<u>Initial Open Flow Mcf Day</u>	<u>Estimated Rates at</u>	
		<u>200 psi Mcf/Day</u>	<u>500 psi Mcf Day</u>
El Paso - Conoco-Govt.No. 1	1,576	1,550	1,500
El Paso - Skyline-Hittle #1	4,010	2,750	2,550
Tennessee Gas - Currier #1	1,500	1,200	1,000
Union - Gunderson No. 1	4,350	4,300	4,170
Union - Buzzard Creek #1	4,200	4,170	4,080
Union - Buzzard Creek #2	9,350	9,220	9,050
Nebr.Drlrs.Mickelson- Govt.#1	2,313	2,100	1,000
Pan American - Govt-Lowther No. 1	1,500	750	350
Total -	28,799	26,040	23,700
<u>Estimated Recoverable Reserves</u>			
	<u>Per Acre Foot</u>	<u>Total</u>	
El Paso - Skyline-Hittle and Tennessee Gas - Currier Wells			
Cozette Zone	94.7 Mcf	7,281,000 Mcf	
Morapos Zone	139.5 Mcf	18,748,800 Mcf	
Union Oil - Gunderson Well Mesaverde Zone	128.2 Mcf	5,661,300 Mcf	
Union Oil - Buzzard Creek No. 2 Mesaverde - Upper Zone	216.9 Mcf	5,830,300 Mcf	
Lower Zone	270.0 Mcf	7,603,200 Mcf	
Nebr. Drlrs.- Mickelson-Govt.Well Mesaverde Zone	85.7 Mcf	7,460,900 Mcf	
Pan American - Govt-Lowther Well Mesaverde Zone	117.0 Mcf	3,070,000 Mcf	
El Paso - Conoco-Govt.Well and Union-Buzzard Creek No. 1 Well Cozette Zone	291.3 Mcf	22,371,800 Mcf	
Total		78,027,300 Mcf	

All the above estimated reserves are based on the producing formations as covered in the gas sales contracts and do not include the formations behind the pipe, which may or may not be produced from it at a later date. Mr. Low testified that there had been limited production only from the wells; however, they were cleaning up well and there was no indication at this time of any reduction in pressure. At 500 p.s.i.a. back pressure, deliverability increased from 14,786 MCF per day as of the November 21, 1960 report, Exhibit 27, to 23,700 MCF per day as of the date of the report of July 6, 1961, Exhibit 28. The report contemplates abandonment pressures of

200 p. s. i. a. for both the upper and lower zones and further is based on a ninety per cent recovery efficiency. Mr. Low further testified that there was a probable gas reserve of from 3,000,000,000 to 5,000,000,000 cubic feet from the non-producing formations behind the pipe per well and that in addition from indications of other wells that similar production could be obtained beyond the one square mile allocated per well.

Mr. Newton, on behalf of the Company, testified as to the geological formations surrounding the gas area under contract, and the indications of additional probable reserves. Mr. Newton also testified that the Union Oil Company of California, Contract Exhibit No. 5, was in effect cancellable by the seller at the end of each five-year period, and in the event that the same were cancelled as of January 1, 1965, there might be a possible 4 billion cubic feet of gas deficiency of gas reserve required for the Uncompahgre Valley system and the Roaring Fork System on a twenty-five year basis, but that the proven reserves in any event were sufficient to cover more than twenty years.

Testimony was also given in this record as to available markets for the gas in addition to the Uncompahgre Valley market presently being utilized. Applicant has obtained franchises from the cities and towns of Glenwood Springs, Carbondale, Basalt and Aspen. In addition to the above areas, applicant proposes to serve gas along its transmission line and also to several populated areas adjacent to the above towns and cities in unincorporated communities where economically feasible. While it is recognized that estimates given herein are as reliable as can be obtained with the data at hand and that production to date has indicated the substantiation of the estimates, it is only after further production takes place that a better knowledge of reserves can be actually estimated. The witnesses in estimating the reserves have endeavored to be conservative in all assumptions made, and it would appear if the assumptions are correct that there are ample reserves available to warrant this project.

Again, based on calculation and production history, deliverability from the wells should be sufficient for this project in order for applicant to meet its daily peak-day requirements. Another factor which may prove beneficial to the Company is proposed further drilling in the area. If applicant is able to contract for more gas from additional wells, it should improve the reserves picture and also help out on its future peak deliverability.

Applicant proposes to connect to the present gathering system and to enlarge the same with other related facilities, such as heaters, separators, compressor units and dehydrators. All gas will be odorized before sale to customers. Applicant will also be required to meter the gas. Applicant will also be required to install in its system a continuously recording calorimeter to determine the b.t.u. content of the gas. After the gas has been gathered and processed, it will be transported by means of a transmission line across the White River National Forest to the vicinity of Carbondale, and thence northwesterly to Glenwood Springs and southeasterly to Basalt and Aspen. The main transmission line will be 6-5/8 inches o. d. from Collbran to Carbondale, a distance of approximately thirty-one miles, and 42 miles of 6-5/8 inch o. d. pipe from Carbondale to Glenwood Springs and from Carbondale to Aspen. Set out below is a table showing the estimated costs for the various components of this proposed system:

Glenwood Springs	\$310,327
Carbondale	55,019
Basalt	25,052
Aspen	179,715
Transmission line, 73 miles	1,214,954
Total -	\$1,785,067

Applicant submitted at the hearing as Exhibit No. 25 the rates which it proposes to use if this certificate is granted. These rates provide for service for residential and commercial usage, interruptible industrial service, off-peak industrial service and

seasonable service. Set out below is the proposed rate for residential and commercial service:

RATE

First	1,000 cu. ft. of less per month . . . . .	\$2.00
Next	1,000 cu. ft. used per month, per 100 cu. ft. . . . .	0.12
Next	2,000 cu. ft. used per month, per 100 cu. ft. . . . .	0.08
Next	20,000 cu. ft. used per month, per 100 cu. ft. . . . .	0.056
All additional	cu. ft. used per month, per 100 cu. ft. . . . .	0.048

MINIMUM

Minimum charge per meter, per month - Residential . . . . .	\$2.00
Minimum charge per meter, per month - Commercial . . . . .	4.00

If the certificate sought by the various applications previously referred to are granted, applicant hopes to be able to start construction immediately and has arranged for interim financing through the Denver United States National Bank, which financing shall be an unsecured obligation and it is the intention of the applicant to retire the interim financing from the proceeds of its permanent financing. It was hoped that the applicant would be able to build its transmission line and to be able to bring gas to the various towns in the Fall of 1961. In order to allow applicant plenty of time for the construction contemplated herein, we will grant a period of eighteen months from and after the effective date of this Order within which to complete the initial phases as outlined herein, or this certificate shall become null and void.

After a review of all the testimony and exhibits presented, we believe that there is a need for gas service in the various cities, towns and communities proposed to be served by the applicant, and that a certificate of public convenience and necessity should be issued for the construction contemplated by the applicant.

F I N D I N G S

THE COMMISSION FINDS:

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

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company, Inc., and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That public convenience and necessity require the construction, installation, maintenance and operation of the necessary gas transmission and gathering systems for the supplying of gas to the towns and cities from which applicant has obtained franchises, and to areas adjacent to said communities and to areas adjacent to the transmission and gathering lines, and that a certificate of public convenience and necessity should issue therefor.

That public health and safety require the installation of suitable equipment to odorize all gas in applicant's transmission and distribution systems prior to the sale of gas to its customers.

That applicant should install in its system a continuously recording calorimeter and that it should report in writing once each month to this Commission the average daily b.t.u. per cubic foot of gas by days for the prior month of the gas delivered on the basis of 14.73 per square inch of 60° F.

That applicant should continue to make such monthly b.t.u. reports until further direction of the Commission.

That at least fifteen days before gas is sold to any of the prospective customers under the certificate to be granted herein, applicant should file with this Commission its proposed rates, rules and regulations.

That at the time said rates, rules and regulations are filed applicant should include therein the minimum b.t.u. content per cubic foot that applicant proposes to deliver to its customers converted to standard conditions of 14.73 pounds per square inch when saturated with water vapor at a temperature of 60° F.

#### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas gathering and transmission lines in the Counties of Mesa, Garfield, Eagle and Pitkin, as shown in the instant application

for the supplying of gas service to the communities of Glenwood Springs, Carbondale, Basalt and Aspen, and in the areas adjacent to said communities and in the areas adjacent to the transmission and gathering lines, and that this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That construction shall commence immediately and be prosecuted diligently to the end that service may be rendered to the public at the earliest possible date.

That applicant shall odorize all gas in its transmission and distribution systems prior to the sale of gas to its customers.

That applicant shall install in its system a continuously recording calorimeter and that it shall report in writing once each month to this Commission, the average b.t.u. per cubic foot of gas by days for the prior months of the gas delivered on the basis of 14.73 pounds per square inch at a temperature of 60° F.

That applicant shall continue to make such monthly b.t.u. reports until further direction of the Commission.

That at least fifteen days before gas is sold to any of the prospective customers under the certificate to be granted herein, applicant shall file with this Commission its proposed rates, rules and regulations.

That at the time said rates, rules and regulations are filed applicant shall include therein the minimum b.t.u. content per cubic foot that applicant proposes to deliver to its customers converted to standard conditions of 14.73 pounds per square inch when saturated with water vapor at a temperature of 60° F.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Lewis*  
*Ralph C. Johnson*  
*Harry J. J. J. J.*  
Commissioners.

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

original

(Decision No. 56832)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., A CORPORATION, ORGANIZED AND )  
EXISTING UNDER THE LAWS OF THE STATE ) APPLICATION NO. 18592-Securities  
OF COLORADO, FOR AUTHORITY TO ISSUE )  
AND SELL SECURITIES. )  
-----)

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July 13, 1961  
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Appearances: Grant E. McGee, Esq.,  
Denver, Colorado, and  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for  
Rocky Mountain Natural  
Gas Company, Inc.;  
Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
Bryant O'Donnell, Esq., for  
Public Service Company of  
Colorado, as its interests  
may appear;  
E. R. Thompson, Denver, Colo-  
rado, 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 June 29, 1961, the Rocky Mountain Natural Gas Company, Inc. filed its application for authority to issue and sell securities. By Order of this Commission issued on June 30, 1961, it was ordered that a public hearing be held, commencing at 9:30 o'clock A. M., July 10, 1961, at the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, respecting the matters involved and the issues presented by the application. Pursuant to notice to all interested parties, the matter came on for hearing on Monday, July 10, 1961, at 9:30 o'clock A. M.

Applicant proposes to construct a natural gas transmission system from the vicinity of Collbran in Mesa County through the White River National Forest to the vicinity of Carbondale, Garfield

County, to serve the following cities and towns set out below, and prospective customers located along the route of the transmission and gathering lines. In addition, applicant proposes to construct a natural gas transmission line from the vicinity of Erie, Colorado, to serve the Towns of Dacono, Frederick and Firestone, in Weld County, as well as prospective customers located along the route of the transmission and distribution lines. Applicant also seeks authority to issue and sell certain securities in order to finance its proposed construction.

Application No. 18467 - Carbondale

Application No. 18468 - Basalt

Application No. 18469 - Aspen

Application No. 18470 - Glenwood Springs

Application No. 18471 - Transmission Line

Application No. 18584 - Firestone  
Frederick  
Dacono

Application No. 18592 - Securities.

The hearings on the above applications were concluded on July 10, 1961, all applications except 18584 being heard on a joint record. At the conclusion of the hearing, the matters were taken under advisement by the Commission.

Rocky Mountain Natural Gas Company, Inc. is a Colorado corporation, duly organized and existing under the laws of the State of Colorado, with authority to do business in said state, and its Articles of Incorporation have heretofore been filed with this Commission. Applicant is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and distributes natural gas at retail in various towns and cities throughout the State of Colorado. The address and principal office of applicant is 300 Ross Building, 1726 Champa Street, Denver 2, Colorado.

Applicant has an authorized capital stock of one million shares with a par value of \$3 per share, and there is presently issued and outstanding 345,101 shares of the company's Common Stock. As of the date of the hearing, applicant has outstanding long-term twenty



year sinking fund debentures, bearing 6-1/2% interest in the aggregate amount of \$2,350,000, due in 1980.

Applications Nos. 18467 to and including Application No. 18470, as well as Application No. 18584, all have to do with the exercise of franchise rights in the various cities and towns to which applicant proposes to render gas service, and Application No. 18471 has to do with the construction, operation and maintenance of a transmission line to supply the gas to serve the communities of Carbondale, Basalt, Aspen and Glenwood Springs, and adjacent areas. Based on the applications and the hearing held on July 10, 1961, certificates of public convenience and necessity have issued as to the above-numbered applications, and for detail regarding the proposed construction program and related costs, reference is hereby made to said applications and the Commission Orders pursuant thereto.

At the hearing on July 10, 1961, Mr. Willard A. Johnson, Vice-President and Manager of the Denver office of Merrill Lynch, Pierce, Fenner & Smith, Inc., testified that that company will undertake to form a group of underwriters to underwrite and offer to the public securities in the amount of approximately \$2,400,000, together with warrants exercisable at a future date. Exhibit No. 31 submitted at the hearing, was a letter dated June 27, 1961, signed by T. W. Fowler, Vice-President of Merrill Lynch, Pierce, Fenner & Smith, Inc., to Rocky Mountain Natural Gas Company, outlining in general the proposed underwriting offer.

Applicant proposes by the sale of securities to the public to sell approximately \$2,400,000 of its securities and to issue warrants for the purchase of Common Stock at a later date in an aggregate amount of 150,000 shares of stock. It is contemplated that these securities will be sold in the form of units to a group of underwriters and reoffered by them to the public, each unit consisting of approximately \$20 principal amount of twenty year sinking fund debentures and two shares of the company's \$3 par value Common Stock, together with a warrant to purchase an additional two

shares of the company's \$3 par value Common Stock, at a later date, at a price to be determined at the date of issue of the units. A preliminary registration statement, dated July 10, 1961, was filed by Rocky Mountain Natural Gas Company with the Securities and Exchange Commission and a copy has been filed with this Commission pursuant to its rules. At such time as the final registration statement is filed with the Securities and Exchange Commission a copy thereof, together with a copy of the final indenture and final warrant agreement, will also be filed pursuant to the requirements of this Commission. Applicant was not able at the hearing to specify exactly the interest which it will have to pay on the debentures or the underwriting fee for the sale of the securities; nor the ultimate price of the Common Stock issuable pursuant to exercise of the warrants. A witness testified, however, that the interest for the debentures will not exceed 6-1/2% per annum; that the underwriting commission will not be in excess of 7% of the public offering price of the units before expenses to the company of financing, with no underwriting commission payable as to funds ultimately raised from the exercise of the warrants. A witness for the company testified that the company had a firm commitment for interim short-term financing in connection with the proposed construction program in an aggregate amount of \$250,000 at 5% interest, said financing to be represented by unsecured notes. The witness further testified that additional funds could be made available for interim financing if the same were required. At the completion of the financing herein, applicant proposes to retire the full amount of the interim financing. Further, at the completion of the contemplated financing, the long-term debt will not exceed sixty-five per cent of the company's total capitalization.

After a review of all of the testimony and exhibits presented, it was found that there was a need for gas service in the various cities, towns and communities proposed to be served by the applicant, and that there was a need for the proposed financing on

the part of the applicant in order to complete its proposed construction program and that the applicant should be authorized to issue and sell its securities in order to finance this project.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That public convenience and necessity require the construction, installation, maintenance and operation of the necessary gas transmission and gathering systems for the supplying of gas to the towns and cities in which applicant has obtained franchises and to areas adjacent to said communities and to areas adjacent to the transmission and gathering lines, and that certificates of public convenience and necessity have issued therefor.

Applicant should be authorized to issue and sell its securities at a public offering price not to exceed \$2,500,000, not including any funds to be subsequently raised by the exercise of warrants issued in connection with the securities, such securities to be sold to underwriters in the form of units, each unit consisting of \$20 principal amount of twenty year sinking fund debentures and two shares of the company's Common Stock, par value \$3 per share, together with a warrant to purchase two shares of the company's Common Stock with par value of \$3 per share, exercisable at a future date, at a price to be set in a purchase contract to be negotiated between the underwriters and Rocky Mountain Natural Gas Company at the time of sale of said securities to said underwriters, said price to be not less than ninety per cent of the market price as determined by the Board of Directors of the applicant, on the date of the signing of said purchase contract, and, further, with

an interest for the debentures not exceeding 6-1/2% per annum, and with underwriting commissions not to exceed 7% of the public offering price of the units before giving effect to financing expenses of the applicant, there to be no commission on the ultimate exercise of said warrants.

That the purposes for which applicant proposes to use the proceeds from the sale of its securities are consistent with and permitted by the provisions of 1953 Colorado Revised Statutes, Chapter 115-1-4, and are consistent with the public interest and that the application to be made of the proceeds of said securities is permitted by applicable law of Colorado.

#### O R D E R

##### THE COMMISSION ORDERS:

That the applicant he, and is hereby, authorized to issue and sell securities at a public offering price of not to exceed \$2,500,000 (excluding estimated proceeds to be received upon the exercise of the Warrants), said securities to be in the form of Units consisting of approximately (a) \$1,500,000 principal amount of sinking fund, unsecured, debentures, with warrants attached to purchase from the Company, for a period of approximately five years, an aggregate of 150,000 shares of Common Stock (subject to adjustment as provided in the Warrant Agreement between the applicant and Denver United States National Bank, Warrant Agent,) and (b) 150,000 shares of Common Stock, \$3 par value, to be sold to underwriters and reoffered by them to the public; each Unit to consist of approximately (a) \$20 principal amount of debentures with a warrant attached to purchase from the Company two shares of Common Stock (subject to adjustment as provided above), and (b) 2 shares of Common Stock; the interest rate for the debentures not to exceed 6-1/2% per annum, underwriting commissions not to exceed 7% of the public offering price of the Units before giving effect to financing expenses of the applicant, but not including in the public offering price any proceeds to the Company upon the exercise of

Warrants, and the debentures to mature approximately twenty years from the date of issue; and further authorizing the applicant to issue and sell shares of Common Stock to the holders of the warrants upon the exercise thereof; provided, however, that the price per share to be included in the aforementioned Registration Statement, at which shares of the Company's Common Stock may be issued upon the exercise of Warrants, shall be at least equal to ninety per cent of the price determined by the Board of Directors of the Company to be the market price of the Company's Common Stock at the time such exercise price is fixed.

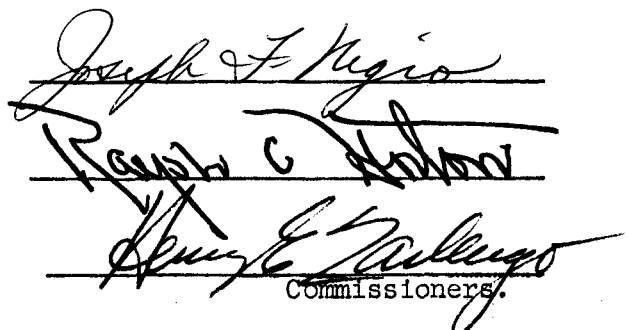
That applicant is authorized to use the proceeds of this issue of Units to construct the facilities referred to herein, including the payment of short-term bank loans incurred or to be incurred to defray initial cost of such facilities, together with repayments of Company funds advanced for said purposes, and to use any proceeds received, from the issue of stock pursuant to the exercise of warrants, together with any unexpended funds received from the sale of the Units herein authorized, for general corporate purposes of the applicant.

That nothing herein 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.

That each security issued by the applicant as proposed shall bear a distinguishing number, which shall be "Colo. P. U. C. Decision No. 56832."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of July, 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, DENVER, COLORADO,  
TO WITHDRAW THE AGENT AT MALTA,  
COLORADO.

APPLICATION NO. 18531

July 14, 1961

S T A T E M E N T

By the Commission:

Pursuant to this Commission's Rules and Regulations Pertain-  
ing to Railroads and Express Companies Operating in the State of Colo-  
rado, The Denver and Rio Grande Western Railroad Company, by T. A.  
White, General Attorney, did on May 16, 1961, file a request seeking  
authority to withdraw its agency service at Malta, Colorado, effective  
July 15, 1961; and to thereafter provide the service from Leadville,  
but retaining the passenger waiting room, industry trackage and switch-  
ing service at Malta.

Malta is located on Applicant's Royal Gorge Route near the  
top of the Continental Divide in the area between Salida on the south-  
east and Minturn to the northwest. It is also  $4\frac{1}{2}$  miles westerly from  
Leadville, where an agency station is maintained on a branch line that  
connects with the Colorado and Southern Railway providing service to  
Climax, Colorado.

Applicant states that Malta is presently maintained as a  
station open 24 hours daily for operating necessity with a staff con-  
sisting of an agent and two telegraphers. One passenger train in  
each direction passes Malta daily at the times of 7:36 A. M. eastbound  
and at 4:52 P. M. moving westward. Freight business at Malta has con-

sisted of the seasonal movement of sheep inbound for grazing in late spring and outward shipment to market or lower pasture in the fall. A similar movement is made from Tennessee Pass - a main-line siding 9 miles away - and Applicant notes that all billings could be conveniently made at the Leadville station.

In the instant request it is cited that on July 15, 1961, the Rio Grande will have completed installation of centralized train control in the territory between Kobe and Nathrop and the maintenance of an agent and two telegraphers at Malta will no longer be required for train operation and the continuance of the agency cannot be justified on considerations of public convenience.

In the course of Commission investigation herein, it was determined that in absence of an agent, the Railroad Company will keep the depot open, provide light, heat and telephone communication for the convenience of passengers arriving and departing on the daily trains. Correspondence was also received from one patron to verify the season movement of livestock and indicating continued need for the shipping facilities at Malta. In other correspondence addressed to the Commission by the Leadville Chamber of Commerce and describing local understanding of the current Rio Grande request, we have the following:

"Any inbound or outbound carload freight shipments can be conveniently handled through their Agent at Leadville, who will accept any toll call from their customers with regards to these shipments.

"In consideration of their proposals, we do not feel that withdrawing the Agent from the Malta station would have any adverse effect on the rail service to this area, therefore, have no objection to the closing of the Agency at Malta."

A similar statement of position for the Leadville City Council, by Richard C. Enochs, Mayor, has also been received by the Commission.

In further analysis of the instant request, it is to be

or destination is common railroad practice. Handling of train movements is a separate operating function wherein increased efficiency is being sought.

It is therefore the belief of the Commission that the proposed change is compatible with the public interest and the Commission has determined to hear, and has heard, said matter, forthwith, without further notice, upon the records and files herein.

### F I N D I N G S

#### THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of the Malta Station Agency.

That public convenience and necessity in this area can be adequately served by the Leadville agency station and substituted facilities at Malta.

That the authority sought in the instant application should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That the above Statement and Findings be made a part hereof.

That the Denver and Rio Grande Western Railroad Company, Denver, Colorado, be, and it hereby is, authorized to withdraw its agent from the station at Malta, Lake County, Colorado, effective July 15, 1961, and to thereafter maintain Malta as a non-agency station.

That the Denver and Rio Grande Western Railroad Company shall continue to provide public telephone and waiting room facilities, with heat as required, in the depot at Malta, Colorado.

That reference shall be made to this decision in the tariff schedules showing the closing of said station, as authority for such action.



noted that Rio Grande has been engaged in a gradual modernization program wherein the current Centralized Traffic Control installation offers advantages of simplified train operation by elimination of train orders, savings in time and manpower, together with a more positive degree of operating safety.

Train order elimination concentrates the control of trains in a centralized dispatcher whereby the 24-hour operator service is no longer required at Malta; thereby offering a possible saving of some \$26,500 annually in wage and station expense. However, there will be a lesser saving if the Agent is retained.

A review of the other station activity at Malta indicates the following:

Station Revenues - 1960

Freight:

Forwarded	36 cars	\$1,530.85
Received	23 cars	1,106.22

L.C.L.:

Forwarded	None	
Received		3.06
Western Union Messages	\$10.75	1.08 Commission
Passenger Tickets	362 Sales	2,284.27
Milk & Cream		<u>58.06</u>

Total Revenue	\$4,983.54
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Hence, we have the situation wherein the nearby City of Leadville offers full station agency service, public telephone service to the Malta waiting room, direct contact with the train dispatcher and more simplified access for local residents to transact railroad business with full ticket sale facilities.

Relative to the service rendered to the public by an agent at Malta, it now appears that the demand is only seasonal and the operating function is being eliminated by modernized control facilities. It appears that the railroad proposal to maintain a heated waiting room will meet the needs of passenger arrivals, departure or layovers. Handling of carload movements at points other than origin

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio  
Ralph E. Horton  
Randy E. Salgado  
Commissioners

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WELDON HARRIS, MORRISON, COLORADO,  
FOR A CLASS "B" PERMIT TO OPERATE AS  
A PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.

APPLICATION NO. 18588-PP

-----  
July 14, 1961  
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Appearances: Weldon Harris, Morrison,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

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

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 532 State Services Building, Denver, Colorado, at 10:00 o'clock A. M., on July 7,

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

At the hearing, the applicant appeared in support of his application and testified as to his equipment and experience. He stated he was well experienced in trucking operations having previously held Permit No. B-4921, issued by this Commission, and he wishes to have this same number assigned to him in the event the authority is granted.

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

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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 Weldon Harris, Morrison, 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 being restricted against the use of tank vehicles.

That operating rights granted hereunder shall be designated as "Permit No. B-4921," being the number of a permit formerly held by applicant.

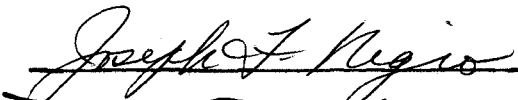
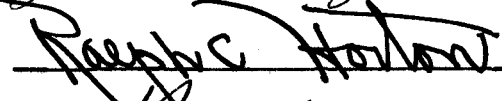

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 14th day of July, 1961.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JERRY D. THODE AND HARRY F. THODE,  
13457 WEST 22ND PLACE, GOLDEN, COLO-  
RADO, FOR A CLASS "B" PERMIT TO OP-  
ERATE AS A PRIVATE CARRIER BY MOTOR  
VEHICLE FOR HIRE.

APPLICATION NO. 18586-PP

July 14, 1961

Appearances: Jerry D. Thode, Golden,  
Colorado, for Appli-  
cants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of quartz, from points within a four-mile radius of Buffalo Creek, in Jefferson County, Colorado, for stockpiling at either Morrison, Colorado, or Golden, Colorado, and after processing, for delivery to be made within a ten-mile radius of Denver, Colorado.

Said application was regularly set for hearing, and heard, pursuant to statutory notice to all interested parties, on July 7, 1961, at 532 State Services Building, Denver, Colorado, and was there taken under advisement.

At the hearing, Jerry D. Thode appeared in support of the application, stating that he and Harry F. Thode have been operating as a co-partnership under Temporary Authority issued by this Commission; that they have ample and suitable equipment; that they have the necessary finances, and are experienced trucking operators. He stated their net worth is approximately \$100,000.

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

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the authority sought herein should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Jerry D. Thode and Harry F. Thode, co-partners, 13457 West 22nd Place, Golden, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of quartz, from points within a four-mile radius of Buffalo Creek, in Jefferson County, Colorado, for stockpiling at either Morrison, Colorado, or Golden, Colorado, and after processing, for delivery to be made within a ten-mile radius of Denver, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Nelson  
Henry E. Zallings  
Commissioners.

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

mls



original

(Decision No. 56836)

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-  
RADO, FOR A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY AUTHORIZ-  
ING EXTENSION OF OPERATIONS UNDER  
PUC NO. 2875.

APPLICATION NO. 18436-Extension  
SUPPLEMENTAL ORDER

-----  
July 14, 1961  
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S T A T E M E N T

By the Commission:

On April 28, 1961, the Commission entered its Decision No. 56343, in the above-styled application, granting to applicant herein a certificate of public convenience and necessity, authorizing extension of operations under PUC No. 2875, as therein set forth.

On May 18, 1961, "Petition for Rehearing" was filed herein by Mountain View Rubbish Removal Company and Sam's Ash, Trash and Garbage Service, by their attorneys.

On May 29, 1961, "Motion in Opposition of Petition for Rehearing" was filed by Attorney for Applicant herein.

On May 29, 1961, by Decision No. 56524, the Commission set for Oral Argument the Petition for Rehearing as well as the Motion in Opposition of Petition for Rehearing, at 532 State Services Building, Denver, Colorado, at ten o'clock A. M., on June 21, 1961, where the matter was heard and taken under advisement.

On June 23, 1961, the Commission re-set the matter for hearing on July 7, 1961, at 532 State Services Building, Denver, Colorado, When the matter was called for hearing, J. J. Mahoney, the Secretary of the Commission, stated that the attorney for applicant had called

him, stating it was impossible for him to be in attendance at the hearing, and that Bennett S. Aisenberg, representing protestants, also informed him that he would not be at the hearing. Attorney McVickers, for the Applicant, asked that the setting be vacated, and the matter re-set for hearing on some future date convenient to the Commission.

No one was at the Hearing Room at 11:00 o'clock A. M., on July 7, 1961, and in compliance with the advice of the Secretary of the Commission, the setting was vacated.

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

##### THE COMMISSION FINDS:

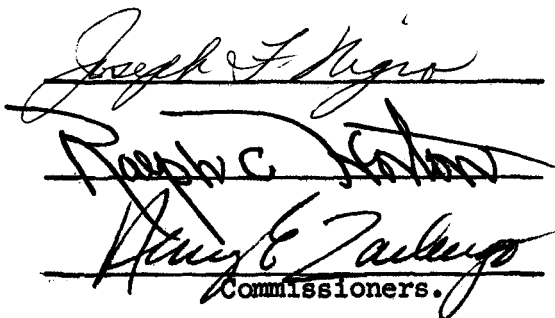
That the setting in Application No. 18436-Extension should be vacated, and the matter re-set at some future date convenient to the Commission.

#### O R D E R

##### THE COMMISSION ORDERS:

That the July 7, 1961, setting of Application No. 18436-Extension be, and the same is hereby, vacated, the matter 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 14th day of July, 1961.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE CANCELLATION OF ALL RATES, RULES  
AND REGULATIONS AND EXCEPTIONS THERETO,  
PUBLISHED IN SECTION NO. 4 (LIVESTOCK)  
OF THE TARIFF COLORADO P.U.C. NO. 13,  
AND IN LIEU THEREOF, PUBLISH THE RATES,  
RULES AND REGULATIONS FOR THE TRANS-  
PORTATION OF LIVESTOCK, SET FORTH IN  
EXHIBIT "A," ATTACHED TO APPLICATION  
NO. 333.

CASE NO. 1585

July 17, 1961

Appearances: A. J. Meiklejohn, Jr., Esq., Denver  
Colorado, and Leslie R. Kehl, Esq.,  
Denver, Colorado, for The Motor  
Truck Common Carriers' Association,  
as Agent, and for Colorado Motor  
Carriers' Association, Agent, (for  
and on behalf of carriers parties to  
its tariff);

Melvin Dinner, Esq., Greeley, Colorado,  
for Colorado Cattle Feeders' Association;

James D. Childress, Esq., Denver, Colorado,  
for Colorado Cattlemen's Association;

John H. Lewis, Esq., Denver, Colorado, for  
Yockey Trucking Co., Inc.;

E. B. Evans, Esq., Denver, Colorado, and  
Pete Bates, Hygiene, Colorado, for Bates  
& Sons;

Chris Sorenson, Longmont, Colorado, for  
Sorenson Truck Service;

T. S. Wood, A. J. Tait, and S. J. Philippone  
for the staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

By Application No. 333, dated February 5, 1958, The Motor Truck  
Common Carriers' Association, as Agent, for and on behalf of carriers parties  
to its tariff Colorado P.U.C. No. 13 petitioned this Commission for permission  
to:

"Cancel all rates, rules, regulations and exceptions  
thereto published in Section 4 of tariff Colorado  
P.U.C. No. 13 and, in lieu thereof, publish the rates,  
rules and regulations for the transportation of livestock  
set forth in Exhibit "A," attached hereto and by reference  
made a part hereof."

A prehearing conference was held May 15, 1959, pursuant to Decision No. 52213 of May 6, 1959, by interested parties as recounted by Decision No. 52476, dated June 11, 1959, with a procedure being agreed upon for the presentation of evidence and the cross-examination of witnesses. Hearing on the application was set for June 22, 1959. Upon agreement of the interested parties the hearing was vacated on June 16, 1959, to be set at a later date. Notices of the hearing and its being subsequently vacated, were mailed to each of approximately 175 interested shippers, growers, associations, carriers, attorneys, chambers of commerce and tariff publishing agents.

The petitioner filed "Amended Application No. 333" on June 15, 1960, requesting that it be permitted to:

"Cancel all rates, rules, regulations and exceptions thereto, published in Section 4 of Tariff Colorado P.U.C. No. 13, and in lieu thereof, publish the rates, rules and regulations for the transportation of live-stock, set forth in the attached Exhibit "A," Specific Tables 1 through 5, and Distance Tables 1 through 6, attached hereto and by reference made a part hereof.

"In Section 6 of Colorado P.U.C. No. 13, on original page No. 137, to change the prescribed mileage between Longmont, Colorado, Index No. 8880, on the one hand, and the Denver Union Stock ~~Yards~~, Denver, Colorado, on the other hand, for 38 miles to 35 miles."

The amended application sets out, among other things, that representatives of the motor carriers, the Colorado Wool Growers' Association, the Colorado Cattlemen's Association, and the Colorado Cattle Feeders' Association "met on numerous occasions to effectuate agreement on these tariff proposals." After lengthy negotiation, the aforementioned shipper groups concluded not to oppose the proposal. (The Colorado Cattlemen's Association and the Colorado Cattle Feeders' Association, by their counsel, actively supported the application and urged its approval.) The amended application states there "are two practices, which, seemingly caused the greatest amount of dissension and dispute between shippers and carriers, and among the shippers and among the carriers," such practices being "(1) the many exceptions to the tariff structure, or 'flagouts,' and (2) the basing of the rate on prescribed mileage." The "proposal eliminates all 'flagouts,' and, with one exception, it eliminates the use of prescribed mileage and substitutes therefore, actual highway mileage, as determined from a standard map of the State."

Petitioner states in its application that:

"The amount of actual revenue increase to be gained by the carriers has been estimated at from two to four per cent thus the resulting industry operating ratio should be from 94 to 96 per cent, before income taxes.

"The actual revenue effect on the carriers, by virtue of the increased level, is impossible of precise determination at this time. This is caused, in the main, by the fact that the mileage on which the rates will operate will henceforth be actual highway miles, as distinguished from the prescribed miles now in the tariff."

The application, as amended, was set for hearing at Denver, Colorado, on September 1, 1960. It was further amended at the hearing, (1) to show the petitioner as The Colorado Motor Carriers' Association, as Agent, for and on behalf of carriers parties to its tariff Colorado P.U.C. No. 13, rather than The Motor Truck Common Carriers' Association, as Agent; (2) to provide for specific rates on livestock, other than sheep and goats, between Groups 1 through 28, inclusive (Gunnison area), and Denver, Colorado, minimum 25,000 pounds; (3) and to provide for specific rates on livestock between Denver, Colorado, and Group 28, Lower Taylor.

Twelve and one-half days were taken up in the presentation of exhibits, offering of testimony and cross-examination. Sixteen witnesses appeared in support of the application. One witness appeared in opposition. Another witness, employed by an insurance company, gave testimony related to a proposed new item of "Transit Insurance." Two witnesses from the staff of the Commission offered testimony in support of a proposed uniform scale of distance rates for application on livestock moving throughout the State.

Witness Lyons' Exhibit No. 1 being a comparison of actual and prescribed mileages, to and from selected mountain points, reflects the prescribed miles as being 110.09 per cent of the actual miles, specifically, for example, the prescribed mileage between Denver and Durango is 400 miles as against actual highway miles of 345 or with the prescribed miles being 115.9 per cent of the actual highway miles; between Denver and Eagle the prescribed mileage is 190 as against actual highway mileage of 140 miles. Thus the prescribed mileage is 135.7 per cent of the actual highway mileage. Between Pueblo and Durango the prescribed mileage is 282 as against the actual highway mileage of 275 with the prescribed being 102.5 per cent of

the actual mileage. The Pueblo-Eagle prescribed mileage is 216 versus the actual highway mileage of 208, the prescribed being 103.8 per cent of the actual.

A similar comparison of actual highway miles with prescribed miles to and from selected plains points reveals that the prescribed miles are 100.95 per cent of the actual highway miles. The prescribed distance, for example, between Denver and Rocky Ford, is 171 miles versus the actual of 168, making the prescribed 101.7 per cent of the actual; the prescribed distance between Denver and Las Animas is 200 miles with the actual highway distance being 198 miles resulting in the prescribed miles being 101.01 per cent of the actual. Approximately the same percentage relationships would result were a comparison to be made between prescribed and actual highway distances between Pueblo and the aforementioned Arkansas Valley points.

On the foregoing points, the result of the elimination of the prescribed mileages is reflected, at least to a degree, by exhibits of record which contain most of the following data:

MOUNTAIN DOMICILED CARRIERS <sup>(1)</sup>

<u>Carrier</u>	<u>Kind of Livestock</u>	<u>Number of Loads</u>	<u>Weight Pounds</u>	<u>Present Revenue Dollars</u>	<u>Proposed Revenue Dollars</u>	<u>Per Cent Increase</u>
Dunlap	Cattle	57	1,453,100	29,383	29,864	1.63
	Sheep	235	5,559,923			
Eveready	Cattle	57	1,388,819	9,219	9,847	6.81
	Sheep	32	764,037			
Gray	Cattle	3	70,560	13,951	14,067	0.83
	Sheep	154	3,368,343			
Montezuma	Cattle	125	2,995,834	24,534	25,130	2.38
	Sheep	27	627,844			
Schattinger	Cattle	44	1,117,181	6,007	6,164	2.61
	Sheep	21	439,775			
Totals	Cattle	286	6,985,494	83,094	85,072	2.38
	Sheep	469	10,759,922			

PLAINS DOMOCILED CARRIERS <sup>(2)</sup>

<u>Carrier</u>	<u>Kind of Livestock</u>	<u>Number of Loads</u>	<u>Weight Pounds</u>	<u>Present Revenue Dollars</u>	<u>Proposed Revenue Dollars</u>	<u>Per Cent Increase</u>
Ballantyne	Cattle	3	87,755	582	604	3.78
	Sheep	3	69,560			
Livestock Transport	Cattle	465	12,601,512	29,842	32,787	9.87
	Sheep	213	4,806,996			
Schaefer	Cattle	191	4,922,816	10,386	10,855	4.53
	Sheep	10	128,460			
Totals	Cattle	659	17,612,083	40,813	44,246	8.41
	Sheep	226	5,005,016			

(1) Shipments for the months of September, October, November, 1960.

(2) Shipments for the months of April, September, October, November, 1960.

It is at once apparent that mountain domiciled carriers will feel the impact of the elimination of prescribed mileages and the use of actual highway distances, where the distance scale of rates is used preponderantly, much more sharply than the plains domiciled carriers.

The proposed increase will not however be diminished, in the case of the mountain domiciled carriers, where the present rates and some newly established rates are between specified groups and Denver, Pueblo, and Salida. Under the proposed rates much of the mountain territory is covered by specific commodity rates as contrasted with the distance commodity rates. A substantial portion of plains territory is now covered by distance commodity rates versus specific commodity rates. It is proposed for the future that all livestock traffic moving within plains territory move at distance commodity rates.

The paucity of the record and incomplete and incorrect data found to exist in the annual reports on file with this Commission make it impossible to forecast with any degree of certainty the amount of the increase revenue sought by the carriers. The proposal of the carriers has resulted from conferences with shippers without regard to the reasonableness or discriminatory aspect of the rates agreed to. In substance, the Commission is being called upon to give its approval to what amounts to a contract for rates and charges for carrier services notwithstanding the provisions of the Public Utilities Act which many of the proposed rates unequivocally contravene.

Witness Smith in Exhibit No. 2 sets out that the last general increase in the distance scale of rates on livestock became effective on July 24, 1951, pursuant to the Commission's Decision No. 37024, dated July 5, 1951, in I & S Docket No. 326.

Witness Dunlap gave testimony of increased costs of supplies and labor, comparing costs for the years 1955 and 1960 primarily. Costs of the following items were stated to be:

<u>Commodity</u>	<u>Cost</u> <u>1955</u>	<u>Cost</u> <u>1960</u>	<u>Per Cent</u> <u>Increase</u>
Diesel fuel, per gal.	\$ .22 + 6¢	\$ .25½ + 6¢	15.9
Gasoline, per gal. including tax	.33	.37½	13.6
Lubricating oil, per gal.	.85	1.08	27.1
Tires, 10 x 20	104.11 <sup>(1)</sup>	110.58	6.2
Tires, 10 x 22	108.00 <sup>(1)</sup>	138.00	18.5
Tubes, 10 x 20	21.00	33.78	60.8
Tubes, 10 x 22	26.20	34.99	33.5
Antifreeze	1.85	2.10	13.5
Trailer, double bottom	11,200.00	13,606.00	21.5

(1) 10 per cent reduction if paid in 10 days.

<u>Commodity</u>	<u>Cost</u> <u>1955</u>	<u>Cost</u> <u>1960</u>	<u>Per Cent</u> <u>Increase</u>
Trailer, flat bed	\$ 4,519.00	\$ 6,390.00	41.4
Trailer, stock	15,254.00 <sup>(2)</sup>	18,874.00 <sup>(3)</sup>	23.7
Tractor, Kenworth	19,388.00	21,930.00 <sup>(4)</sup>	13.7
Labor per hour	1.16	1.50	29.3
Bookkeeper	1.00	1.50	50.0
Mechanics	1.60	2.05	28.1
Office help per hour	1.37	2.25	64.2
(2) 1956 cost			
(3) 1958 cost			
(4) 1959 cost			

Witness Doyle's testimony was stipulated being to the effect that it would be same as Witness Dunlap if he were called to testify.

Witness Coleman stated that "all costs were up considerable," but furnished no cost figures to substantiate his statement.

Witness Avery testified as to increased supplies and labor costs detailing the following:

<u>Commodity</u>	<u>Cost</u> <u>1955</u>	<u>Cost</u> <u>1960</u>	<u>Per Cent</u> <u>Increase</u>
Engine fuel, per gal.	\$ .22	\$ 28.3¢	28.6
Tires, 11:00 x 20	225.40	268.00	18.9
Tractors	19,500.00	24,000.00	23.1
Trailer	10,500.00	15,000.00	42.8
Drivers wages per hour	1.50	2.00	33-1/3
Mechanics wages per hour	1.70	2.00	17.7
Office employees per hour	1.00	1.50	50
Repairs up	- -	- -	30

Witness Northcott's Exhibit No. 19 discloses increased costs for supplies and labor as follows:

<u>Commodity</u>	<u>Cost</u> <u>1955</u>	<u>Cost</u> <u>1960</u>	<u>Per Cent</u> <u>Increase</u>
Tires, 10:00 x 22	\$ 90.00	\$ 120.00	33.3
Antifreeze, per gallon	2.20	1.90	13.6 reduction
Stock Trailer, 40 ft.	7,500.00	9,400.00	25.3
Truck Mack LTL	17,500.00	21,500.00	22.8
Wages:			
Drivers, per mile	.05	.07	40.0
Helpers, per hour	1.50	2.00	33.3
Mechanics, per hour	2.00	2.50	25.0
Office, per month	300.00	400.00	33.3
Engine Fuel, per gallon	.22	.26	18.2

Witness Schattinger testified that costs for repairs and insurance had increased but no documentary evidence was submitted to confirm his testimony.

Witness Schaefer stated that costs of tires, engine fuel and drivers wages had increased but offered no specific instances of increases except in the case of sawdust which he was able to pick up in Denver for nothing five years ago now costs him \$25.00 per load. Sawdust is used for bedding of trailers in which livestock is transported.



Witness Ballantyne testified that his costs had increased as follows:

<u>Commodity</u>	<u>Per Cent Increase 1960 Over 1951</u>
Wages	200%
Fuel and oil per gallon	33-1/3%
Trucks	32 to 50%
Parts	200%

This witness furnished no documentary evidence in substantiation of the said increased costs.

Witness Dunlap's Exhibit No. 3 sets forth the proposals of the respondents. A comparison of the present and proposed distance scales compiled by the staff of the Rate Department of the Commission shows the following percentage increases:

"For general application, except, from, to or between points in Moffat, Rio Blanco, Routt and Park Counties."

#### LIVESTOCK, OTHER THAN SHEEP AND GOATS

##### Plains Territory Scales

Minimum Charge	L.T.L.	(1) 8M	(2) 16M	(3) 20M	*(4) 25M
10.0%	10.0%	29.7%	10.0%	10.1%	5.0%

##### Mountain Territory Scales

10.0%	10.0%	30.9%	10.0%	10%	*(4)(5) 5.5%
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#### SHEEP AND GOATS

##### Plains Territory Scales

Minimum Charge	L.T.L.	10M	(6) 20M
15.0%	23.1%	43.8%	2.7 and 15.7%

##### Mountain Territory Scales

15.0%	9.9%	30.9%	(7) 9.3 and 5.6%
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- (1) - Proposed 8M vs. Present 10M. (2) - Proposed 16M vs. Present 15M.  
 (3) - Proposed 20M vs. Present 18M. (4) - Proposed 25M vs. Present 20M.  
 (5) - Not applicable for the first 100 miles in Mountain Territory.  
 (6) - Proposed 20M vs. Present 15M and 18M.  
 (7) - Present 15M, 9.3% lower than Proposed 20M.

\*The 25M scale is not applicable on interterritorial movements, or in Mountain Territory on movements of less than 100 miles.

"From, to and between points in Moffat, Rio Blanco and Routt Counties."

#### LIVESTOCK, OTHER THAN SHEEP AND GOATS

##### Plains Territory Scales

Minimum charge	L.T.L.	10M	20M
No change	8.15%	8.65%	5.68%

##### Mountain Territory Scales

No change	9.39%	11.23%	8.46%
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# SHEEP AND GOATS

## Plains Territory Scales

Minimum charge	L.T.L.	10M	20M
No change	7.89%	5.68%	5.43%

## Mountain Territory Scales

No change	7.94%	10.10%	8.16%
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"From, to and between points in Park County 5 to 250 miles."

# LIVESTOCK, OTHER THAN SHEEP AND GOATS

## Plains Territory Scales

L.T.L.	10M	16M	20M*	25M
10.47%	5.0%	4.85%	4.90%	Same as present 18M

## Mountain Territory Scales

4.87%	4.93%	4.90%	4.92%	Same as present 18M
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# SHEEP AND GOATS

## Plains Territory Scales

L.T.L.	10M	20M*
21.42%	13.46%	7.23%

## Mountain Territory Scales

16.41%	26.0%	8.72%
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\*Proposed 20M vs. Present 18M

Note: The proposed 20M is 8.38% lower than the present 16M in Plains Territory and 8.77% lower in Mountain Territory.

The group rates from and to the Gunnison and Glenwood Springs areas represent a ten per cent increase. The group rates from and to the San Luis Valley to and from Denver represent an increase of 9.77 per cent on cattle and 21.13 per cent on sheep, and to and from Pueblo, 9.65 per cent on cattle and 19.03 per cent on sheep.

These comparisons are made on the basis of the present and proposed distance scales of rates, which may be changed on specific movements due to the application of the actual highway distance in lieu of the prescribed distances as has been previously pointed out herein.

In considering the record in this proceeding we are impressed and concerned with the apparent unanimity among the carriers themselves in presenting a united position which would meet the requirements of the Public

Utilities Act, viz.: Just, reasonable and sufficient rates and charges. This is more particularly true in Northern Colorado in the counties of Adams, Boulder, Larimer and Weld.

In regard to the situation prevailing in this area, we believe it is fitting here to quote from the Commission's order in Case No. 5144, dated September 12, 1958, Decision No. 50910, page 6:

"It appears that carriers domiciled in the Greeley area have taken matters in their own hands, without prior authority. Exhibit 101 is a map upon which a grid has been drawn, each square approximately five mile sides. Rates to the Denver market have been assigned each square, and these carriers have been charging on the basis of this self-help map. \* \* \* The Greeley carriers praise this system in its actual practice."

Inasmuch as the respondents in their proposal have requested that the distances to be used in applying rates on shipments moving between the Denver Union Stock Yards and points in the counties of Adams, Boulder, Larimer and Weld, along with Jefferson, Morgan and Washington, be those presently prescribed instead of the actual road map miles, it would appear that in doing this the continued use of the zone or block group rates is desirable.

From a practical stand point there does not seem to be anything particularly wrong with such a system. However, we are not in a position to incorporate such a method in an order without a further exhaustive study of all the existing circumstances and conditions in these counties.

The carriers themselves are in such a position, and we believe they should be permitted to exercise some managerial discretion in meeting the existing conditions. Therefore, it is the considered judgment of the Commission that the prescribed rates, rules and charges should not be considered as prescribed on movements between points in Adams, Boulder, Larimer and Weld Counties, nor, from and to points in these counties to and from the Denver Union Stock Yards and other points located within a five-mile radius of the said Stock Yards.

This means that the motor vehicle common carriers serving these areas may establish their own rates, rules, regulations and provisions by proper tariff publication, which, of course, must in all cases meet the requirements of the Public Utilities Act.

According to Exhibit 52, the average number of cattle and calves on farms as of January 1 for the years 1955 through 1959 in the counties of

Adams, Boulder, Larimer and Weld represented approximately 20 per cent of the State as a whole. Similar information on sheep is not available. However, it is common knowledge that there is a very considerable number on feed in the area.

Without attempting to set forth in this report the details of the mass of statistical data introduced in the record covering the many factors involved in a rate proceeding such as this one, suffice to say, each and every exhibit and the testimony of each witness has been given careful consideration in the Commission's deliberations of the issues involved herein, which briefly summarized are as follows:

1. The motor vehicle common carriers are in need of some additional revenues if they are to continue to perform an adequate service for the public.

2. The proposed adjustments have been approved by the Colorado Cattlemen's Association, the Colorado Cattle Feeders' Association, the Colorado Wool Growers' Association and the Chairman of the Transportation Committee of the Colorado Cattlemen's Association representing more than 5,000 shippers of livestock throughout the State.

3. That, generally speaking, the costs of transporting the same sized loads for the same distance is more in the mountain territory and on interterritorial movements than in the plains territory, due, inter alia, to the average speed of the vehicle and the terrain of the two territories.

4. That the costs of transporting sheep are higher than those of cattle, due, inter alia, to lighter loading, length of time involved in loading and unloading, more care in transit, decking, cleaning and bedding.

5. Carriers' increased costs in their operations, such as fuels, tires, trucks, tubes, employees, telephone, etc.

We believe it is in order to once again remind the carriers that it is their burden and responsibility to maintain adequate records, whereby the information required in the annual reports filed with the Commission will correctly reflect the operations of each carrier. The staff of the Commission is available in assisting the carriers to set up the necessary methods to accomplish this task upon a pre-arranged conference or conferences.

## F I N D I N G S

### THE COMMISSION FINDS, That:

1. The statement contained herein should be made a part hereof.
2. The order to be entered herein should be made effective forthwith.
3. Except as otherwise provided herein the rates, rules, regulations and provisions attached hereto, designated as Exhibit "A" should be prescribed as both maximum and minimum for motor vehicle common carriers and as a minimum for private carriers by motor vehicle.
4. The prescribed rates, rules, regulations and provisions should not be considered as prescribed on movements of livestock between points in Adams, Boulder, Larimer and Weld Counties, nor, from and to points in these counties to and from the Denver Union Stock Yards and other points located within a five-mile radius of the said Stock Yards.
5. The application of the prescribed rates, rules, regulations and provisions will result in just and reasonable charges for the public and produce sufficient revenue for the carriers to render an adequate service.

## 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. Except as otherwise ordered herein the rates, rules, regulations and provisions attached hereto, and designated as Exhibit "A," shall be considered as both the prescribed maximum and minimum for movements of livestock by motor vehicle common carriers and the minimum for private carriers by motor vehicle.
4. Except as otherwise ordered herein, all motor vehicle common carriers transporting livestock intrastate in Colorado, shall publish, or cause to be published, rates, rules, regulations and provisions, which shall not be greater or less than those herein prescribed, to be made effective on September 1, 1961, on not less than ten (10) days' notice in the manner prescribed by law and the rules and regulations of the Commission.
5. Except as otherwise ordered herein, all private carriers by motor vehicle transporting livestock intrastate in Colorado, 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, to be made effective September 1, 1961, on not less than ten (10) days' notice in the manner prescribed by law and the rules and regulations of the Commission.

6. The rates, rules, regulations and provisions herein prescribed on movements of livestock between points in Adams, Boulder, Larimer and Weld Counties, nor, from and to points in these counties to and from the Denver Union Stock Yards and other points located within a five-mile radius of the said Stock Yards.

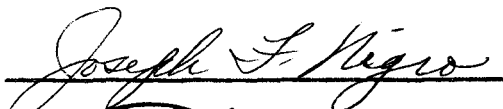
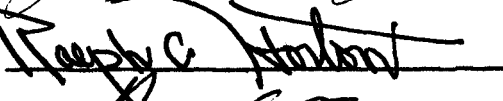
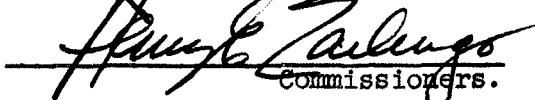
7. Motor vehicle common carriers serving the area embraced in paragraph 6 of this order, desiring to publish and file either individual or joint tariffs on the basis of the prescribed rates, rules, regulations and provisions, or on a different basis shall do so in the manner prescribed by law and the rules and regulations of the Commission, to be made effective on September 1, 1961, on not less than ten (10) days' notice to the Commission and to the public, according to law.

8. This order shall not be construed as compelling a private carrier by motor vehicle to be, or become a motor vehicle common carrier.

9. The order entered in Case 1585, on February 5, 1936, as since amended, and as further amended herein, shall continue in force and effect until further order by the Commission.

10. Jurisdiction is retained to make such further order or orders as may be just and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ph

## APPENDIX "A"

Where reference to tariff is made herein, the tariff referred to will mean Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado P.U.C. No. 13.

Rule No.	RULES AND REGULATIONS GOVERNING THE RATES ON MOVEMENTS OF LIVESTOCK, VIZ.: CATTLE, CALVES, HOGS OR PIGS, GOATS, SHEEP OR LAMBS, HORSES, MULES AND ASSES.
1	<p><u>APPLICATION OF RULES:</u></p> <p>The rules herein provided governing the movement of Livestock are in addition to the general rules and regulations provided on pages 26 to 34-A of Tariff. If there is a conflict between these rules and the general rules and regulations, these rules shall supercede such conflicting rules and regulations. Where these rules are silent, the general rules and regulations shall apply.</p>
2	<p><u>APPLICATION OF MINIMUM CHARGE:</u></p> <p>The minimum charge per shipment, published in Distance Tables 1 and 2, will also apply on shipments moving on the rates in Distance Tables 3 and 4, Specific Tables 1, 2, 3, 4, and 5.</p>
3	<p><u>LIVESTOCK SUBJECT TO PARTURITION:</u></p> <p>Livestock subject to parturition within thirty (30) days from date of shipment will be accepted only at owner's risk.</p>
4	<p><u>EXTRA CARE:</u></p> <p>When extra care is demanded by the shipper in the transportation of livestock, any extra expense incurred by the carrier shall be charged to the shipper at the actual cost to the carrier for such extra care. (See Rule No. 16.)</p>
5	<p><u>SPECIFIC RATES TAKE PRECEDENCE:</u></p> <p>Where specific rates between named points have been published herein, such specific rates shall take precedence over the distance scales of rates.</p>
6	<p><u>COMBINING SHIPMENTS:</u></p> <p>In the event any single shipper does not have tonnage sufficient to take advantage of the truckload rates, shipments from more than one owner at one central loading point destined to one central unloading point may be consolidated and the rate to be charged will be that applicable on the total weight of the combined shipments.</p> <p>When such combined shipments can be identified as to the ownership of each portion or lot contained in the truckload, separate bills shall be issued and reference made on each bill to the effect that each portion or lot was transported as a combined shipment. If ownership cannot be determined at the point of origin, the same information shall be shown on the separate bills when submitted to the owner for payment of the transportation charges.</p> <p>This information is essential in the carrier's record as authority for the application of the truckload rate on less-than-truckload lots.</p>

Rule No.	RULES AND REGULATIONS				
7	<p><b><u>SHIPMENTS LOADED OR UNLOADED AT DIFFERENT PLACES:</u></b></p> <p>(A) On shipments of livestock, including horses, mules and asses, subject to the applicable minimum weight, from one consignee in one day and on one bill of lading but loaded and/or unloaded at different places, apply the rate applicable to the total weight of the shipment for the miles traveled from the first point of loading to the last point of unloading, plus \$2.50 for each stop other than that at the first point of loading and the last point of unloading. (See Rule No. 16.)</p> <p>(B) On Shipments moving at less-than-truckload rates from one or more consignors loaded at different places of origin and destined to one or more destinations and consolidated into a single truck movement, apply the less-truckload rate on each shipment, subject to a minimum charge based on 1,000 pounds at the applicable less-truckload rate, provided, however, the minimum charge for the truck movement shall not be less than the minimum charge provided for from the farthest loading point. The individual minimum charge provided for in Distance Tables 1, 2, 5, and 6 will not apply on less-truckload shipments transported under this rule.</p> <p>(Example: Three separate shipments weighing 1,500 pounds each, moving 30, 35, and 40 miles, respectively, at L.T.L. rates of 35, 37, and 38 cents per 100 pounds, respectively, producing in the aggregate \$16.50 for the truck movement. The minimum charge for 40 miles of \$11.55 (Distance Table 1), would not be applicable on this truck movement.)</p>				
8	<p><b><u>LOADING AND UNLOADING FACILITIES AT ORIGIN OR DESTINATION ONLY:</u></b></p> <p>Facilities for loading and unloading at origin or destination only shall be furnished by the shipper or owner of the livestock. In the event the shipper or consignee does not have facilities, same may be furnished by the carrier. The following charges will be made for such extra service:</p> <p>Trailer Type Loading Chute - \$4.00 for Livestock other than Sheep for which the charge will be \$2.00. (Will not apply where the minimum charge is applied or where the less-than-truckload rate is assessed.) (See Rule No. 16.)</p>				
9	<p><b><u>STOPPING IN TRANSIT:</u></b></p> <p>At the request of the shipper, shipments may be stopped in transit between origin and destination for a maximum free time of two hours, subject to the following:</p> <p>(A) No additional charge will be made by the carrier for shipments which are weighed at directly intermediate points without unloading;</p> <p>(B) Shipments which are unloaded at the stop-in-transit point will be subject to the following additional charges:</p> <table data-bbox="498 2180 1254 2255"> <tr> <td>Sheep, hogs and horses,</td> <td>3¢ per 100 pounds;</td> </tr> <tr> <td>Other livestock,</td> <td>1¢ per 100 pounds.</td> </tr> </table> <p>(C) If, in order to accomplish the stop-in-transit, it is necessary that a distance be traversed which is in excess of the normal short-line highway distance from original point of shipment to</p>	Sheep, hogs and horses,	3¢ per 100 pounds;	Other livestock,	1¢ per 100 pounds.
Sheep, hogs and horses,	3¢ per 100 pounds;				
Other livestock,	1¢ per 100 pounds.				



Rule No.	RULES AND REGULATIONS								
9	<p><b><u>STOPING IN TRANSIT:</u></b> (Concluded)</p> <p>final destination, such excess distance will be added to the normal short-line highway distance from origin to destination and the total number of miles traveled will be used in arriving at the applicable rate;</p> <p>(D) Shipper will be billed for any additional charges which may accrue at the stop-in-transit point for the use of facilities required to perform the requested service, or any additional expense incurred by the carrier due to the stop-in-transit. (See Rule No. 16.)</p>								
10	<p><b><u>TRANSIT INSURANCE:</u></b></p> <p>The cost of excess cargo or transit insurance coverage to protect the shipper against loss of or damage to livestock in transit will be charged for at the actual amount of such expense, in addition to all other applicable rates and charges. (See Rule No. 16.)</p>								
11	<p><b><u>REQUEST FOR EQUIPMENT OF ADDITIONAL LENGTH:</u></b></p> <p>In the event the shipper, for his own convenience, orders a vehicle which is larger than that necessary for moving the shipment, such vehicle will be provided and will be charged for as follows:</p> <table data-bbox="357 1183 1337 1383"> <tr> <td>When length of vehicle requested is:</td><td>The minimum weight upon which charges will be assessed will be:</td></tr> <tr> <td>20 feet and under</td><td>10,000 pounds</td></tr> <tr> <td>30 feet and over 20 feet</td><td>15,000 pounds</td></tr> <tr> <td>Over 30 feet</td><td>22,000 pounds</td></tr> </table> <p>Subject to the provisions of Rule No. 4.</p>	When length of vehicle requested is:	The minimum weight upon which charges will be assessed will be:	20 feet and under	10,000 pounds	30 feet and over 20 feet	15,000 pounds	Over 30 feet	22,000 pounds
When length of vehicle requested is:	The minimum weight upon which charges will be assessed will be:								
20 feet and under	10,000 pounds								
30 feet and over 20 feet	15,000 pounds								
Over 30 feet	22,000 pounds								
12	<p><b><u>METHOD OF DETERMINING DISTANCES TO USE IN ASSESSING DISTANCE RATES:</u></b></p> <p>Where mileages are shown on Rand McNally Road Map via improved roads only, such mileages shall be used to determine the distance or portions of such distance via improved roads.</p> <p>For distance from and to points not covered by the map referred to above, the actual mileage via the shortest practicable route shall be used, except that the map will be used for such portion of the distance as may be provided thereon or ascertainable therefrom.</p> <p>(The term improved roads, as used herein, means any state or county highway that is drained and maintained.)</p> <p>Actual distance shall be measured from the United States Post Office, or the generally recognized center of the community in the absence of a United States Post Office, except that the distance from and to Denver, Colorado, shall be measured to and from the Denver Union Stock Yards which, for rate making purposes, will be considered as being 4 miles north of Denver.</p> <p>When shipments move under special permits required by and obtained from a municipal or state regulatory body or commission, which specifies therein the route to be traveled by the motor vehicle, the mileage to be used in determining the rate will be that via route specified in special permit.</p>								

Rule No.	RULES AND REGULATIONS
12	<p><u>METHOD OF DETERMINING DISTANCES TO USE IN ASSESSING DISTANCE RATES:</u> (Concluded)</p> <p>Where, due to conditions beyond the control of the carrier, it is impractical to operate the truck over highways forming the shortest distance between origin and destination, the next shortest practical route over which the truck can be moved will be shown in the bill of lading and the distance via such route will be used to determine the rate. The bill of lading will also show the reason for the route specified therein.</p> <p>In the event the shipper requests, in writing, that the livestock be transported over highways other than those forming the shortest practical route, the route traversed by the carrier will be that specified by the shipper and the distance via such route will be used to determine the rate. (The route specified and the reason therefor will be shown on the bill of lading.)</p>
13	<p><u>TRANSPORTATION OF SHEEP ON SINGLE DECKS:</u></p> <p>In the event the shipper requests that a movement of sheep be transported on single decks, each single deck will be billed as a 10,000 pound minimum and the 10,000 pound rate will apply to each deck individually, and the bills of lading so marked.</p>
14	<p><u>SPECIAL TRANSPORTATION OF HORSES:</u></p> <p>Horses, such as are valuable chiefly for breeding, show purposes or other special uses, which are transported in vans equipped with separate stalls for each animal, will be charged for at a rate of 10¢ per head per mile, subject to a minimum of 4 head per round trip.</p> <p>Shipments transported a distance of 100 miles or less will be subject to a charge of \$1.25 per head in addition to all other applicable charges.</p> <p>In the event the actual value of the animals transported exceeds \$200 each, the charges provided herein will be increased 1¢ per head per mile for each \$1,000 or fraction thereof actual value in excess of \$200</p> <p>Two or more consignees may combine their shipments to make up the required minimum number of head, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>Distance between the different points of origin, if the horses are loaded at different places, must not exceed 10 miles;</li> <li>Distance between the different points of destination, if the horses are unloaded at different places, must not exceed 10 miles;</li> <li>Distance to be used in assessing rates will be the total miles traveled from first point of origin to the last point of destination;</li> <li>One caretaker must have charge of the entire shipment.</li> </ol>

Rule No.	RULES AND REGULATIONS																														
14	<p><u>SPECIAL TRANSPORTATION OF HORSES:</u> (Concluded)</p> <p>In the event the carrier has not less than a minimum shipment in <del>one</del> direction and has a less-than-truckload shipment in the reverse direction, for the same or a different shipper, the less-than-truckload shipment will be charged for at a rate of 10¢ per head per mile, based on the actual number of horses included in the less-than-truckload shipment.</p> <p>In the event the carrier is requested to transport a portion of the minimum load specified above in one direction, and not less than the remainder of the minimum load in the reverse direction for the same or a different shipper, the charge for the combined movements will be that applicable to the total number of animals transported in both directions, based on one-half of the distance traveled in making the round trip.</p>																														
15	<p><u>TRANSPORTATION FROM AND/OR TO INACCESSIBLE PLACES:</u></p> <p>In the event a shipment of livestock originates at or is destined to a point which is inaccessible to the vehicle ordinarily used by the motor carrier in transporting livestock in over-the-road movements, such over-the-road vehicle will be spotted for loading or unloading at the nearest point to which it can be driven safely and practicably.</p> <p>Carrier will, at the request of the shipper or owner, transport the livestock in smaller equipment to or from the place at which the over-the-road vehicle is spotted for loading or unloading, and such extra service will be charged for on the following basis, in addition to the carrier's published charge for the movement from the original point of origin to the final destination:</p> <table><tr><th><u>Distance in miles from or to country point to or from the over-the-road vehicle.</u></th><th colspan="2"><u>Rates in cents per 100 pounds:</u></th></tr><tr><th></th><th><u>Plains Territory</u></th><th><u>Mountain Territory</u></th></tr><tr><td>3 miles or less</td><td>5</td><td>8</td></tr><tr><td>4 miles and over 3</td><td>6</td><td>9</td></tr><tr><td>5 miles and over 4</td><td>7</td><td>10</td></tr><tr><td>6 miles and over 5</td><td>8</td><td>11</td></tr><tr><td>7 miles and over 6</td><td>9</td><td>12</td></tr><tr><td>8 miles and over 7</td><td>10</td><td>13</td></tr><tr><td>9 miles and over 8</td><td>11</td><td>14</td></tr><tr><td>10 miles and over 9</td><td>12</td><td>15</td></tr></table>	<u>Distance in miles from or to country point to or from the over-the-road vehicle.</u>	<u>Rates in cents per 100 pounds:</u>			<u>Plains Territory</u>	<u>Mountain Territory</u>	3 miles or less	5	8	4 miles and over 3	6	9	5 miles and over 4	7	10	6 miles and over 5	8	11	7 miles and over 6	9	12	8 miles and over 7	10	13	9 miles and over 8	11	14	10 miles and over 9	12	15
<u>Distance in miles from or to country point to or from the over-the-road vehicle.</u>	<u>Rates in cents per 100 pounds:</u>																														
	<u>Plains Territory</u>	<u>Mountain Territory</u>																													
3 miles or less	5	8																													
4 miles and over 3	6	9																													
5 miles and over 4	7	10																													
6 miles and over 5	8	11																													
7 miles and over 6	9	12																													
8 miles and over 7	10	13																													
9 miles and over 8	11	14																													
10 miles and over 9	12	15																													
16	<p><u>EXTRA CHARGES TO BE SHOWN ON BILLS SEPARATE AND APART FROM TRANSPORTATION CHARGES:</u></p> <p>When these rules provide for extra charges over and above the transportation charges, such charges shall be shown separate and apart from the transportation charges and shall be designated on the billing what such extra charges cover.</p>																														

SPECIFIC  
TABLE 1

LIVESTOCK CARRIERS  
SPECIFIC COMMODITY RATES

Rates Shown in Cents Per 100 Pounds

Rates To Apply Between Points in Lake and Chaffee Counties, On the One Hand,  
And Denver, Colorado, On The Other Hand

TABLE A - RATES ON LIVESTOCK OTHER THAN SHEEP OR GOATS:

<u>GROUP</u> <u>NO.</u>	<u>BETWEEN</u> <u>And</u>	<u>( DENVER, COLORADO )</u>			
		<u>Less Than</u> <u>Truckload</u>	<u>Volume Shipments Subject to Minimum</u> <u>Weight, In Pounds, Viz:</u>		
			<u>12,000</u>	<u>18,000</u>	<u>25,000</u>
200		89	62	56	54
201		93	67	61	59

TABLE B - RATES ON SHEEP OR GOATS:

<u>GROUP</u> <u>NO.</u>	<u>BETWEEN</u> <u>And</u>	<u>( DENVER, COLORADO )</u>		
		<u>Less Than</u> <u>Truckload</u>	<u>Volume Shipments Subject to Minimum</u> <u>Weight, In Pounds, Viz:</u>	
			<u>10,000</u>	<u>20,000</u>
200		102	71	62
201		107	77	68

When shipment originates or terminates within Lake or Chaffee Counties, but outside the above listed groups, the following arbitrary shall be added to the rate to the nearest accessible group for the actual distance traveled beyond said group:

Rate in Cents Per 100 Pounds  
(Applies to loaded mileage only)

<u>Miles</u>	<u>Cents</u>	<u>Miles</u>	<u>Cents</u>
1	2½	10	8
2	4	15	10
3	5	20	12
4	5½	25	14
5	6	30	16

Subject to a minimum charge of \$3.50 per loaded truck mile.

Group Description (see Note)

- 200 U.S. Highway 24 from the top of Tennessee Pass south to Junction U.S. Highway 285; Colorado Highway 91 from Lake-Summit County line south to junction U.S. Highway 24; U.S. Highway 285 from Chaffee-Park County line south to the Chaffee-Saguache County line; Colorado Highway 291 from junction U.S. Highway 285 south to Salida; U.S. Highway 50 from Fremont-Chaffee County line west to (but not including) Maysville.
- 201 U.S. Highway 50 from (and including) Maysville west to summit of Monarch Pass.

NOTE: Group includes all points on the indicated highways and points and places within 3 miles each side of the Highway.

LIVESTOCK CARRIERS  
SPECIFIC COMMODITY RATES

SPECIFIC  
TABLE 2

Minimum Weight 8,000 Pounds - Less Than Truckload Rates Are Five (5)  
Cents Per 100 Pounds Greater than shown hereon - Rates shown in Cents  
Per 100 Pounds

AND*	DENVER, COLORADO		PUEBLO, COLORADO	
	Cattle, Hogs and Calves	Sheep and Goats	Cattle Hogs and Calves	Sheep and Goats
Fort Garland	63	72	40	46
Alamosa	66	76	43	49
San Luis	65	75	42	48
Mesita	66	76	44	51
La Jara	67	77	46	53
Monte Vista	68	78	46	53
Del Norte	69	79	48	55
Antonito	69	79	48	55
Center	69	79	48	55
Saguache	69	79	47	54
Hooper	68	78	46	53
Moffat**	69	79	47	54
South Fork	74	85	52	60
Creede	79	91	55	63
Upper Crossing	71	82	49	56
Capulin	67	77	46	53
Mogote	69	79	48	55

\* And points within 10 miles of the named point - where area's overlap lowest rate governs except Capulin and Mogote rates will govern where those rates will apply.

\*\* Rates will apply as maximum rates at directly intermediate points between Moffat and Denver or Pueblo.

LIVESTOCK CARRIERS  
SPECIFIC COMMODITY RATES

SPECIFIC  
TABLE 3

RATES SHOWN IN CENTS PER 100 POUNDS

AND BETWEEN	LA VETA, COLORADO			
	Minimum Weight			
	10,000 Pounds		18,000 Pounds	
	Livestock, Other Than Sheep or Goats	Sheep or Goats	Livestock, Other Than Sheep or Goats	Sheep or Goats
Denver	59	68	49	56
La Junta	37	43	31	36
Pueblo	31	36	26	30
Trinidad	29	33	23	26

RATES SHOWN IN CENTS PER 100 POUNDS  
Minimum Weight 5,000 Pounds

AND BETWEEN	DENVER, COLORADO	
	Livestock, Other Than Sheep or Goats	Sheep or Goats
Kremmling	68	78
Radium	74	85

**LIVESTOCK CARRIERS**  
**SPECIFIC COMMODITY RATES**  
**APPLYING ON LIVESTOCK**  
Column A Rates Apply on Livestock Other Than Sheep or Goats  
Column B Rates Apply on Sheep or Goats  
Rates Shown in Cents Per 100 Pounds

BETWEEN		DENVER, COLORADO								
AND		MINIMUM WEIGHT - IN POUNDS								
*Group Number		25,000 A	18,000 A B		15,000 A B		10,000 A B		Less-than Truckload A B	
1	Sargents	63	66	76	69	79	80	92	108	124
2	Doyleville	66	69	79	74	85	86	99	115	132
3	Parlin	70	73	84	76	87	89	102	119	137
4		72	75	86	78	90	90	104	122	140
5	Gunnison	74	77	89	80	92	93	107	125	144
6	Hierro	76	79	91	82	94	97	112	129	148
7	Iola	78	81	93	85	98	98	113	132	152
8	Sapinero	79	82	94	86	99	100	115	134	154
9	Almont	76	79	91	82	94	97	112	129	148
10	Jacks Cabin	78	81	93	86	99	100	115	134	154
11	Crested Butte	80	84	97	88	101	102	117	136	156
12	Castleton	78	81	93	84	97	97	112	131	151
13	Lake Fork Road	82	85	98	90	104	104	120	141	162
14	Gateview	83	87	100	92	106	107	123	143	164
15		85	89	102	93	107	109	125	145	167
16	Lake City	87	91	105	95	109	110	127	148	170
17	Rte 149	79	82	94	86	99	100	115	134	154
18	Powderhorn	82	86	99	89	102	103	118	140	161
19		84	88	101	91	105	107	123	143	164
20	Cathedral	87	91	105	95	109	110	127	148	170
21	Ohio City	73	76	87	79	91	92	106	124	143
22	Mitchell Ranch	73	78	87	79	91	92	106	124	143
23	Flying M Ranch	75	78	90	81	93	95	109	126	145
24	Hazard Ranch	77	80	92	84	97	97	112	131	151
25	Cochetopa Pass	79	82	94	86	99	100	115	134	154
26	Old Agency Ranger Station	78	81	93	85	98	98	113	132	152
27	Razor Creek Road	71	74	85	77	89	89	102	120	138
28	Lower Taylor	78	81	93	86	99	100	115	134	154

\*See group descriptions attached.

LIVESTOCK CARRIERS  
SPECIFIC COMMODITY RATES  
APPLYING ON LIVESTOCK

Column A Rates Apply on Livestock Other Than Sheep or Goats

Column B Rates Apply on Sheep or Goats

Rates Shown in Cents Per 100 Pounds

AND BETWEEN		SALIDA, COLORADO							
		MINIMUM WEIGHT -- IN POUNDS							
*Group Number		18,000		15,000		10,000		Less-than-Truckload	
		A	B	A	B	A	B	A	B
1	Sargents	20	23	22	25	25	29	42	48
2	Doyleville	22	25	24	28	27	31	46	53
3	Parlin	24	28	26	30	31	36	51	59
4		27	31	31	36	35	40	58	67
5	Gunnison	30	35	33	38	37	43	63	72
6	Hierro	32	37	35	40	41	47	67	77
7	Iola	34	39	37	43	43	49	71	82
8	Sapinero	36	41	41	47	46	53	77	89
9	Almont	33	38	36	41	42	48	69	79
10	Jacks Cabin	35	40	40	46	44	51	75	86
11	Crested Butte	36	41	41	47	46	53	77	89
12	Castleton	33	38	36	41	42	48	69	79
13	Lake Fork Road	40	46	44	51	49	56	84	97
14	Gateview	40	46	44	51	49	56	84	97
15		43	49	47	54	54	62	90	104
16	Lake City	46	53	52	60	58	67	98	113
17	Rte 149	35	40	40	46	44	51	75	86
18	Powderhorn	37	43	42	48	47	54	79	91
19		40	46	44	51	49	56	84	97
20	Cathederal	41	47	45	52	52	60	86	99
21	Ohio City	30	35	33	38	37	43	63	72
22	Mitchell Ranch	30	35	33	38	37	43	63	72
23	Flying M Ranch	33	38	36	41	42	48	69	79
24	Hazard Ranch	34	39	37	43	43	49	71	82
25	Cochetopa Pass	36	41	41	47	46	53	77	89
26	Old Agency Ranger Station	35	40	40	46	44	51	75	86
27	Razor Road	25	29	29	33	33	38	54	62
28	Lower Taylor	35	40	40	46	44	51	75	86

\*See group descriptions attached.



DESCRIPTION OF GROUPS

GROUP NO. 1 (Sargents): Running west on U.S. Route No. 50 from the top of Monarch Pass to a point on U.S. Route No. 50 two (2) miles west of Sargents, and all points within two (2) miles of said U.S. Route No. 50.

GROUP NO. 2 (Doyleville): Running west on U.S. Route No. 50 from Group No. 1 to Hot Springs Creek, but not including the Hot Springs Road, and all points within two (2) miles of said U.S. Route No. 50.

GROUP NO. 3 (Parlin): Running west on U.S. Route No. 50 from Group No. 2 to a point on said route two (2) miles west of Parlin, and all points within two (2) miles of said route.

GROUP NO. 4: Running west on U.S. Route No. 50 from Group No. 3 to Group No. 5, and all points within two (2) miles of said route.

GROUP NO. 5 (Gunnison): That area within a two (2) mile radius of the junction of State Route No. 135 and U.S. Route No. 50.

GROUP NO. 6 (Hierro): Running west on U.S. Route No. 50 from Group No. 5 to Stueben Creek (otherwise known as Elkhorn), and all points within two (2) miles of said route.

GROUP NO. 7 (Iola): Running west on U.S. Route No. 50 from Group No. 6 to Elk Creek, and all points within two (2) miles of said route.

GROUP NO. 8 (Sapinero): Running west on U.S. Route No. 50 from Group No. 7 to a point one (1) mile west of the high bridge over the Lake Fork of the Gunnison River, and all points within two (2) miles of said route.

GROUP NO. 9 (Almont): Running north on State Route No. 135 and the Ohio Creek Road from Group No. 5 to Almont on State Route No. 135 and including the junction of Cunningham Gulch Road on the Ohio Creek Road, and all points within two (2) miles of said routes.

GROUP NO. 10 (Jacks Cabin): Running north on State Route No. 135 from Group No. 9 (Almont) to Slate River bridge and all points within two (2) miles of said route.

GROUP NO. 11 (Crested Butte): Running north on State Route No. 135 from Group No. 10 (Slate River bridge) to Crested Butte and all points within Two (2) miles of said route.

GROUP NO. 12 (Castleton): Running north on the Ohio Creek Road from Group No. 9 to Castleton (old R.R. "Y") and all points within two (2) miles of said route.

DESCRIPTION OF GROUPS (Continued)

GROUP NO. 13 (Lake Fork Road): Running south on the "Lake Fork Road" from Group No. 8 (Sapinero) for nine (9) miles and all points within two (2) miles of said road.

GROUP NO. 14 (Gateview): Running south on the "Lake Fork Road" from Group No. 13 for nine (9) miles and all points within two (2) miles of said route.

GROUP NO. 15: Running south on the "Lake Fork Road" (State Route No. 149 also) from Group No. 14 for nine (9) miles to the Hinsdale-Gunnison County Line and all points within two (2) miles of said route.

GROUP NO. 16 (Lake City): Running south on the "Lake Fork Road" (State Route No. 149) from Group No. 15 (Hinsdale-Gunnison County Line) to Lake City and all points within two (2) miles of said route.

GROUP NO. 17 (Route 149): Running south on State Route No. 149 from Group No. 7 (Iola) eight (8) miles and all points within two (2) miles of said route.

GROUP NO. 18 (Powderhorn): Running south on State Route No. 149 and "Cebolla Creek Road" from Group No. 17 to a point parallel with Rudolph Hill and all points within two (2) miles of said route.

GROUP NO. 19: Running south on the "Cebolla Creek Road" from Group No. 18 to the Hinsdale-Gunnison County Line and all points within two (2) miles of said road.

GROUP NO. 20 (Cathedral): Running south on the "Cebolla Creek Road" from Group No. 19 (Hinsdale-Gunnison County Line) for ten (10) miles and all points within two (2) miles of said road.

GROUP NO. 21 (Ohio City): Running northeast on the "Quartz Creek Road" from Group No. 3 (Parlin) to Ohio City and all points within two (2) miles of said road.

GROUP NO. 22 (Mitchell Ranch): Running south on State Route No. 114 from Group No. 4 ten (10) miles and all points within two (2) miles of said route.

GROUP NO. 23 (Flying M Ranch): Running south on State Route No. 114 from Group No. 22 to and including the "Flying M Ranch" and all points within two (2) miles of said route.

DESCRIPTION OF GROUPS (Continued)

GROUP NO. 24 (Hazard Ranch): Running south on State Route No. 114 from Group No. 23 ~~Nine~~ (9) miles to and including the junction of said road to "Circle O Ranch" and all points within two (2) miles of said route.

GROUP NO. 25 (Cochetopa Pass): Running south on State Route No. 114 from Group No. 24 to top of Cochetopa Pass and all points within two (2) miles of said route.

GROUP NO. 26 (Old Agency Ranger Station): Running southwest from Group No. 24 to the "Old Agency Ranger Station" and all points within two (2) miles of said road.

GROUP NO. 27 (Razor Creek Road): Running south from Doyleville on the Razor Creek Road to the junction of Prosser Creek and Razor Creek and all points within two (2) miles of said portion of Razor Creek.

GROUP NO. 28 (Lower Taylor): Running northeast on Taylor River road from Group No. 9 to Spring Creek and all points within two (2) miles of said route.

\*See pages M, N and O for group descriptions.

When shipments originate outside of the above-listed groups (in the so-called Gunnison area) destined to Denver or Salida, or when originating at Denver or Salida and destined to points outside of the listed groups, the following arbitrary shall be added to the rate to the nearest accessible group for the actual distance traveled beyond said group:

3½ cents per mile per 100 pounds, subject to a minimum charge of \$3.50 per loaded truck mile.

**LIVESTOCK CARRIERS**  
**SPECIFIC COMMODITY RATES**  
**APPLYING ON LIVESTOCK**

**SPECIFIC**  
**TABLE 5**

Column A Rates Apply on Livestock Other than Sheep or Goats

Column B Rates Apply on Sheep or Goats

Rates Shown in Cents Per 100 Pounds

BETWEEN  AND		DENVER, COLORADO							
		Minimum Weight - Pounds							
		18,000 Pounds		15,000 Pounds		10,000 Pounds		Less Than Truckload	
Group Number*		A	B	A	B	A	B	A	B
100		47	54	49	56	55	63	75	86
101	Pando	53	61	55	63	64	74	86	99
102	Redcliff	52	60	54	62	62	71	84	97
103	Gilman-Minturn	49	56	52	60	58	67	78	90
104	Avon-Edwards	49	56	52	60	58	67	78	90
105	Wolcott	52	60	54	62	62	71	84	97
106	Eagle	54	62	56	64	66	76	87	100
107	Gypsum	56	64	58	67	68	78	89	102
108	Dotsero	58	67	63	72	71	82	95	109
109	Shoshone	60	69	66	76	73	84	98	113
110	Glenwood Springs	64	74	70	81	75	86	102	117
111	Carbondale	66	76	74	85	78	90	106	122
112	Basalt	69	79	79	91	85	98	112	129
113	Woody Creek	73	84	84	97	89	102	117	135
114	Aspen	75	86	88	101	92	106	120	138
115		73	84	84	97	89	102	117	135
116		58	67	63	72	71	82	95	109
117		57	66	60	69	70	81	91	105
118	State Bridge	55	63	57	65	67	77	88	101
119	Bond-McCoy	58	67	63	72	71	82	95	109
120	Ruedi	73	84	83	95	89	102	117	135
121	Norrie	79	91	93	107	99	114	126	145
122		79	91	93	107	99	114	126	145
123		82	94	99	114	104	120	132	152
124	Maroon Creek and Castle Creek	77	89	90	104	96	110	123	141
125	Sweetwater	60	69	66	76	73	84	98	113
126	Sylvan	63	72	69	79	74	85	101	116
127	Burns	66	76	74	85	78	90	106	122
128	Newcastle	67	77	75	86	79	91	107	123
129	Sweetwater Creek	64	74	75	86	79	91	107	123
130	Redstone	77	89	90	104	96	111	123	141
131	Placita	80	92	95	109	100	115	128	147
132	Marble	84	97	97	112	110	127	144	166
133	Silt	69	79	77	89	83	95	111	128
134	Rifle	73	84	81	93	87	100	115	132
135	Grand Valley	76	87	81	93	87	100	115	132

LIVESTOCK CARRIERS  
SPECIFIC COMMODITY RATES  
APPLYING ON LIVESTOCK

SPECIFIC  
TABLE 5

Page 2

GROUP DESCRIPTIONS

GROUP NO. 100: From junction Group 103 and 104 east on U.S. Route No. 6 to summit of Vail Pass.

GROUP NO. 101: North from Tennessee Pass summit to and including Pando and 2 miles each side of said route.

GROUP NO. 102: North from Group 101 to but not including Gilman, on U.S. No. 24, and 2 miles each side of said route.

GROUP NO. 103: From, and including Gilman to junction U.S. Routes No. 24 and No. 6 and 2 miles each side of said route.

GROUP NO. 104: From junction U.S. Routes No. 24 and No. 6 to and including Edwards and 2 miles each side of said route.

GROUP NO. 105: From, but not including Edwards to and including Wolcott and 2 miles each side of said route

GROUP NO. 106: From, but not including Wolcott to and including Eagle and 2 miles each side of said route.

GROUP NO. 107: From, but not including Eagle to and including Gypsum and 2 miles each side of said route.

GROUP NO. 108: From, but not including Gypsum to and including Dotsero and 2 miles each side of said route.

GROUP NO. 109: From Dotsero to Shoshone Dam and 2 miles each side of said route.

GROUP NO. 110: From Group 109 to and including Glenwood Springs and 2 miles each side of said route.

GROUP NO. 111: From Group 110 to and including Carbondale and 2 miles each side of said route.

GROUP NO. 112: From Group 111 to and including Basalt on State Route No. 82 and 2 miles each side of said route.

GROUP NO. 113: From Group 112 to and including Woody Creek and State Route No. 82 and 2 miles each side of said route.

GROUP NO. 114: From Group 113 to and including Aspen on State Route No. 82 and 2 miles each side of said route.

GROUP NO. 115: From Group 111 South 6 miles on State Route No. 133 and 1 mile each side of said route.

GROUP NO. 116: From Gypsum south 6 miles on Gypsum Creek Road and 1 mile each side of said route.

GROUP NO. 117: From Eagle south 8 miles on County Road and 1 mile each side of said route.

GROUP NO. 118: From Wolcott north to and including State Bridge and 1 mile each side of said route.

LIVESTOCK CARRIERS  
SPECIFIC COMMODITY RATES  
APPLYING ON LIVESTOCK

SPECIFIC  
TABLE 5

Page 3

GROUP DESCRIPTIONS (Continued)

GROUP NO. 123: From Group 122 to the summit of Independence Pass and 1 mile each side of said route.

GROUP NO. 124: From all points on the Maroon Creek Road and the Castle Creek Road within 5 miles of junction with State Route No. 82 and 1 mile each side.

GROUP NO. 125: North from Group 108 at Dotsero to and including Sweetwater and 1 mile each side of said route.

GROUP NO. 126: From Group 125 north to and including Sylvan and 1 mile each side of said route.

GROUP NO. 127: From Group 126 north to and including Burns and 1 mile each side of said route.

GROUP NO. 128: From, but not including Glenwood Springs to and including Newcastle on U.S. Routes No. 6 and No. 24 and 2 miles each side of said route.

GROUP NO. 129: From Group 125 up Sweetwater Creek Road to Sweetwater Lake and  $\frac{1}{2}$  mile each side thereof.

GROUP NO. 130: From Group 115 to and including Redstone and  $\frac{1}{2}$  mile each side thereof.

GROUP NO. 131: From Group 130 to and including Placita and  $\frac{1}{2}$  mile each side thereof.

GROUP NO. 132: From Group 131 to and including Marble and  $\frac{1}{2}$  mile each side thereof.

GROUP NO. 133: From, but not including, Newcastle, to, and including Silt on U.S. Routes 6 and 24 and 2 miles on each side of said route.

GROUP NO. 134: From, but not including, Silt, to, and including Rifle on U.S. Routes 6 and 24 and 2 miles on each side of said routes.

GROUP NO. 135: From, but not including, Rifle to, and including, Grand Valley on U.S. Routes 6 and 24, and 2 miles on each side of said routes.

GROUP NO. 136: From, but not including, Grand Valley to, and including DeBeque on U.S. Routes 6 and 24, and 2 miles on each side of said route.

LIVESTOCK CARRIERS DISTANCE COMMODITY RATES APPLYING ON LIVESTOCK EXCEPT SHEEP AND GOATS  
APPLIES ONLY WHEN THERE ARE NO OTHER RATES PUBLISHED TO APPLY BETWEEN THE SAME  
POINTS - SUBJECT TO MINIMUM SHIPMENT AS SPECIFIED APPLIED TO SHORT MAP MILES  
RATES SHOWN IN CENTS PER 100 POUNDS

MILES (1)	MINIMUM CHARGE PER SHIPMENT (DOLLARS)	( PLAINS TERRITORY )					( DIFFERENTIAL )					( MOUNTAIN TERRITORY )	
		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO MINIMUM SHIPMENT, IN POUNDS, VIZ:				LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO MINIMUM SHIPMENT, IN POUNDS, VIZ:				LESS THAN TRUCKLOAD	MINIMUM SHIPMENT, IN POUNDS, VIZ:
			8,000	16,000	20,000	25,000 (2)		8,000	16,000	20,000	25,000		8,000
5	\$ 3.30	13	9	7	6	5	9	2	2	2		37	1
10	4.40	18	13	9	8	7	9	4	3	3		38	1
15	5.50	23	17	11	10	9	10	6	3	3		42	2
20	6.60	28	21	13	12	11	10	7	4	4		43	2
25	7.70	33	24	15	14	13	10	8	4	4		44	3
30	8.80	35	26	16	15	14	11	8	6	6		47	3
35	9.90	37	28	18	16	15	11	9	6	6		48	3
40	11.55	38	30	19	17	16	12	9	6	6		51	3
45	12.65	40	32	20	18	17	12	10	6	6		52	4
50	14.30	42	33	21	19	18	12	10	7	7		54	4
55	15.40	43	34	22	20	19	13	10	7	7		56	4
60	16.50	44	35	23	21	20	13	11	7	7		57	4
65	18.15	46	37	24	22	21	14	11	8	8		62	4
70	19.25	48	38	25	23	22	14	12	8	8		63	5
75	20.90	49	40	26	24	23	15	12	8	8		65	5
80	22.00	51	42	27	25	24	15	13	9	9		66	5
85	23.10	52	44	29	26	25	15	13	9	9		67	5
90	24.75	53	47	30	27	26	15	13	9	9		68	5
95	25.85	55	49	31	29	27	17	14	9	9		71	5
100	27.50	57	51	32	30	28	18	15	10	10	9	75	6
110	30.25	59	53	34	32	30	18	15	10	10	9	77	6
120	33.00	62	55	36	34	33	19	16	11	11	11	80	6
130	35.75	64	57	38	36	35	19	16	12	12	12	82	6
140	38.50	66	59	41	38	37	20	17	12	12	12	86	7
150	41.25	68	61	43	41	39	21	18	13	13	13	89	7
160	44.00	70	63	45	43	41	21	19	13	13	13	91	7
170	46.75	73	65	47	45	43	22	20	14	14	14	95	8
180	49.50	76	67	49	47	45	23	20	15	15	15	99	8
190	52.25	81	70	52	49	47	24	21	15	15	15	106	8
200	55.00	85	72	54	52	49	25	22	16	16	16	110	9

(1) IF EXACT DISTANCE NOT SHOWN, USE NEXT HIGHEST DISTANCE.

(2) 25,000 POUND SCALE DOES NOT APPLY ON INTERTERRITORIAL OR MOUNTAIN TERRITORY ON LESS THAN 100 MILE MOVEMENTS.

MILES (1)	MINIMUM CHARGE PER SHIPMENT (DOLLARS)	( PLAINS TERRITORY )					( DIFFERENTIAL )					( MOUNTAIN TERRITORY )	
		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO MINIMUM SHIPMENT, IN POUNDS, VIZ:				LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO MINIMUM SHIPMENT, IN POUNDS, VIZ:				LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO MINIMUM SHIPMENT, IN POUNDS, VIZ:
			8,000	16,000	20,000	25,000 (2)		8,000	16,000	20,000	25,000		8,000
210	\$ 57.75	88	75	57	54	51	26	23	18	18	17	114	96
220	60.50	92	78	61	56	54	28	25	19	19	18	120	101
230	63.25	96	82	64	58	56	29	26	19	19	18	124	105
240	66.00	99	85	67	61	58	30	27	20	20	19	129	110
250	68.75	102	88	70	63	60	31	28	21	21	20	133	114
260	71.50	107	92	74	65	62	32	29	22	22	21	139	120
270	74.25	110	95	77	67	64	33	30	23	23	22	143	124
280	77.00	113	98	80	69	66	34	31	24	24	23	147	128
290	79.75	117	102	84	72	68	35	32	25	25	24	152	133
300	82.50	120	105	87	74	70	36	33	26	26	25	156	137
310	85.25	123	108	90	76	72	37	34	28	28	26	161	142
320	88.00	127	111	94	78	75	39	36	29	29	27	165	147
330	90.75	130	114	97	80	77	39	36	29	29	27	168	150
340	93.50	133	117	100	83	79	40	37	30	30	28	173	155
350	96.25	136	120	103	85	81	41	38	31	31	29	177	159
360	99.00	140	124	106	87	83	42	39	32	32	30	181	163
370	101.75	143	127	108	89	85	43	40	32	32	30	186	167
380	104.50	146	130	109	91	87	44	41	33	33	32	190	170
390	107.25	150	132	111	94	89	45	42	33	33	32	195	174
400	110.00	153	135	113	96	91	46	43	34	34	33	199	177
410	112.75	156	137	116	98	93	47	44	35	35	34	203	181
420	115.50	160	140	118	100	96	48	45	35	35	34	208	185
430	118.25	163	142	120	102	98	48	45	36	36	35	211	188
440	121.00	177	145	122	105	100	53	50	36	36	35	230	193
450	123.75	180	147	124	107	102	54	51	37	37	36	234	197
475	130.90	189	152	127	112	107	57	54	39	39	37	246	207
500	137.50	198	157	130	119	113	59	56	39	39	37	257	217
525	145.20	207	163	136	125	120	62	59	41	41	39	268	227
550	154.00	216	170	143	132	126	65	62	43	43	41	280	238
575	165.00	222	177	150	139	132	67	64	45	45	43	289	247
600	176.00	231	184	156	145	139	69	66	47	47	45	300	257

(1) IF EXACT DISTANCE NOT SHOWN, USE NEXT HIGHEST DISTANCE.

(2) 25,000 POUND SCALE DOES NOT APPLY ON INTERTERRITORIAL OR MOUNTAIN TERRITORY ON LESS THAN 100 MILE MOVEMENTS.



LIVESTOCK CARRIERS  
DISTANCE COMMODITY RATES IN CENTS PER 100 POUNDS  
APPLYING ON SHEEP AND GOATS  
APPLIES ONLY WHEN THERE ARE NO OTHER RATES PUBLISHED TO APPLY BETWEEN THE SAME POINTS  
SUBJECT TO MINIMUM SHIPMENT AS SPECIFIED APPLIED TO SHORT MAP MILEAGE

<u>MILES (1)</u>	<u>MINIMUM CHARGE PER SHIPMENT (DOLLARS)</u>	<u>( PLAINS TERRITORY )</u>			<u>( DIFFERENTIAL SCALE )</u>			<u>( MOUNTAIN TERRITORY )</u>				
		<u>LESS THAN TRUCKLOAD</u>	<u>VOLUME SHIPMENTS</u>		<u>LESS THAN TRUCKLOAD</u>	<u>VOLUME SHIPMENTS</u>		<u>LESS THAN TRUCKLOAD</u>	<u>VOLUME SUBJECT</u>			
			<u>SUBJECT TO MINIMUM</u>			<u>SUBJECT TO MINIMUM</u>						
			<u>WEIGHT IN POUNDS, VIZ:</u>			<u>WEIGHT IN POUNDS, VIZ:</u>						
			<u>10,000</u>	<u>20,000</u>		<u>10,000</u>	<u>20,000</u>		<u>10,000</u>			
5	\$ 3.80	16	12	8	10	2	2	43	14			
10	5.00	21	16	10	10	4	3	44	21			
15	6.30	26	20	12	12	7	3	48	26			
20	7.60	32	24	14	12	8	4	49	31			
25	8.80	38	28	16	12	9	4	51	37			
30	10.10	40	30	17	13	9	7	54	39			
35	11.40	43	32	18	13	10	7	55	43			
40	13.30	44	35	19	14	10	7	59	44			
45	14.50	46	37	20	14	12	7	60	48			
50	16.40	48	38	21	14	12	8	62	49			
55	17.70	49	39	22	15	12	8	64	51			
60	19.00	51	40	23	15	13	8	66	53			
65	20.90	53	43	24	16	13	9	71	55			
70	22.10	55	44	25	16	14	9	72	59			
75	24.00	56	46	26	17	14	9	75	60			
80	25.30	59	48	28	17	15	10	76	61			
85	26.60	60	51	29	17	15	10	77	63			
90	28.40	61	54	30	17	15	10	78	64			
95	29.70	63	56	31	20	16	10	82	67			
100	31.60	66	59	32	21	17	12	86	70			
110	34.80	68	61	35	21	17	12	89	72			
120	37.90	71	63	38	22	18	13	92	76			

(1) IF EXACT DISTANCE NOT SHOWN, USE NEXT GREATER DISTANCE.

MILES (1)	MINIMUM CHARGE PER SHIPMENT (DOLLARS)	( PLAINS TERRITORY )			( DIFFERENTIAL SCALE )			( MOUNTAIN TERRITORY )		
		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS	
			SUBJECT TO MINIMUM			SUBJECT TO MINIMUM			SUBJECT TO MINIMUM	
			WEIGHT IN POUNDS, VIZ:			WEIGHT IN POUNDS, VIZ:			WEIGHT IN POUNDS, VIZ:	
			10,000	20,000		10,000	20,000		10,000	20,000
130	\$ 41.10	74	66	40	22	18	14	94	79	51
140	44.30	76	68	43	23	20	14	99	83	53
150	47.40	78	70	45	24	21	15	102	86	56
160	50.60	81	72	47	24	22	15	105	87	59
170	53.80	84	75	49	25	23	16	109	93	63
180	56.90	87	77	52	26	23	17	114	97	67
190	60.00	93	81	54	28	24	17	122	102	70
200	63.25	98	83	56	29	25	18	127	106	74
210	66.40	101	86	59	30	26	20	131	110	77
220	69.60	106	90	62	32	29	21	138	116	79
230	72.70	110	94	64	33	30	21	143	121	83
240	75.90	114	98	67	35	31	22	148	127	86
250	79.10	117	101	69	36	32	23	153	131	90
260	82.20	123	106	71	37	33	24	160	138	92
270	85.40	127	109	74	38	35	25	164	143	95
280	88.60	130	113	76	39	36	26	169	147	100
290	91.70	135	117	78	40	37	28	175	153	102
300	94.90	138	121	81	41	38	29	179	158	106
310	98.00	141	124	83	43	39	30	185	163	110
320	101.20	146	128	86	45	41	31	190	169	113
330	104.40	150	131	89	45	41	31	193	173	116
340	107.50	153	135	91	46	43	32	199	178	120
350	110.70	156	138	93	47	44	33	204	183	123

(1) IF EXACT DISTANCE NOT SHOWN, USE NEXT GREATER DISTANCE.

DISTANCE  
TABLE 2  
PAGE 3.

MILES (1)	MINIMUM CHARGE PER SHIPMENT (DOLLARS)	( PLAINS TERRITORY )			( DIFFERENTIAL SCALE )			( MOUNTAIN TERRITORY )		
		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS	
			SUBJECT TO MINIMUM			SUBJECT TO MINIMUM			SUBJECT TO MINIMUM	
			WEIGHT IN POUNDS, VIZ:			WEIGHT IN POUNDS, VIZ:			WEIGHT IN POUNDS, VIZ:	
			10,000	20,000		10,000	20,000		10,000	20,000
360	\$113.80	161	143	95	48	45	35	208	187	127
370	117.00	164	146	98	49	46	35	214	192	129
380	120.20	168	150	100	51	47	37	219	196	132
390	123.30	173	152	102	52	48	37	224	200	136
400	126.50	176	155	105	53	49	38	229	204	139
410	129.70	179	158	107	54	51	39	233	208	143
420	132.80	184	161	110	55	52	39	239	213	145
430	136.00	187	163	113	55	52	40	243	216	148
440	139.10	204	167	115	61	58	40	265	222	151
450	142.30	207	169	117	62	59	41	269	227	154
475	150.50	217	175	123	66	62	43	283	238	159
500	158.10	228	181	130	68	64	43	296	250	162
525	167.00	238	187	138	71	68	45	308	261	166
550	177.10	248	196	145	75	71	47	322	274	169
575	189.80	255	204	152	77	74	49	332	284	173
600	202.40	266	212	160	79	76	52	345	296	176

(1) IF EXACT DISTANCE NOT SHOWN, USE NEXT GREATER DISTANCE.

LIVESTOCK CARRIERS DISTANCE COMMODITY RATES  
APPLYING ON LIVESTOCK EXCEPT SHEEP AND GOATS  
FROM, TO AND BETWEEN POINTS IN PARK COUNTY  
RATE IN CENTS PER 100 POUNDS

DISTANCE  
TABLE 3

MILEAGE		( PLAINS TERRITORY )					( DIFFERENTIAL SCALE )					( MOUNTAIN TERRITORY )				
		LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO				LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO				LESS THAN TRUCKLOAD	VOLUME SHIPMENTS SUBJECT TO			
				MINIMUM WEIGHT, IN POUNDS, VIZ:					MINIMUM WEIGHT, IN POUNDS, VIZ:					MINIMUM WEIGHT, IN POUNDS, VIZ:		
				10,000	16,000	20,000			25,000	10,000	16,000			20,000	25,000	10,000
5 AND UNDER		14	8	6	5	5	8	3	3	3	3	36	10	9	8	8
10 AND OVER	5	17	12	9	8	8	8	3	3	3	3	37	15	14	10	10
15	10	23	13	12	10	10	9	4	4	4	4	40	17	15	13	12
20	15	26	15	14	12	11	9	5	4	4	4	41	19	18	15	14
25	20	34	17	16	13	12	9	6	5	5	5	42	22	20	17	16
30	25	36	19	17	14	13	10	6	5	5	5	45	25	22	19	18
35	30	39	21	19	15	14	10	7	6	6	6	46	28	24	21	20
40	35	42	23	20	16	15	12	7	6	6	6	49	31	26	23	22
45	40	43	24	21	18	17	12	8	7	7	7	51	33	28	24	23
50	45	44	25	22	19	18	12	8	7	7	7	52	35	30	25	24
55	50	45	26	23	20	19	13	8	8	8	8	56	37	31	27	26
60	55	46	27	24	21	20	13	9	8	8	8	58	38	33	29	28
65	60	49	29	25	23	22	14	9	8	8	8	61	40	35	30	29
70	65	50	30	26	24	23	14	9	8	8	8	63	41	36	33	31
75	70	52	31	28	25	24	15	9	8	8	8	64	42	38	35	33
80	75	54	33	29	26	25	15	10	9	9	9	65	44	40	36	34
85	80	55	35	30	28	27	15	10	9	9	9	68	47	41	38	36
90	85	56	36	31	29	28	15	10	9	9	9	69	48	42	39	37
95	90	58	37	33	30	29	16	10	9	9	9	70	50	44	40	38
100	95	60	38	34	31	30	17	12	10	10	10	73	51	46	41	39
110	100	62	39	36	34	32	17	12	10	10	10	76	54	48	43	41
120	110	63	42	38	36	34	18	13	12	12	11	79	56	51	47	45
130	120	65	44	40	38	36	18	13	12	12	11	84	60	56	50	48
140	130	69	47	42	40	38	19	14	12	12	11	86	64	58	52	50
150	140	71	49	45	43	41	20	14	13	13	12	89	67	61	56	53
160	150	73	53	47	45	43	20	15	13	13	12	91	70	64	58	55
170	160	76	56	49	47	45	21	15	14	14	13	94	75	67	61	58
180	170	79	59	52	50	48	22	16	15	15	14	100	79	70	66	63
190	180	82	62	55	52	50	23	17	15	15	14	105	84	73	70	67
200	190	86	66	57	55	52	24	18	16	16	15	110	89	77	73	70
210	200	89	70	60	57	54	25	19	17	17	16	115	94	83	77	73
220	210	94	72	63	59	56	26	20	18	18	17	121	99	86	80	76
230	220	99	73	66	61	58	27	20	18	18	17	126	101	89	83	79
240	230	102	76	70	63	60	28	21	19	19	18	131	103	94	86	82
250	240	105	79	73	66	63	29	21	20	20	19	134	105	100	89	85

DISTANCE  
TABLE 4

LIVESTOCK CARRIERS  
DISTANCE COMMODITY RATES

APPLYING ON  
SHEEP AND GOATS

From. To And Between Points in Park County  
Rate in Cents Per 100 Pounds

<u>MILEAGE</u>	( <u>PLAINS TERRITORY</u> )				( <u>DIFFERENTIAL</u> )				( <u>MOUNTAIN TERRITORY</u> )			
	<u>Less Than</u>		<u>Volume Shipments</u>		<u>Less Than</u>		<u>Volume Shipments</u>		<u>Less Than</u>		<u>Volume Shipments</u>	
	<u>Truckload</u>		<u>Subject to Minimum Weight</u>		<u>Truckload</u>		<u>Subject to Minimum Weight</u>		<u>Truckload</u>		<u>Subject to Minimum Weight</u>	
			<u>in Pounds, Viz:</u>				<u>in Pounds, Viz:</u>				<u>in Pounds, Viz:</u>	
			<u>10,000</u>	<u>20,000</u>			<u>10,000</u>	<u>20,000</u>			<u>10,000</u>	<u>20,000</u>
5 miles and under		17	11	8		9	3	3		41	13	11
10 and over	5	20	15	11		9	3	3		43	18	13
15	10	26	16	13		10	5	5		46	20	15
20	15	30	18	14		10	6	5		47	22	17
25	20	39	20	15		10	7	6		48	25	19
30	25	41	22	16		11	7	6		52	29	21
35	30	45	24	17		11	8	7		53	32	23
40	35	48	26	18		14	8	7		56	36	25
45	40	49	28	20		14	9	8		59	38	26
50	45	51	29	21		14	9	8		60	40	28
55	50	52	30	22		15	9	9		64	43	30
60	55	53	31	23		15	10	9		67	44	32
65	60	56	33	25		16	10	9		70	46	33
70	65	58	34	26		16	10	9		72	47	36
75	70	60	36	28		17	10	9		74	48	38
80	75	62	38	29		17	11	10		75	51	39
85	80	63	40	31		17	11	10		78	54	41
90	85	64	41	32		17	11	10		79	55	43
95	90	67	43	33		18	11	10		80	58	44
100	95	69	44	34		20	14	11		84	59	45

DISTANCE  
TABLE 4  
Page 2.

<u>MILEAGE</u>	( <u>PLAINS TERRITORY</u> )				( <u>DIFFERENTIAL</u> )				( <u>MOUNTAIN TERRITORY</u> )			
	<u>Less Than</u>		<u>Volume Shipments</u>		<u>Less Than</u>		<u>Volume Shipments</u>		<u>Less Than</u>		<u>Volume Shipments</u>	
	<u>Truckload</u>		<u>Subject to Minimum Weight</u>		<u>Truckload</u>		<u>Subject to Minimum Weight</u>		<u>Truckload</u>		<u>Subject to Minimum Weight</u>	
			<u>in Pounds, Viz:</u>				<u>in Pounds, Viz:</u>				<u>in Pounds, Viz:</u>	
			<u>10,000</u>	<u>20,000</u>			<u>10,000</u>	<u>20,000</u>			<u>10,000</u>	<u>20,000</u>
110	100	71	45	37	20	14	11		87	62	47	
120	110	72	48	39	21	15	13		91	66	52	
130	120	75	51	41	21	15	13		97	69	55	
140	130	79	54	44	22	16	13		99	74	57	
150	140	82	56	47	23	16	14		102	77	61	
160	150	84	61	49	23	17	14		105	80	63	
170	160	87	64	52	24	17	15		108	86	67	
180	170	91	68	55	25	18	16		115	91	72	
190	180	94	71	58	26	20	16		121	97	77	
200	190	99	76	60	28	21	17		126	102	80	
210	200	102	81	62	29	22	18		132	108	84	
220	210	108	83	64	30	23	20		139	114	87	
230	220	114	84	67	31	23	20		145	116	91	
240	230	117	87	69	32	24	21		151	118	94	
250	240	121	91	72	33	24	22		154	121	98	

DISTANCE  
TABLE 5

LIVESTOCK CARRIERS  
DISTANCE COMMODITY RATES

APPLYING ON

LIVESTOCK OTHER THAN SHEEP OR GOATS

From, To Or Between Points In Moffat, Rio Blanco And Routt Counties

Rates Shown in Cents Per 100 Pounds (2)

<u>Miles</u> <u>(1)</u>	<u>Minimum</u> <u>Charge Per</u> <u>Shipment</u> <u>(Dollars)</u>	<u>PLAINS TERRITORY</u>				<u>DIFFERENTIAL</u>				<u>MOUNTAIN TERRITORY</u>			
		<u>Less Than</u>	<u>Volume Shipments Subject To</u>			<u>Less Than</u>	<u>Volume Shipments Subject To</u>			<u>Less Than</u>	<u>Volume Shipments Subject To</u>		
		<u>Truckload</u>	<u>Minimum Weight in Pounds, Viz:</u>			<u>Truckload</u>	<u>Minimum Weight in Pounds, Viz:</u>			<u>Truckload</u>	<u>Minimum Weight in Pounds, Viz:</u>		
			<u>5,000</u>	<u>10,000</u>	<u>15,000</u>		<u>5,000</u>	<u>10,000</u>	<u>15,000</u>		<u>5,000</u>	<u>10,000</u>	<u>15,000</u>
5	\$ 3.00	12	10	9	8	8	4	4	4	34	12	12	11
10	4.00	15	12	11	10	8	6	5	5	35	18	16	15
15	5.00	20	16	13	12	9	7	6	5	38	21	18	16
20	6.00	25	19	15	14	9	7	6	6	39	25	20	19
25	7.00	30	22	17	16	9	7	7	6	40	29	23	20
30	8.00	32	24	19	17	10	7	7	7	43	31	25	22
35	9.00	34	26	21	18	10	8	8	7	44	34	27	23
40	10.50	35	27	22	19	11	8	8	7	46	35	28	24
45	11.50	36	29	23	20	11	9	8	7	47	38	29	25
50	13.00	38	30	24	21	11	9	9	8	49	39	31	27
55	14.00	39	31	25	22	12	9	9	8	51	40	32	28
60	15.00	40	32	26	23	12	10	9	8	52	42	33	29
65	16.50	43	34	27	24	13	10	10	9	56	44	35	31
70	17.50	44	35	28	25	13	11	10	9	57	46	36	32
75	19.00	45	36	29	26	14	11	10	9	59	47	37	33
80	20.00	46	--	30	27	14	--	10	10	60	--	38	35
85	21.00	47	--	32	28	14	--	11	10	61	--	41	36
90	22.50	48	--	33	29	14	--	11	10	62	--	42	37
95	23.50	50	--	34	30	15	--	12	10	65	--	44	38
100	25.00	52	--	35	31	16	--	12	11	68	--	45	40

(1) If exact distance not shown, use next greater distance.

(2) On shipments of calves and horses add 2 cents per 100 pounds to the rate shown hereon.

Rates Shown in Cents Per 100 Pounds (2)

DISTANCE  
TABLE 5  
Page 2.

<u>Miles</u> <u>(1)</u>	<u>Minimum</u> <u>Charge Per</u> <u>Shipment</u> <u>(Dollars)</u>	<u>( PLAINS TERRITORY )</u>				<u>( DIFFERENTIAL )</u>				<u>( MOUNTAIN TERRITORY )</u>			
		<u>Less Than</u>	<u>Volume Shipments Subject to</u>			<u>Less Than</u>	<u>Volume Shipments Subject To</u>			<u>Less Than</u>	<u>Volume Shipments Subject to</u>		
		<u>Truckload</u>	<u>Minimum Weight in Pounds, Viz:</u>			<u>Truckload</u>	<u>Minimum Weight in Pounds, Viz:</u>			<u>Truckload</u>	<u>Minimum Weight in Pounds, Viz:</u>		
			<u>5,000</u>	<u>10,000</u>	<u>15,000</u>		<u>5,000</u>	<u>10,000</u>	<u>15,000</u>		<u>5,000</u>	<u>10,000</u>	<u>15,000</u>
110	27.50	54	--	36	33	16	--	12	11	70	--	46	42
120	30.00	56	--	38	35	17	--	13	12	73	--	49	45
130	32.50	58	--	40	37	17	--	13	13	75	--	51	48
140	35.00	60	--	44	39	18	--	15	13	78	--	57	50
150	37.50	62	--	45	41	19	--	15	14	81	--	58	53
160	40.00	70	--	52	47	21	--	17	15	91	--	67	61
170	42.50	73	--	55	50	22	--	18	17	95	--	70	64
180	45.00	76	--	58	52	23	--	19	18	99	--	75	67
190	47.50	81	--	62	54	24	--	20	18	106	--	79	69
200	50.00	85	--	66	56	25	--	21	19	110	--	85	73
210	52.50	88	--	69	59	26	--	22	20	114	--	89	77
220	55.00	92	--	72	63	28	--	23	21	120	--	92	81
230	57.50	96	--	73	66	29	--	23	21	127	--	94	85
240	60.00	99	--	74	69	30	--	24	22	129	--	96	89
250	62.50	102	--	77	73	31	--	24	23	133	--	99	94
260	65.00	107	--	80	76	32	--	25	24	139	--	103	98
270	67.50	110	--	85	79	33	--	28	25	143	--	110	102
280	70.00	113	--	88	83	34	--	28	26	147	--	113	107
290	72.50	117	--	91	86	35	--	29	28	152	--	118	111
300	75.00	120	--	95	89	36	--	30	29	158	--	122	116

(1) If exact distance not shown, use next greater distance.

(2) On Shipments of calves and horses add 2 cents per 100 pounds to the rate shown hereon.



Rates Shown in Cents Per 100 Pounds (2)

DISTANCE

TABLE 5

Page 3.

Miles (1)	Minimum Charge Per Shipment (Dollars)	( PLAINS TERRITORY )				( DIFFERENTIAL )				( MOUNTAIN TERRITORY )			
		Less Than Truckload	Volume Shipments Subject to			Less Than Truckload	Volume Shipments Subject To			Less Than Truckload	Volume Shipments Subject to		
			Minimum Weight in Pounds, Viz:	5,000	10,000		15,000	Minimum Weight in Pounds, Viz:	5,000		10,000	15,000	Minimum Weight in Pounds, Viz:
310	77.50	123	--	98	92	37	--	31	30	161	--	127	120
320	80.00	127	--	101	96	39	--	32	31	165	--	131	124
330	82.50	130	--	105	99	39	--	33	31	168	--	135	128
340	85.00	133	--	108	101	40	--	34	32	173	--	140	131
350	87.50	136	--	109	105	41	--	34	33	177	--	141	135
360	90.00	140	--	110	108	42	--	34	34	182	--	142	140
370	92.50	143	--	111	110	43	--	35	34	186	--	144	142
380	95.00	146	--	112	111	44	--	35	35	190	--	145	144
390	97.50	150	--	116	113	45	--	36	35	195	--	150	146
400	100.00	153	--	117	116	46	--	36	36	199	--	151	150
410	102.50	156	--	120	118	47	--	37	37	204	--	155	153
420	105.00	160	--	122	120	48	--	39	37	208	--	158	155
430	107.50	163	--	124	122	48	--	39	39	211	--	161	158
440	110.00	177	--	128	124	53	--	40	39	230	--	165	161
450	112.50	180	--	130	127	54	--	41	40	234	--	168	164
475	119.00	189	--	135	129	57	--	42	41	246	--	175	167
500	125.00	198	--	142	132	59	--	44	41	257	--	184	171
525	132.00	207	--	149	139	62	--	46	43	268	--	193	179
550	140.00	216	--	155	145	65	--	48	45	281	--	201	188
575	150.00	222	--	164	152	67	--	51	47	289	--	212	197
600	160.00	231	--	168	158	69	--	52	50	300	--	218	206

(1) If Exact distance not shown, use next greater distance.

(2) On Shipments of calves and horses add 2 cents per 100 pounds to the rate shown hereon.

LIVESTOCK CARRIERS  
DISTANCE COMMODITY RATES  
APPLYING ON  
SHEEP OR GOATS

DISTANCE  
TABLE 6

From, To or Between Points in Moffat, Rio Blanco and Routt Counties

Rates Shown in Cents Per 100 Pounds

Miles (1)	Minimum Charge Per Shipment (Dollars)	( PLAINS TERRITORY )				( DIFFERENTIAL )				( MOUNTAIN TERRITORY )			
		Less Than Truckload	Volume Shipments Subject To			Less Than Truckload	Volume Shipments Subject to			Less Than Truckload	Volume Shipments Subject to		
			Minimum Weight in Pounds Viz:				Minimum Weight in Pounds Viz:				Minimum Weight in Pounds Viz:		
			5,000	10,000	15,000		5,000	10,000	15,000		5,000	10,000	15,000
5	\$ 3.00	15	13	12	11	8	4	4	4	37	15	15	14
10	4.00	18	15	14	13	8	6	5	5	38	21	19	18
15	5.00	23	19	16	15	9	7	6	5	41	24	21	19
20	6.00	28	22	18	17	9	7	6	6	42	28	23	22
25	7.00	33	25	20	19	9	7	7	6	43	32	26	23
30	8.00	35	27	22	20	10	7	7	7	46	34	28	25
35	9.00	37	29	24	21	10	8	8	7	47	37	30	26
40	10.50	38	30	25	22	11	8	8	7	49	38	31	27
45	11.50	39	32	26	23	11	9	8	7	50	41	32	28
50	13.00	41	33	27	24	11	9	9	8	52	42	34	30
55	14.00	42	34	28	25	12	9	9	8	54	43	35	31
60	15.00	43	35	29	26	12	10	9	8	55	45	36	32
65	16.50	46	37	30	27	13	10	10	9	59	47	38	34
70	17.50	47	38	31	28	13	11	10	9	60	49	39	35
75	19.00	48	39	32	29	14	11	10	9	62	50	40	36
80	20.00	49	--	33	30	14	--	10	10	63	--	41	38
85	21.00	50	--	35	31	14	--	11	10	64	--	44	39
90	22.50	51	--	36	32	14	--	11	10	65	--	45	40
95	23.50	53	--	37	33	15	--	12	10	68	--	47	41
100	25.00	55	--	38	34	16	--	12	11	71	--	48	43
110	27.50	57	--	39	36	16	--	12	11	73	--	49	45
120	30.00	59	--	41	38	17	--	13	12	76	--	52	48

(1) If exact distance not shown, use next greater distance.

DISTANCE  
TABLE 6

Page -2-

Miles (1)	Minimum Charge Per Shipment (Dollars)	( PLAINS TERRITORY )				( DIFFERENTIAL )				( MOUNTAIN TERRITORY )			
		Less Than Truckload	Volume Shipments Subject to			Less Than Truckload	Volume Shipments Subject to			Less Than Truckload	Volume Shipments Subject To		
			Minimum Weight in Pounds Viz:				Minimum Weight in Pounds Viz:				Minimum Weight in Pounds Viz:		
			5,000	10,000	15,000		5,000	10,000	15,000		5,000	10,000	15,000
130	\$ 32.50	61	--	43	40	17	--	13	13	78	--	54	51
140	35.00	63	--	47	42	18	--	15	13	81	--	60	53
150	37.50	65	--	48	44	19	--	15	14	84	--	61	56
160	40.00	73	--	55	50	21	--	17	15	94	--	70	64
170	42.50	76	--	58	53	22	--	18	17	98	--	73	67
180	45.00	79	--	61	55	23	--	19	18	102	--	78	70
190	47.50	84	--	65	57	24	--	20	18	109	--	82	72
200	50.00	88	--	69	59	25	--	21	19	113	--	88	76
210	52.50	91	--	72	62	26	--	22	20	117	--	92	80
220	55.00	95	--	75	66	28	--	23	21	123	--	95	84
230	57.50	99	--	76	69	29	--	23	21	130	--	97	88
240	60.00	102	--	77	72	30	--	24	22	132	--	99	92
250	62.50	105	--	80	76	31	--	24	23	136	--	102	97
260	65.00	110	--	83	79	32	--	25	24	142	--	106	101
270	67.50	113	--	88	82	33	--	28	25	146	--	113	105
280	70.00	116	--	91	86	34	--	28	26	150	--	116	110
290	72.50	120	--	94	89	35	--	29	28	155	--	121	114
300	75.00	123	--	98	92	36	--	30	29	161	--	125	119
310	77.50	126	--	101	95	37	--	31	30	164	--	130	123
320	80.00	130	--	104	99	39	--	32	31	168	--	134	127
330	82.50	133	--	108	102	39	--	33	31	171	--	138	131
340	85.00	136	--	111	104	40	--	34	32	176	--	143	134
350	87.50	139	--	112	108	41	--	34	33	180	--	144	138
360	90.00	143	--	113	111	42	--	34	34	185	--	145	143
370	92.50	146	--	114	113	43	--	35	34	189	--	147	145
380	95.00	149	--	115	114	44	--	35	35	193	--	148	147

(1) If exact distance not shown, use next greater distance.

DISTANCE TABLE 6

Page -3-

Miles (1)	Minimum Charge Per Shipment (Dollars)	( PLAINS TERRITORY )				( DIFFERENTIAL )				( MOUNTAIN TERRITORY )			
		Less Than Truckload	Volume Shipments Subject To			Less Than Truckload	Volume Shipments Subject To			Less Than Truckload	Volume Shipments Subject To		
			Minimum Weight in Pounds Viz:				Minimum Weight in Pounds Viz:				Minimum Weight in Pounds Viz:		
			5,000	10,000	15,000		5,000	10,000	15,000		5,000	10,000	15,000
390	\$ 97.50	153	--	119	116	45	--	36	35	198	--	153	149
400	100.00	156	--	120	119	46	--	36	36	202	--	154	153
410	102.50	159	--	123	121	47	--	37	37	207	--	158	156
420	105.00	163	--	125	123	48	--	39	37	211	--	161	158
430	107.50	166	--	127	125	48	--	39	39	214	--	164	161
440	110.00	180	--	131	127	53	--	40	39	233	--	168	164
450	112.50	183	--	133	130	54	--	41	40	237	--	171	167
475	119.00	192	--	138	132	57	--	42	41	249	--	178	170
500	125.00	201	--	145	135	59	--	44	41	260	--	187	174
525	132.00	210	--	152	142	62	--	46	43	271	--	196	182
550	140.00	219	--	158	148	65	--	48	45	284	--	204	191
575	150.00	225	--	167	155	67	--	51	47	292	--	215	200
600	160.00	234	--	171	161	69	--	52	50	303	--	221	209

(1) If exact distance not shown, use next greater distance.

original

(Decision No. 56838)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF ISSUANCE OF )	
TEMPORARY CERTIFICATES OF )	
PUBLIC CONVENIENCE AND NECES- )	
SITY UNDER CHAPTER 115, SESSION )	APPLICATION NO. 18563
LAWS OF COLORADO, 1953, FOR )	<u>SUPPLEMENTAL ORDER</u>
EMERGENCY MOVEMENT OF WHEAT. )	
----- )	

-----  
July 14, 1961  
-----

S T A T E M E N T

By the Commission:

On June 14, 1961, the Commission entered its Decision No. 56657 in the above-styled application, authorizing issuance of temporary certificates of public convenience and necessity for transportation of wheat, to market or places of storage, in the Counties of Las Animas, Baca, Otero, Bent, Prowers, Kiowa, Crowley, Lincoln, Elbert, Cheyenne, Kit Carson, Washington, Yuma, Phillips, Sedgwick, Logan, Weld, Morgan, Adams, and Arapahoe, Colorado, said certificates to be effective June 15, 1961, and to continue in force up to and including July 14, 1961.

Report has now been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that because of rains in Eastern Colorado, the wheat harvest has been delayed, and will not be completed as early as anticipated.

Request is made for an Order of this Commission, extending time on said temporary certificates of public convenience and necessity for emergency transportation of wheat for another thirty-day period, viz., starting July 15, 1961, and ending August 15, 1961, in said Counties.

## F I N D I N G S

### THE COMMISSION FINDS:

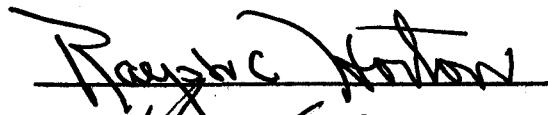

That said request should be granted, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That the period of time within which temporary certificates of public convenience and necessity may issue for emergency transportation of wheat to market or places of storage, in the Counties of Las Animas, Baca, Otero, Bent, Prowers, Kiowa, Crowley, Lincoln, Elbert, Cheyenne, Kit Carson, Washington, Yuma, Phillips, Sedgwick, Logan, Weld, Morgan, Adams, and Arapahoe, Colorado, authorized by Decision No. 56657, of date June 14, 1961, be, and the same hereby is, extended, from June 14, 1961, to and including August 15, 1961, no such certificate to issue for transportation of wheat by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES ON CERTAIN IRON AND STEEL )  
ARTICLES, AS NAMED IN ITEM NO. 871, )  
12TH REVISED PAGE NO. 176-A, COLORADO )  
MOTOR FREIGHT TARIFF NO. 1-A, COLORADO )  
P.U.C. NO. 3, FROM MINNEQUA, COLORADO, )  
TO NORAD SITE, COLORADO. )  
-----

INVESTIGATION AND SUSPENSION

DOCKET NO. 457

-----  
July 14, 1961  
-----

S T A T E M E N T

BY THE COMMISSION:

On June 16, 1961, John P. Norman, Agent, Motor Tariff Service Colorado Motor Freight Tariff No. 1-A, Colorado P.U.C. No. 3, filed 12th Revised Page No. 176-A, containing Item No. 871, naming rates in cents per 100 pounds, on various named iron and steel articles from Minnequa, Colorado, to various named destinations, to which a new destination designated as Norad Site was added, advertised to become effective July 17, 1961. The name "Norad" represents "North American Air Defense Command," which site is in the vicinity of, and west of Colorado Springs and Fort Carson.

On June 28, 1961, the Rio Grande Motor Way, Inc., by Ralph H. Knull, its Traffic Manager, filed with the Commission a protest against the said publication and, in part, stated:

"As Rio Grande Motor Way is the holder of a certificate from the Public Utilities Commission authorizing regular route scheduled service between Pueblo and the destination of Norad, we wish to voice our objection to the publication of these rates which are published not subject to the 20 per cent penalty for carriers other than scheduled line haul carriers as provided in Item 310, Tariff 1-A."

Without passing upon the contention of the said Motor Way, the Commission is of the opinion that the said publication should be suspended and a public hearing be held, whereby the facts may be fully considered after the submittal of a complete record.

F I N D I N G S

THE COMMISSION FINDS:

That upon complaint, without formal pleading, the publication of Item 871 in 12th Revised Page No. 176-A, Motor Tariff Service Colorado Motor

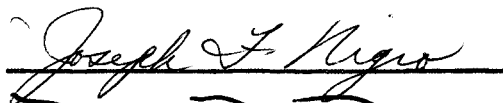
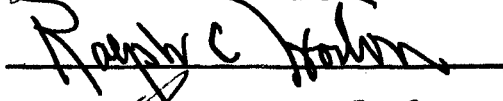

Freight Tariff No. 1-A, Colorado P.U.C. No. 3, wherein Norad Site is included as a destination should be suspended and that it should enter upon a hearing concerning the lawfulness of the said publication.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings are made a part hereof.
2. It shall, upon complaint, enter upon a hearing concerning the lawfulness of the publication referred to in the findings.
3. The operation of said publication shall be suspended and the use of same shall be deferred 120 days, or until the 13th day of November, 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 John P. Norman, Agent, 1304 Cherokee Street, Denver 4, Colorado; Ralph H. Knull, Traffic Manager, Rio Grande Motor Way, Inc., 775 Wazee Street, Denver 4, Colorado; and J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, 4060 Elati Street, Denver 16, Colorado.
6. This Investigation and Suspension Docket No. 457 be and the same is hereby set for hearing before the Commission on August 9, 1961, at 10:00 A. M., in the hearing room of the Commission, 532 State Services Building, Denver, Colorado.
7. This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ph



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESTERN SLOPE GAS COMPANY, 510 GAS )  
AND ELECTRIC BUILDING, DENVER, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CON- )  
STRUCT AND OPERATE A NATURAL GAS )  
TRANSMISSION PIPELINE FROM A POINT )  
NEAR RIFLE, GARFIELD COUNTY, COLO- )  
RADO, TO POINTS NEAR THE MUNICIPALI- )  
TIES OF SILT, NEWCASTLE, GLENWOOD )  
SPRINGS, AND CARBONDALE, IN GARFIELD )  
COUNTY, COLORADO, TO A POINT NEAR )  
THE TOWN OF BASALT, EAGLE COUNTY, )  
COLORADO, AND TO A POINT NEAR THE )  
CITY OF ASPEN, PITKIN COUNTY, COLO- )  
RADO. )

APPLICATION NO. 18448

-----  
July 17, 1961  
-----

S T A T E M E N T

By the Commission:

On April 10, 1961, the above-entitled application was filed with the Commission by the Western Slope Gas Company and was set for hearing, after due notice to all interested parties, on July 10, 1961. On July 7, 1961, Western Slope Gas Company filed a "Withdrawal of Application" in this matter.

Western Slope Gas Company in its Withdrawal Application stated that it had planned to sell natural gas at wholesale to the Public Service Company of Colorado for distribution in Glenwood Springs and Aspen, Colorado, but that Public Service Company of Colorado did not obtain franchises in the said Towns and, therefore, it wished to withdraw its application.

F I N D I N G S

THE COMMISSION FINDS:

That the application to withdraw Application No. 18448 of the Western Slope Gas Company should be granted.

O R D E R

THE COMMISSION ORDERS:

That the application made by Western Slope Gas Company .  
to withdraw its Application No. 18448 be, and it hereby is,  
granted.

That the records and files of this Commission in Appli-  
cation No. 18448 be, and they hereby are, closed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Horton*  
*Henry E. Zuleygo*  
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RICHARD L. SMITH, P. O. BOX 163, )  
PAGOSA SPRINGS, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-12025

-----  
July 20, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Richard L. Smith,  
Pagosa Springs, Colorado  
requesting that Permit No. M-12025 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12025, heretofore issued to Richard L. Smith,  
Pagosa Springs, Colorado be,  
and the same is hereby, declared cancelled effective June 23, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 20th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RICHARD L. SMITH, P. O. BOX 163,  
PAGOSA SPRINGS, COLORADO.

PERMIT NO. B-5547

July 20, 1961

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Richard L. Smith,  
Pagosa Springs, Colorado  
requesting that Permit No. B-5547 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5547, heretofore issued to Richard L. Smith,  
Pagosa Springs, Colorado be,  
and the same is hereby, declared cancelled effective June 23, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLEN AND FRANCES BROLLIER, DOING )  
BUSINESS AS "BROLLIER SAND AND GRAVEL", )  
115 PAWNEE AVENUE, MANITOU SPRINGS, )  
COLORADO. )  
----- )

PERMIT NO. M-595

-----  
July 20, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen and Frances Brollier,  
doing business as, "Brollier Sand & Gravel", Manitou Springs, Colorado  
requesting that Permit No. M-595 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-595, heretofore issued to Glen and Frances Brollier,  
doing business as, "Brollier Sand & Gravel", Manitou Springs, Colorado be,  
and the same is hereby, declared cancelled effective July 13, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
King E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 20th day of July, 195/ 61.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 56844 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GLEN AND FRANCES BROILLIER, DOING )  
BUSINESS AS, "BROILLIER SAND AND )  
GRAVEL", 115 PAWNEE AVENUE, )  
MANITOU SPRINGS, COLORADO. )

PERMIT NO. B-5362

July 20, 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 their Permit No. B-5362 be suspended  
for six months from July 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 Glen and Frances Broillier, doing business as, "Broillier Sand  
& Gravel", Manitou Springs, Colorado  
be, and are hereby, authorized to suspend their operations under Permit  
No. B-5362 until January 13, 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*  
*George C. Hoston*  
*Henry E. Zurling*  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARTER SEED COMPANY, P. O. BOX 191, )  
TWIN FALLS, IDAHO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-6766

-----  
July 27, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charter Seed Company,  
Twin Falls, Idaho

requesting that Permit No. M-6766 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6766, heretofore issued to Charter Seed Company,  
Twin Falls, Idaho be,

and the same is hereby, declared cancelled effective July 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 27th day of July, 197 61.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. C. MONK, 115 WOODLEY PARK ROAD, )  
GERING, NEBRASKA. )  
 )  
 )  
----- )

PERMIT NO. M-12938

-----  
July 27, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. C. Monk,  
Gering, Nebraska  
requesting that Permit No. M-12938 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12938, heretofore issued to R. C. Monk,  
Gering, Nebraska be,  
and the same is hereby, declared cancelled effective June 12, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 27th day of July, 1961.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
R. C. MONK, 115 WOODLEY PARK )  
ROAD, GERING, NEBRASKA. )  
-----

PUC NO. 4912-I

-----  
July 27, 1961  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. C. Monk,  
Gering, Nebraska

requesting that Certificate of Public Convenience and Necessity No. 4912-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. 4912-I heretofore issued to R. C. Monk,  
Gering, Nebraska

be, and the same is hereby, declared cancelled effective June 12, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph L. Hight*  
*Robert C. Hight*  
*Henry E. Zerkow*  
Commissioners

Dated at Denver, Colorado,

this 27th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HARRY R. ROOF, P. O. BOX 542, LA SAL, )  
UTAH. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-13850

-----  
July 27, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry R. Roof,  
La Sal, Utah  
requesting that Permit No. M-13850 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13850, heretofore issued to Harry R. Roof,  
La Sal, Utah be,  
and the same is hereby, declared cancelled effective June 19, 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 27th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NU ERA CORPORATION, 342 SOUTH STREET, )  
ROCHESTER, MICHIGAN. )  
 )  
 )  
----- )

PERMIT NO. M-6585

-----  
July 27, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Nu Era Corporation,  
Rochester, Michigan  
requesting that Permit No. M-6585 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6585, heretofore issued to Nu Era Corporation,  
Rochester, Michigan be,  
and the same is hereby, declared cancelled effective June 29, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry E. Zaslavsky*  
Commissioners

Dated at Denver, Colorado,

this 27th day of July, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
M. M. PETERSEN, DOING BUSINESS AS, )  
"TRAILRITE SALES", 3935 SOUTH BROAD- )  
WAY, ENGLEWOOD, COLORADO. )  
----- )

PERMIT NO. M-10158

-----  
July 27, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from M. M. Petersen, doing  
business as, "Trailrite Sales", Englewood, Colorado  
requesting that Permit No. M-10158 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10158, heretofore issued to M. M. Petersen, doing  
business as, "Trailrite Sales", Englewood, Colorado be,  
and the same is hereby, declared cancelled effective June 15, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Negro*  
*Garth C. Johnson*  
*Henry C. Zerkow*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 27th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 169, 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 RIO GRANDE MOTOR  
WAY, INC., TO PUBLISH A RATE ON FIBRE-  
BOARD BOXES ON LESS-THAN-STATUTORY NOTICE. )  
-----

CASE NO. 1585

-----  
July 18, 1961  
-----

S T A T E M E N T

BY THE COMMISSION:

On July 10, 1961, the above application was filed with the Commission requesting permission to publish on less-than-statutory notice to become effective one day after filing therewith designated as follows:

<u>Commodity</u>	<u>From</u>	<u>To</u>	<u>Rates in cents per 100 lbs.</u>
Boxes, fibreboard, corrugated, knocked down flat. Minimum weight 36,000 lbs.	The Boise Cascade Container Co. plant site near Golden, Colo.	Alamosa, Colo.	60

The rates and charges to be published in this association's Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11.

The petitioner bases the application upon the following facts:

"The rate requested is a negotiated rate between the Boise Cascade Co. and the Rio Grande Motor Way, Inc., and will produce a revenue of 98 cents per loaded mile. There is no delay in loading or unloading as the commodity is palletized and is loaded and unloaded by power equipment."

"Carrier has been advised that there is to be a movement of 50 to 65 truckloads within the next 45 to 60 days and it is imperative that this rate be published and be effective in order that the tonnage may move via common carrier freight service."

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 July 24, 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 July 24, 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 July 24, 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. Kinton  
Alvin E. Zalusky  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of July, 1961.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ELIMINATION OF TARIFF FILING  
REQUIREMENTS FOR COLORADO DELIVERY,  
INC., PERMIT NO. B-5400, DENVER,  
COLORADO. )

CASE NO. 1585

-----  
July 18, 1961  
-----

S T A T E M E N T

BY THE COMMISSION:

On April 6, 1961, in Case No. 1585, Decision No. 56222, the Commission issued its order relieving Colorado Delivery, Inc., a private carrier by motor vehicle operating under private permit B-5400, from the requirement of filing a tariff with the Commission covering its rates, rules and regulations in the transportation of beer for wholesalers and distributors of Adolph Coors Company of Golden, Colorado, from point to point in the State of Colorado with return of empty containers, for Adolph Coors Company of Golden, Colorado, only.

The relief granted by said Decision No. 56222 was done on a request of John R. Barry, Attorney for Colorado Delivery, Inc. A copy of the request is shown in said decision.

On July 11, 1961, E. B. Evans and Ben L. Wright, Jr., Attorneys for Westway Motor Freight, Inc., by E. B. Evans, filed with the Commission a petition to set aside Decision No. 56222, a copy of which is attached hereto, and by reference made a part hereof.

F I N D I N G S

THE COMMISSION FINDS:

That Case No. 1585 should be reopened for the purpose, inter alia, of receiving evidence and testimony relative to the relief granted Colorado Delivery, Inc., under Decision No. 56222.

O R D E R

THE COMMISSION ORDERS, That:

1. Case No. 1585 be and the same is hereby reopened for the purpose of receiving evidence and testimony relative to the relief granted Colorado Delivery, Inc., under Decision No. 56222, dated April 6, 1961.



2. The petition of Westway Motor Freight, Inc., by its attorneys copy of which is attached hereto, be and the same is hereby made a part hereof.

3. A copy of this order be forthwith served upon John R. Barry, Attorney, Colorado Delivery, Inc., 738 Majestic Building, Denver 2, Colorado; Mr. William Stewart, President, Colorado Delivery, Inc., 1800 Clay Street, Denver 4, Colorado; E. B. Evans, Attorney, Westway Motor Freight, Inc., 718 Synes Building, Denver 2, Colorado; and Westway Motor Freight, Inc., Golden Colorado.

4. The proceeding is hereby assigned for public hearing on August 14, 1961, in the hearing room of the Commission, 532 State Services Building, Denver, Colorado, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 18th day of July, 1961.

ph

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
NAVAJO FREIGHT LINES, INC., 1205	)	
SOUTH PLATTE RIVER DRIVE, DENVER,	)	
COLORADO, FOR CONVERSION OF PRIVATE	)	APPLICATION NO. 18382
CARRIER PERMIT NO. A-607 TO A CER-	)	
TIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY.	)	
-----	)	

-----  
July 19, 1961  
-----

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

S T A T E M E N T

By the Commission:

By the above-styled application, Navajo Freight Lines,  
Inc., Denver, Colorado, seeks conversion of Private Carrier Permit  
No. A-607 to a certificate of public convenience and necessity,  
authority under said Permit No. A-607 being as follows:

Transportation of freight, between Denver,  
Pueblo, Colorado Springs, Pueblo, Fowler,  
Rocky Ford, Swink, La Junta, Las Animas,  
Lamar, Springfield, Walsenburg, and Trinidad,  
and from Pueblo to Colorado Springs, Denver,  
Fowler, Rocky Ford, Swink, La Junta, Las  
Animas, Lamar, Springfield, Walsenburg,  
Trinidad, Canon City, Salida, Buena Vista,  
and Leadville, Colorado; service from Lamar  
to Holly, Colorado, and intermediate points;  
following service abandoned and authority  
cancelled: to serve points from Pueblo to  
Canon City, Salida, Buena Vista, and Lead-  
ville, and all points intermediate thereto  
on U. S. Highways Nos. 50, 650, and 405.

Said application was regularly set for hearing before the  
Commission, at various times and places, due notice thereof being  
forwarded to all parties in interest.

The Commission is now in receipt of a request filed by  
Navajo Freight Lines, Inc., by Barry and Boyle, Attorneys, requesting

dismissal of said application, on the grounds that said applicant does not desire, at this time, to proceed further in its application for a certificate of public convenience and necessity to the extent of its Private Carrier Permit No. A-607.

### F I N D I N G S

#### THE COMMISSION FINDS:

That said request should be granted, and settings of the above-styled application vacated.

### O R D E R

#### THE COMMISSION ORDERS:

That hearings of the above-styled application, presently set for:

August 3, 1961, August 4, 1961, 9:30 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 7, 1961, August 8, 1961, 11:00 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 10, 1961, 10:00 o'clock A. M., Court House,  
Trinidad, Colorado;

August 15, August 16, 10:00 o'clock A. M., Court House,  
Lamar, Colorado;

August 18, 1961, 10:00 o'clock A. M., County Office  
Building, Colorado Springs, Colorado;

August 22, 1961, August 23, 1961, August 24, 1961,  
10:00 o'clock A. M., Court House, Pueblo, Colorado;

August 29, 1961, August 30, 1961, 10:00 o'clock A. M.,  
Court House, Greeley, Colorado,

be, and the same hereby are, vacated.

That Application No. 18382 be, and the same hereby is,  
dismissed, upon request of Attorneys 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. Negro*  
*Raymond C. Norton*  
*George E. Zalusky*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO )  
FOR AN ORDER AUTHORIZING THE PUR- )  
CHASE OF THE GAS DISTRIBUTION SYSTEM )  
AND RELATED FACILITIES OF THE VALLEY )  
UTILITIES COMPANY IN THE CITY OF )  
ALAMOSA, ALAMOSA COUNTY, COLORADO; )  
FOR A CERTIFICATE OF CONVENIENCE AND )  
NECESSITY TO EXERCISE FRANCHISE RIGHTS )  
TO PURCHASE, MANUFACTURE, TRANSMIT, )  
DISTRIBUTE AND SELL GAS, EITHER )  
NATURAL, ARTIFICIAL OR MIXED, IN SAID )  
CITY OF ALAMOSA, AND TO DISTRIBUTE )  
AND SELL NATURAL GAS IN THE AREA )  
ADJACENT TO SAID CITY AND ALONG THE )  
GAS TRANSMISSION LINE TO BE CONSTRUC- )  
TED TO SAID CITY. )  
----- )

APPLICATION NO. 18593

-----  
July 20, 1961  
-----

Appearances: Lee, Bryans, Kelly & Stans-  
field, Esqs., by  
E. A. Stansfield, Esq., Denver,  
Colorado, for Applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On June 29, 1961, Public Service Company of Colorado,  
(Applicant) filed an application with this Commission seeking an  
order to purchase from the Valley Utilities Company, a Colorado  
corporation, (Utilities) the existing liquefied petroleum gas pipe-  
line distribution system of Utilities in the City of Alamosa,  
Alamosa County, Colorado (Alamosa), and for an order granting a  
certificate of public convenience and necessity to permit Applicant  
to exercise the franchise rights granted by said City to Applicant  
for the purchase, manufacture, transmission and distribution of gas,

either natural, artificial or mixed, in said City, and to distribute and sell natural gas in the areas adjacent thereto and along the route of the high pressure gas transmission line now being constructed to bring gas to said City and to adjacent areas.

The matter was set for hearing after due notice to all interested parties on Thursday, July 13, 1961, at ten o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The application was heard on said date. No one appeared at the hearing in opposition to the granting of this application. At the conclusion of the hearing, the matter was taken under advisement by the Commission.

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 at retail of natural gas in various municipalities and areas adjacent thereto in the State of Colorado. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

There was received in evidence at the hearing as Exhibit A a conformed copy of an agreement dated June 20, 1961, between Applicant and Utilities wherein, subject to the approval of regulatory authorities having jurisdiction of the parties and of the subject matter, Utilities agreed to sell and Applicant agreed to purchase on or before July 31, 1961, for the base purchase price of \$169,592.24, all of the physical properties and assets of Utilities and records relating thereto, including accounts receivable from customers, meter deposits, franchises, agreements, operating rights and other rights and facilities as more particularly delineated and set forth in said Exhibit A, used in connection with or being a part of the liquefied petroleum gas pipeline distribution system owned and operated by Utilities in Alamosa and adjacent areas.

Under the terms of the aforesaid agreement (Exhibit A) there will be no general assumption by Applicant of the liabilities of Utilities, except as specifically provided therein. Further, the base purchase price provided in the agreement is subject to adjustment for certain accrued and unpaid current liabilities of Utilities to be approved by Applicant, at the time the proposed purchase and sale transaction is completed.

Among other items proposed to be transferred and sold by Utilities to Applicant in connection with the proposed sale and purchase transaction is the certificate of public convenience and necessity granted by this Commission to Utilities by Decision No. 33828 dated December 7, 1948, in Utilities' Application No. 10213, and the franchise granted by Alamosa to Utilities by Ordinance No. 8 - Series 1948, of said City, to which said Decision related. Witness for Applicant, R. D. Speer, testified that if the Commission grants to Applicant the certificated authority which it has requested in the instant application, Applicant proposes to request the City of Alamosa to cancel the 1948 franchise heretofore granted by said City to Utilities and which Applicant proposes to acquire under the provisions of Exhibit A. Applicant also proposes, if the certificate of authority requested in the instant Application is granted, that such authority as of the effective date thereof shall supersede the certificate authority previously granted by the Commission to Utilities by Decision No. 33828 dated December 7, 1948.

There was also received in evidence at the hearing as Exhibit B, which is made a part hereof by reference, Ordinance No. 6-1961 of the City of Alamosa granting to Applicant the right to purchase, manufacture, transmit and distribute gas, either natural, artificial or mixed, in said City, and certain related supporting documents. The term of the said franchise is for a period of twenty-five years. Said Ordinance was duly passed and adopted on June 6, 1961, by the City Council of the City of Alamosa, subject to approval by the qualified taxpaying electors of said City at a special

municipal election held on June 20, 1961. At said election the qualified taxpaying electors voting on the question voted in favor of the approval of the granting of said franchise to Applicant. Applicant's acceptance of the terms and provisions of said franchise was filed with the Clerk of said City on June 23, 1961. Ordinance No. 6-1961 is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF ALAMOSA, ALAMOSA COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE CITY OF ALAMOSA, COLORADO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE CITY OF ALAMOSA, 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 CITY OF ALAMOSA, AND FIXING THE TERMS AND CONDITIONS THEREOF, SUBJECT TO THE APPROVAL OF THE QUALIFIED TAXPAYING ELECTORS OF THE CITY.

The witness further testified that liquefied petroleum gas has been and is presently being supplied to customers in Alamosa by Utilities through the distribution pipe system which Applicant proposes to acquire under the provisions of Exhibit A, but that there is no utility distributing and selling natural gas in Alamosa or in the areas adjacent thereto, and that natural gas service has not heretofore been available to the inhabitants of such areas.

Applicant proposes to obtain its supply of natural gas for distribution and sale in Alamosa and in adjacent areas from Western Slope Gas Company (Western) which has been authorized by this Commission in Decision No. 56620 dated June 12, 1961, to construct a high pressure intrastate gas transmission line from the vicinity of Ignacio, La Plata County, Colorado, to Alamosa and to other points in the San Luis Valley area of Colorado. A conformed copy of the contract between Applicant and Western and

a sketch map of Western's proposed transmission line were received in evidence as Exhibits C and D, respectively.

Applicant plans to proceed promptly with the expansion of the existing distribution system in Alamosa which it proposes to acquire in order to be able to serve natural gas, when available, to substantially all the potential natural gas customers in Alamosa and in the area immediately adjacent thereto. A sketch map containing the proposed expansion of such distribution system was received in evidence at the hearing as Exhibit E. After the initial installation proposed by Applicant, extensions to the system will be made by Applicant in accordance with the extension policy contained in Applicant's tariff now on file with the Commission, or as such tariff may be amended from time to time as provided by law. The rates at which natural gas service will be supplied by Applicant to customers in Alamosa and adjacent areas will be in accordance with the rates contained in the aforesaid tariff as the same may be changed from time to time as provided by law.

Applicant proposes to continue to serve liquefied petroleum gas in Alamosa from the date it acquires the existing facilities of Utilities under the terms of the aforesaid Exhibit A to the date it is able to distribute and sell natural gas in Alamosa and adjacent areas which it is anticipated will be approximately mid-October of this year. During this interim period, Applicant will adopt, and will render liquefied petroleum gas service in Alamosa at the rates of Utilities now on file with the Commission.

Applicant proposes to bear the cost of re-orificing and adjusting customers' gas equipment and of installing fuel run piping on the customers' side of meters, to customers now supplied with liquefied petroleum gas from the existing distribution pipe system of Utilities. Persons not supplied from the liquefied gas distribution system and wishing to convert from other fuels to natural gas, when available, will pay the necessary cost of conversion except in instances in which re-orificing only is required.



The population of the City of Alamosa is 6,205, according to the 1960 United States Census. Applicant anticipates that it will be serving natural gas to approximately 1,200 gas customers in Alamosa and adjacent areas by the end of 1961; that the potential gas customers in said area are approximately 2,200, and that it anticipates that by the end of 1964, it will be serving approximately 1,970 customers.

Applicant's capital investment in the acquisition of the facilities it proposes to acquire from Utilities and in the expansion of the gas distribution system in the City of Alamosa during the term of the franchises (Exhibit B) is estimated by Applicant to be \$950,000. This amount will be used to determine the issuance fee for the certificate herein authorized. However, the basis of the fee will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof, 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, 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 proposed acquisition by Applicant of the liquefied petroleum gas distribution system and related facilities now owned and operated by Utilities in the City of Alamosa and adjacent area, as proposed under the provisions of the Agreement, Exhibit A, referred to in the foregoing Statement, is consistent with the public interest and should be approved;

That the public convenience and necessity require and will require, the exercise by Applicant of the franchise rights granted

in and by Ordinance No. 6-1961 of the City of Alamosa for the purchase, manufacture, transmission, distribution and sale of gas, either natural, artificial or mixed, by Applicant in said City, and the distribution and sale of such gas in the area adjacent to said City and along the high pressure gas transmission line to be constructed by Western in said area; and

That the certificate of public convenience and necessity issued to Utilities by Commission Decision No. 33828 dated December 7, 1948, should be transferred to Applicant and should be superseded by the certificate to be granted herein, on the effective date of the closing of the sale.

#### O R D E R

##### THE COMMISSION ORDERS:

That the proposed acquisition by Applicant of the liquefied petroleum gas distribution system and related facilities now owned and operated by Utilities in the City of Alamosa and adjacent area as proposed under the provisions of the agreement, Exhibit A referred to in the foregoing Statement, be, and it hereby is, approved;

That public convenience and necessity require and will require, the exercise by Applicant of the franchise rights granted in and by Ordinance No. 6-1961 of the City of Alamosa (a conformed copy of which by reference, is made a part hereof) for the purchase, manufacture, transmission, distribution and sale of gas, either natural, artificial or mixed, by Applicant in said City, and the distribution and sale by Applicant of such gas in the area adjacent to said City and along the high pressure gas transmission line of Western now in the process of construction in said area; and that this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor;

That the certificate of public convenience and necessity issued to Utilities by Commission Decision No. 33828 dated December 7, 1948, be, and it hereby is, transferred to Applicant and then

superseded by the certificate granted herein on the effective date of the closing of the sale.

That Applicant, prior to its acquisition of the liquefied petroleum gas distribution system and related facilities now owned and operated by Utilities in the City of Alamosa and adjacent area, shall file with the Commission a notice of its adoption of the tariff of Utilities now on file with the Commission covering liquefied petroleum gas distribution service in said City and adjacent area as required by the Commission's Rules of Practice and Procedure;

That Applicant during the period between the date of its acquisition of the aforesaid facilities of Utilities shall render to the customers in the City of Alamosa and adjacent area liquefied petroleum gas distribution service under the aforesaid tariff of Utilities until such time as it has natural gas available for distribution and sale in said City and adjacent area; and that from and after the date natural gas is available to Applicant for distribution and sale in said area, Applicant shall install, operate and maintain its natural gas system and supply natural gas service in said City and adjacent area in accordance with its rules and regulations and the schedules of Applicant's natural gas rates now on file with the Commission for such service, or as the same may be changed according to law and the rules and regulations of the Commission;

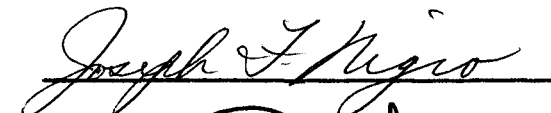
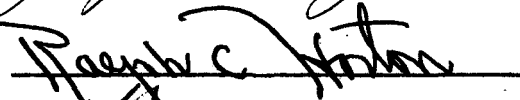

That Applicant shall submit for Commission approval within one hundred twenty (120) days after the consummation of the aforesaid acquisition of the facilities of Utilities, the proposed entries to be made on its books to reflect such acquisition, the date such acquisition was effected and the final acquisition cost to Applicant of said facilities;

That Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters,

customers' deposits and operations, records of meters and  
complaints in accordance with the Commission's requirements;

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., A COLORADO CORPORATION, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO EXERCISE FRANCHISE )  
RIGHTS IN THE TOWN OF CARBONDALE, )  
COUNTY OF GARFIELD, COLORADO, FOR )  
THE PURCHASE, DISTRIBUTION, AND SALE )  
OF GAS, EITHER NATURAL, ARTIFICIAL )  
OR MIXED, IN SAID TOWN OF CARBONDALE )  
AND FOR THE PURCHASE, DISTRIBUTION )  
AND SALE OF GAS IN THE AREA ADJACENT )  
TO SAID TOWN. )  
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APPLICATION NO. 18467

-----  
July 21, 1961  
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Appearances: Grant E. McGee, Esq., Denver,  
Colorado, and  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for Rocky  
Mountain Natural Gas Company,  
Inc.;  
Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
Bryant O'Donnell, Esq., for  
Public Service Company, as its  
interests may appear;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 17, 1961, the Rocky Mountain Natural Gas Company, Inc., by its attorneys, filed with this Commission applications to render natural gas service to serve certain cities and towns located in Garfield, Mesa, and Pitkin Counties in Western Colorado. Applicant proposes to construct a natural gas transmission system from the vicinity of Collbran in Mesa County across the White River National Forest to the vicinity of Carbondale in Garfield County, and thence

to the vicinities of Glenwood Springs, in Garfield County, and Aspen, in Pitkin County, and to serve said Town of Carbondale and the following cities and towns set out below, as well as prospective customers located along the route of the transmission and gathering lines. These Applications, together with a Securities Application were all heard on a joint record, but for purposes of convenience a separate order will issue for the exercise of franchise rights in the various cities and towns.

Application No. 18467 - Carbondale

Application No. 18468 - Basalt

Application No. 18469 - Aspen

Application No. 18470 - Glenwood Springs

Application No. 18471 - Transmission Line

Application No. 18592 - Securities

These matters were all set for hearing by the Commission on Monday, July 10, 1961, at 9:30 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, after due notice to all interested parties. The hearings were concluded on July 10 and on said date were taken under advisement by the Commission.

Rocky Mountain Natural Gas Company, Inc., is a Colorado corporation, duly organized and existing under the laws of the State of Colorado, with authority to do business in said state and its Articles of Incorporation have heretofore been filed with this Commission. Applicant is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and distributes natural gas at retail in various cities and towns throughout the State of Colorado. The address and principal office of applicant is Suite 300 Ross Building, 1726 Champa Street, Denver 2, Colorado.

Testimony at the hearing revealed that applicant applied for and obtained a franchise to render gas service, either natural, artificial or mixed, within the Town of Carbondale in Garfield County, on

February 16, 1961.

"ORDINANCE No. 3

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF CARBONDALE TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF CARBONDALE, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF CARBONDALE, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The period of the franchise is for a period of twenty-five years and provides a 2% tax for gas sold in said town, excluding therefrom revenues received from the sale of industrial gas and for gas sold to the town and after an adjustment for uncollectible accounts. Applicant accepted the above franchise by letter on February 21, 1961. The population of Carbondale according to the 1960 census was 612. Applicant estimated the potential gas customers within the town limits of Carbondale to be approximately 233 and a total potential in the Carbondale area of 253. The estimated cost of construction in Carbondale and the surrounding area amounted to \$55,019. The fee for the issuance of the certificate sought herein will be based upon this figure, but will not be binding upon the Commission should the subject of rates or valuation be at issue in the future.

Applicant proposes to purchase natural gas at the wellhead from certain wells in the vicinity of Collbran, Colorado, and to gather and transport said gas for sale in Carbondale and other communities from which it has obtained franchises. Application No. 18471, previously referred to herein, sets forth in detail this phase of the project and reference is made herein to said application for a fuller

explanation. Applicant submitted as Exhibit No. 25 the rates which it proposes to use in rendering gas service in Carbondale and surrounding area for which the certificate herein is granted.

All gas will be odorized prior to sale to customers.

Mr. Charles Keepers, a resident of Carbondale, represented the Mayor at the hearing and testified that he was on the Town Council and further testified that there was a need for natural gas in Carbondale and that in his opinion the connection to natural gas in Carbondale would be rapid, and the same is true of residents in the surrounding area; that there would be a price advantage under the rates proposed for space heating compared to L. P. gas and oil and some price advantage insofar as coal was concerned considering combustion efficiencies.. It was evident from the evidence and testimony in the record that gas service is needed and would be a great convenience to the inhabitants of Carbondale and the surrounding area. At the present time electricity, L. P. gas, coal and oil are used for cooking and heating purposes. A company witness for the applicant was confident that prospective customers would readily convert to natural gas. This belief was based on house-to-house survey conducted by the company in Carbondale and surrounding area.

Applicant is presently operating as a gas utility and is familiar with the Commission's requirements regarding the uniform system of accounts to be maintained by gas utilities for the filing of annual reports and the rules regulating gas service promulgated by this Commission.

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

##### THE COMMISSION FINDS:

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

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company, and of the subject of the instant application.



That this Commission is fully advised in the premises.

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the Town of Carbondale and the area adjacent to said Town.

That public convenience and necessity require the exercise by applicant herein of the rights and privileges granted to applicant by the Board of Trustees of the Town of Carbondale, Colorado, in and by Ordinance No. 3.

That public health and safety require the installation of suitable equipment to odorize all gas in applicant's transmission and distribution systems prior to sale of gas to its customers.

That at least fifteen days before gas is sold to any of the prospective customers under the certificate to be granted herein, applicant should file with this Commission its proposed rates, rules and regulations as set forth in Exhibit No. 25 as introduced at the hearing herein and made a part hereof by reference.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the Town of Carbondale, Garfield County, Colorado, and the exercise by applicant herein of the rights and privileges granted to applicant in and by Ordinance No. 3, dated as of February 16, 1961, for gas service in said town and for the supplying of gas service in the area adjacent to said town and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall install suitable equipment to odorize the gas in its transmission and distribution lines prior to sale to customers.

That at least fifteen days before gas is sold to any prospective customers under the certificate granted herein applicant shall file with this Commission its proposed rates, rules and regulations as set forth on Exhibit No. 25, introduced at the hearing herein and made a part hereof by reference.

That applicant shall commence construction of a gas transmission and distribution system authorized herein as soon as possible, and shall complete the initial phase as planned in Carbondale and the area adjacent thereto within eighteen months from the date of this Order, or this certificate shall become null and void.

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

That the applicant shall otherwise and at all times comply with the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Horton*  
*Henry E. Zaulings*  
Commissioners.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., SUITE 300, ROSS BUILDING, 1726 )  
CHAMPA STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO EXERCISE FRANCHISE )  
RIGHTS IN THE TOWN OF BASALT, COUNTY )  
OF EAGLE, COLORADO, FOR THE PURCHASE, )  
DISTRIBUTION, AND SALE OF GAS, EITHER )  
NATURAL, ARTIFICIAL, OR MIXED, IN )  
SAID TOWN OF BASALT, AND FOR THE PUR- )  
CHASE, DISTRIBUTION, AND SALE OF GAS )  
IN THE AREA ADJACENT TO SAID TOWN. )  
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APPLICATION NO. 18468

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July 21, 1961  
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Appearances: Grant E. McGee, Esq., Denver,  
Colorado, and  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for Rocky  
Mountain Natural Gas Company,  
Inc.;  
Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
Bryant O'Donnell, Esq., for  
Public Service Company, as its  
interests may appear;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 17, 1961, the Rocky Mountain Natural Gas Company, Inc., by its Attorneys, filed with this Commission applications to render natural gas service to serve certain cities and towns located in Garfield, Mesa, and Pitkin Counties in Western Colorado. Applicant proposes to construct a natural gas transmission system from the vicinity of Collbran in Mesa County across the White River National Forest to the vicinity of Carbondale in Garfield County, and thence

to the vicinities of Glenwood Springs, in Garfield County, and Aspen, in Pitkin County, and to serve said Town of Basalt and the following cities and towns set out below, as well as prospective customers located along the route of the transmission and gathering lines. These Applications, together with a Securities Application, were all heard on a joint record, but for purposes of convenience a separate order will issue for the exercise of franchise rights in the various cities and towns.

Application No. 18467 - Carbondale

Application No. 18468 - Basalt

Application No. 18469 - Aspen

Application No. 18470 - Glenwood Springs

Application No. 18471 - Transmission Line

Application No. 18592 - Securities

These matters were all set for hearing by the Commission on Monday, July 10, 1961, at 9:30 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, after due notice to all interested parties. The hearings were concluded on July 10 and on said date were taken under advisement by the Commission.

Rocky Mountain Natural Gas Company, Inc., is a Colorado corporation, duly organized and existing under the laws of the State of Colorado, with authority to do business in said state and its Articles of Incorporation have heretofore been filed with this Commission. Applicant is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and distributes natural gas at retail in various cities and towns throughout the State of Colorado. The address and principal office of applicant is Suite 300 Ross Building, 1726 Champa Street, Denver 2, Colorado.

Testimony at the hearing revealed that applicant applied for and obtained a franchise to render gas service, either natural,

artificial or mixed, within the Town of Basalt, in Eagle County,  
on November 7, 1960.

ORDINANCE NO. 46

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF BASALT TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF BASALT, EAGLE COUNTY, COLORADO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF BASALT, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF BASALT, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The period of the franchise is for a period of twenty-five years and provides a 2% tax for gas sold in said Town, excluding therefrom revenues received from the sale of industrial gas and for gas sold to the Town and after an adjustment for uncollectible accounts. Applicant accepted the above franchise by letter on November 16, 1960. The population of Basalt according to the 1960 census was 213. The estimated cost of construction in Basalt and the surrounding area amounted to \$25,052. The fee for the issuance of the certificate sought herein will be based upon this figure, but will not be binding upon the Commission should the subject of rates or valuation be at issue in the future.

Applicant proposes to purchase natural gas at the wellhead from certain wells in the vicinity of Collbran, Colorado, and to gather and transport said gas for sale in Basalt and other communities from which it has obtained franchises. Application No. 18471, previously referred to herein, sets forth in detail this phase of the project and reference is made herein to said application for a fuller explanation. Applicant submitted as Exhibit No. 25 the rates which it

proposes to use in rendering gas service in Basalt and surrounding area for which the certificate herein is granted. All gas will be odorized prior to sale to customers.

Mr. George Lucksinger, Town Clerk of Basalt, testified that there was a need of natural gas in Basalt and in the area immediately adjacent thereto. Natural gas under the rates as proposed by the Company would have a price advantage as far as oil and L. P. gas are concerned and possibly some small price advantage on coal considering the relative efficiencies of combustion between coal and natural gas. It was evident from the evidence and testimony in the record that gas service is needed and would be a great convenience to the inhabitants of Basalt and the surrounding area. A Company witness for the applicant was confident that prospective customers would readily convert to natural gas. This belief was based on a house-to-house survey conducted by the Company in Basalt and the surrounding area.

Applicant is presently operating as a gas utility and is familiar with the Commission's requirements regarding the uniform system of accounts to be maintained by gas utilities for the filing of annual reports and the rules regulating gas service promulgated by this Commission.

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

##### THE COMMISSION FINDS:

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

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company, Inc., and of the subject of the instant application.

That the Commission is fully advised in the premises.

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the

necessary gas transmission and distribution lines to serve the Town of Basalt and the area adjacent to said Town.

That public convenience and necessity require the exercise by applicant herein of the rights and privileges granted to applicant by the Board of Trustees of the Town of Basalt, Colorado, in and by Ordinance No. 46.

That public health and safety require the installation of suitable equipment to odorize all gas in applicant's transmission and distribution system prior to sale of gas to its customers.

That at least fifteen days before gas is sold to any of the prospective customers under the certificate to be granted herein, applicant should file with this Commission its proposed rates, rules and regulations as set forth in Exhibit No. 25 as introduced at the hearing herein and made a part hereof by reference.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the approval of construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the Town of Basalt, Eagle County, Colorado, and the exercise by applicant herein of the rights and privileges granted to applicant in and by Ordinance No. 46, dated as of November 7, 1960, for gas service in said Town and for the supplying of gas service in the area adjacent to said Town and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall install suitable equipment to odorize the gas in its transmission and distribution lines prior to sale to customers.

That at least fifteen days before gas is sold to any prospective customers under the certificate granted herein applicant shall file with this Commission its proposed rates, rules and regula-

tions as set forth on Exhibit No. 25, introduced at the hearing herein and made a part hereof by reference.


That applicant shall commence construction of a gas transmission and distribution system authorized herein as soon as possible and shall complete the initial phase as planned in Basalt and the area contiguous thereto within eighteen months from the date of this Order, or this certificate shall become null and void.

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

That the applicant shall otherwise and at all times comply with the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Negro  
Robert C. Nelson  
Paul E. Gailings  
Commissioners.

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

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., SUITE 300, ROSS BUILDING, 1726 )  
CHAMPA STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO EXERCISE FRANCHISE )  
RIGHTS IN THE CITY OF ASPEN, COUNTY )  
OF PITKIN, COLORADO, FOR THE PUR- )  
CHASE, DISTRIBUTION, AND SALE OF GAS, )  
EITHER NATURAL, ARTIFICIAL, OR MIXED, )  
IN SAID CITY OF ASPEN, AND FOR THE )  
PURCHASE, DISTRIBUTION, AND SALE OF )  
GAS IN THE AREA ADJACENT TO SAID )  
CITY. )

APPLICATION NO. 18469

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July 21, 1961  
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Appearances: Grant E. McGee, Esq., Denver,  
Colorado, and  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for Rocky  
Mountain Natural Gas Company,  
Inc.;  
Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
Bryant O'Donnell, Esq., for  
Public Service Company, as its  
interest may appear;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 17, 1961, the Rocky Mountain Natural Gas Company, Inc., by its attorneys, filed with this Commission applications to render natural gas service to serve certain cities and towns located in Garfield, Mesa, and Pitkin Counties in Western Colorado. Applicant proposes to construct a natural gas transmission system from the vicinity of Collbran in Mesa County across the White River National Forest to the vicinity of Carbondale in Garfield County, and thence

to the vicinities of Glenwood Springs, in Garfield County, and Aspen, in Pitkin County, and to serve said City of Aspen and the following cities and towns set out below, as well as prospective customers located along the route of the transmission and gathering lines. These Applications, together with a Securities Application, were heard on a joint record, but for purposes of convenience a separate Order will issue for the exercise of franchise rights in the various cities and towns.

Application No. 18467 - Carbondale

Application No. 18468 - Basalt

Application No. 18469 - Aspen

Application No. 18470 - Glenwood Springs

Application No. 18471 - Transmission Line

Application No. 18592 - Securities

These matters were all set for hearing by the Commission on Monday, July 10, 1961, at 9:30 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, after due notice to all interested parties. The hearings were concluded on July 10 and on said date were taken under advisement by the Commission.

Rocky Mountain Natural Gas Company, Inc., is a Colorado corporation, duly organized and existing under the laws of the State of Colorado, with authority to do business in said State and its Articles of Incorporation have heretofore been filed with this Commission. Applicant is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and distributes natural gas at retail in various cities and towns throughout the State of Colorado. The address and principal office of applicant is Suite 300, Ross Building, 1726 Champa Street, Denver 2, Colorado.

Testimony at the hearing revealed that applicant applied for and obtained a franchise to render gas service, either natural,

artificial or mixed, within the City of Aspen in Pitkin County, on June 29, 1961.

ORDINANCE NO. 5  
(Series of 1961)

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF ASPEN, COLORADO, TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE CITY OF ASPEN, PITKIN COUNTY, COLORADO, A PLANT OR PLANTS, AND WORKS FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL, OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE CITY OF ASPEN 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 CITY OF ASPEN, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The period of the franchise is for a period of twenty-five years and provides a 2% tax for gas sold in said city, excluding therefrom revenues received from the sale of industrial gas and for gas sold to the city and after an adjustment for uncollectible accounts.

Applicant accepted the above franchise by letter June 30, 1961. The population of Aspen according to the 1960 census was 1,011. Applicant estimated the potential gas customers within the city limits of Aspen to be approximately 558 and a total potential in the Aspen area of 858. The estimated cost of construction in Aspen and the surrounding area amounted to \$179,715. The fee for the issuance of the certificate sought herein will be based upon this figure, but will not be binding upon the Commission should the subject of rates or valuation be at issue in the future.

Applicant proposes to purchase natural gas at the wellhead from certain wells in the vicinity of Collbran, Colorado, and to gather and transport said gas for sale in Aspen and other communities from which it has obtained franchises. Application No. 18471, pre-

viously referred to herein, sets forth in detail this phase of the project and reference is made herein to said application for a fuller explanation. Applicant submitted as Exhibit No. 25 the rates which it proposes to use in rendering gas service in Aspen and surrounding area for which the certificate herein is granted. All gas will be odorized prior to sale to customers.

Mr. William Beyer, a member of the Aspen City Council and an operator of a motel and ski lodge, testified that there was a need for natural gas in Aspen and in the area adjacent thereto. He presently uses propane gas for heating in his establishment and natural gas at the rates quoted by the Company would be cheaper and he plans to use natural gas as soon as it is available.

Mr. W. V. N. Jones, a property owner in Aspen, who also operates a motel and ski lodge, testified that he presently uses propane gas for fuel and that he was anxious to obtain natural gas since it would represent a considerable savings in his operations. He also believed that the community needed natural gas and the majority of the people would have a savings in their fuel bills since about 70% use L. P. gas with the remainder using oil and some coal. Those using L. P. gas and oil would definitely have considerable savings and there might even be a savings to the coal user - depending on the efficiency of combustion. A house-to-house survey by an employee of the Company confirmed the belief of the Company that prospective customers in Aspen would readily convert to natural gas as soon as it is available.

Applicant is presently operating as a gas utility and is familiar with the Commission's requirements regarding the uniform system of accounts to be maintained by gas utilities for the filing of annual reports and the rules regulating gas service promulgated by this Commission.

## F I N D I N G S

### THE COMMISSION FINDS:

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

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company, Inc., and of the subject of the instant application.

That the Commission is fully advised in the premises.

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the City of Aspen and the area adjacent to said City.

That public convenience and necessity require the exercise by applicant herein of the rights and privileges granted to applicant by the City Council of the City of Aspen, Colorado, in and by Ordinance No. 5, Series of 1961.

That public health and safety require the installation of suitable equipment to odorize all gas in applicant's transmission and distribution systems prior to sale of gas to its customers.

That at least fifteen days before gas is sold to any of the prospective customers under the certificate to be granted herein, applicant should file with this Commission its proposed rates, rules and regulations as set forth in Exhibit No. 25 as introduced at the hearing herein and made a part hereof by reference.

## O R D E R

### THE COMMISSION ORDERS:

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the City of Aspen, Pitkin County, Colorado, and the exercise by applicant

herein of the rights and privileges granted to applicant in and by Ordinance No. 5, dated June 29, 1961, for gas service in said City and for the supplying of gas service in the area adjacent to said City and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall install suitable equipment to odorize the gas in its transmission and distribution lines prior to sale to customers.

That at least fifteen days before gas is sold to any prospective customers under the certificate granted herein applicant shall file with this Commission its proposed rates, rules and regulations as set forth on Exhibit No. 25, introduced at the hearing herein and made a part hereof by reference.

That applicant shall commence construction of a gas transmission and distribution system authorized herein as soon as possible, and shall complete the initial phase as planned in Aspen and the area contiguous thereto within eighteen months from the date of this Order, or this certificate shall become null and void.

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

That the Applicant shall otherwise and at all times comply with the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry L. Zuckers*  
Commissioners.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., SUITE 300, ROSS BUILDING, 1726 )  
CHAMPA STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO EXERCISE FRANCHISE )  
RIGHTS IN THE CITY OF GLENWOOD )  
SPRINGS, COLORADO, FOR THE PURCHASE, )  
DISTRIBUTION, AND SALE OF GAS, EITHER )  
NATURAL, ARTIFICIAL, OR MIXED, IN )  
SAID CITY OF GLENWOOD SPRINGS, AND )  
FOR THE PURCHASE, DISTRIBUTION, AND )  
SALE OF GAS IN THE AREA ADJACENT TO )  
SAID CITY. )  
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APPLICATION NO. 18470

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July 21, 1961  
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Appearances: Grant E. McGee, Esq., Denver,  
Colorado, and  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for Rocky  
Mountain Natural Gas Company,  
Inc.;  
Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
Bryant O'Donnell, Esq., for  
Public Service Company, as its  
interest may appear;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On April 17, 1961, the Rocky Mountain Natural Gas Company, Inc., by its attorneys, filed with this Commission applications to render natural gas service to serve certain cities and towns located in Garfield, Mesa, and Pitkin Counties in Western Colorado. Applicant proposes to construct a natural gas transmission system from the vicinity of Collbran in Mesa County across the White River National Forest to the vicinity of Carbondale in Garfield County, and thence

to the vicinities of Glenwood Springs, in Garfield County, and Aspen, in Pitkin County, and to serve said city of Glenwood Springs and the following cities and towns set out below, as well as prospective customers located along the route of the transmission and gathering lines. These applications, together with a Securities Application, were all heard on a joint record, but for purposes of convenience a separate Order will issue for the exercise of franchise rights in the various cities and towns.

Application No. 18467 - Carbondale

Application No. 18468 - Basalt

Application No. 18469 - Aspen

Application No. 18470 - Glenwood Springs

Application No. 18471 - Transmission Line

Application No. 18592 - Securities

These matters were all set for hearing by the Commission on Monday, July 10, 1961, at 9:30 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, after due notice to all interested parties. The hearings were concluded on July 10 and on said date were taken under advisement by the Commission.

Rocky Mountain Natural Gas Company, Inc., is a Colorado corporation, duly organized and existing under the laws of the State of Colorado, with authority to do business in said State and its Articles of Incorporation have heretofore been filed with this Commission. Applicant is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953, and distributes natural gas at retail in various cities and towns throughout the State of Colorado. The address and principal office of applicant is Suite 300, Ross Building, 1726 Champa Street, Denver 2, Colorado.

Testimony at the hearing revealed that applicant applied for and obtained a franchise to render gas service, either natural, artificial or mixed, within the City of Glenwood Springs in Garfield County,



on June 28, 1961.

ORDINANCE NO. 1  
(Series of 1961)

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GLENWOOD SPRINGS, COLORADO, TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE CITY OF GLENWOOD SPRINGS, GARFIELD COUNTY, COLORAD, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE CITY OF GLENWOOD SPRINGS, 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 CITY OF GLENWOOD SPRINGS, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The period of the franchise is for a period of twenty-five years and provides a 2% tax for gas sold in said city, excluding therefrom revenues received from the sale of industrial gas and for gas sold to the town and after an adjustment for uncollectible accounts. Applicant accepted the above franchise by letter on June 30, 1961. The population of Glenwood Springs according to the 1960 census was 3,637. Applicant estimated the potential gas customers within the City limits of Glenwood Springs to be approximately 1,285 and a total potential in the Glenwood area of 1,398. The estimated cost of construction in Glenwood and the surrounding area amounted to \$310,327. The fee for the issuance of the certificate sought herein will be based upon this figure, but will not be binding upon the Commission should the subject of rates or valuation be at issue in the future.

Applicant proposes to purchase natural gas at the wellhead from certain wells in the vicinity of Collbran, Colorado, and to gather and transport said gas for sale in Carbondale and other communities from which it has obtained franchises. Application No. 18471, previously referred to herein, sets forth in detail this phase of the

project and reference is made herein to said application for a fuller explanation. Applicant submitted as Exhibit No. 25 the rates which it proposes to use in rendering gas service in Glenwood Springs and surrounding area for which the certificate herein is granted. All gas will be odorized prior to sale to customers.

Mr. E. L. Busby, Mayor of Glenwood Springs, testified that he believed that there was a need for natural gas in Glenwood and in the area immediately adjacent thereto. Mr. A. E. Axtel, City Manager of Glenwood Springs, Mr. Louis Berthod, Councilman, and Warren Ferrin, also a City Councilman, corroborated the testimony of the Mayor to the effect that they all believed there was a need for natural gas in Glenwood Springs and in the surrounding area. Mr. Jean Cole, President and Manager of Basic Chemicals Corporation, manufacturers of lime in Glenwood Springs, testified to the need for natural gas. His plant is presently using fuel oil and plans to convert to natural gas as soon as it is available. He further estimated a considerable savings in fuel costs to his company if natural gas can be obtained.

At the present time L. P. gas, coal and oil are used for cooking and heating purposes and at the rate proposed for natural gas by Applicant, there is a savings to be had by using natural gas in place of L. P. gas and oil. Because of the price of coal in Glenwood Springs, natural gas would not be as competitive as with L. P. gas and oil, however, because of the greater convenience and cleanliness the Company witness believed that many of these using coal in Glenwood Springs would convert to natural gas when available. As a result of a house-to-house survey in the area, the Company was confident that most of the prospective customers would readily convert to natural gas.

Applicant is presently operating as a gas utility and is familiar with the Commission's requirements regarding the uniform system of accounts to be maintained by gas utilities for the filing

of annual reports and the rules regulating gas service promulgated by this Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company, Inc., and of the subject of the instant application.

That the Commission is fully advised in the premises.

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the City of Glenwood Springs and the area adjacent to said City.

That public convenience and necessity require the exercise by applicant herein of the rights and privileges granted to applicant by the City Council of Glenwood Springs, Colorado, in and by Ordinance No. 1, Series of 1961.

That public health and safety require the installation of suitable equipment to odorize all gas in applicant's transmission and distribution systems prior to sale of gas to its customers.

That at least fifteen days before gas is sold to any of the prospective customers under the certificate to be granted herein, applicant should file with this Commission its proposed rates, rules and regulations as set forth in Exhibit No. 25 as introduced at the hearing herein and made a part hereof by reference.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the City

of Glenwood Springs, Garfield County, Colorado, and the exercise by applicant herein of the rights and privileges granted to applicant in and by Ordinance No. 1, Series of 1961, dated as of June 28, 1961, for gas service in said City and for the supplying of gas service in the area adjacent to said City and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall install suitable equipment to odorize the gas in its transmission and distribution lines prior to sale to customers.

That at least fifteen days before gas is sold to any prospective customers under the certificate granted herein applicant shall file with this Commission its proposed rates, rules and regulations as set forth on Exhibit No. 25, introduced at the hearing herein and made a part hereof by reference.

That applicant shall commence construction of a gas transmission and distribution system authorized herein as soon as possible and shall complete the initial phase as planned in Glenwood Springs and the area contiguous thereto within eighteen months from the date of this Order, or this certificate shall become null and void.

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

That the applicant shall otherwise and at all times comply with the rules and regulations of this Commission.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Norton*  
*Henry H. Zaiden*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )  
TEMPORARY RIDER, ORIGINAL SHEETS )  
NOS. 34 AND 34-A, OF PUC TARIFF ) INVESTIGATION AND SUSPENSION  
NO. 3-GAS, OF PUBLIC SERVICE COM- ) DOCKET NO. 361  
PANY OF COLORADO, 900 FIFTEENTH )  
STREET, DENVER, COLORADO. )  
-----)

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- ) APPLICATION NO. 13235  
RADO, FOR AN ORDER AUTHORIZING IT )  
TO PUT INTO EFFECT A TEMPORARY GAS )  
RATE ADJUSTMENT. )  
-----)

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AN ORDER AUTHORIZING IT ) APPLICATION NO. 15406  
TO PUT INTO EFFECT A TEMPORARY GAS )  
RATE ADJUSTMENT. )  
-----)

-----  
July 20, 1961  
-----

Appearances: Lee, Bryans, Kelly & Stans-  
field, Esqs., by  
E. A. Stansfield, Esq.,  
Denver, Colorado, for  
Public Service Company  
of Colorado;  
Bernard Berardini, Esq.,  
Denver, Colorado, and  
Leonard M. Campbell, Esq.,  
Denver, Colorado, for  
the City of Aurora, Colorado;  
Leonard M. Campbell, Esq.,  
Denver, Colorado, pro se,  
as a rate-payer;  
Donald E. Kelly, Esq., Denver,  
Colorado, and  
James H. Snyder, Esq., Denver,  
Colorado, for the City and  
County of Denver;  
E. R. Thompson, Denver, Colo-  
rado, and  
J. M. McNulty, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

Subject to the terms and provisions of Decision No. 51992,

dated April 1, 1959, as supplemented by Decisions Nos. 52615 and 54339, dated July 2, 1959 and June 2, 1960, respectively, the Commission authorized and approved the gas refund plan (1959 Gas Refund Plan) proposed by Public Service Company of Colorado (Company) and authorized and directed the Company to refund to its gas customers entitled thereto in accordance with said Plan and the aforesaid orders of the Commission, the refund moneys the Company received from its wholesale gas suppliers, Colorado Interstate Gas Company (Interstate) and Colorado-Wyoming Gas Company (Colorado-Wyoming) as a result of overcharges paid by the Company to such suppliers for gas purchased during the period from January 1, 1954 to and including February 4, 1958.

The rates paid by the Company for wholesale gas during this period were found to be excessive by the Federal Power Commission (FPC) in Interstate's FPC Dockets Nos. G-2260, G-2576 and G-11717 rate change proceedings before the FPC, and in Colorado-Wyoming's FPC Dockets Nos. G-2261, G-2570 and G-11848 rate change proceedings before such Commission. FPC by orders duly issued in such proceedings established separate reduced rates for Colorado Interstate and for Colorado-Wyoming for certain "closed periods" included in the overall period covered by such proceedings. Accordingly, FPC in said orders directed the Company's wholesale suppliers to refund to their resale customers, including, among others, the Company, the excess charges paid during the established closed periods together with interest thereon at the rate of 6% per annum.

Pursuant to the aforesaid Commission Decision No. 51992, the Commission retained jurisdiction of this matter, and the Company, upon completion of the 1959 Gas Refund Plan, was directed to report to the Commission the balance of any refund moneys remaining in its possession for such disposition as may be ordered by the Commission.

On May 23, 1961, the Company filed its verified petition for an order in this matter authorizing payment of certain small refund claims in the aggregate amount of \$190.96 not theretofore paid,

the ratification and approval of certain additional expenses aggregating \$4,051.87 incurred by the Company in the implementation and completion of the 1959 Gas Refund Plan and theretofore reported to the Commission but not heretofore approved for reimbursement by the Commission order, the disposition of the undistributed and unclaimed balance of the 1959 gas refund moneys remaining in the Company's possession, and the termination of the gas refund proceedings pending before this Commission in respect of the Company's 1959 Gas Refund Plan.

By order of the Commission dated May 26, 1961, this matter was set for hearing on June 16, 1961, at ten o'clock A. M., at 532 State Services Building, 1525 Sherman Street, Denver 3, Colorado. There was also called for hearing at the same time and place, the following motions of the City and County of Denver filed on May 17, 1961, in this matter:

"MOTION FOR ORDER OF CLOSURE OF GAS REFUNDS,  
AND FOR AN ACCOUNTING.

"MOTION FOR ORDER OF DISTRIBUTION TO CITY AND  
COUNTY OF DENVER OF THAT PART OF UNCLAIMED  
REFUNDS BELONGING TO GAS USERS INHABITING  
THE CITY AND COUNTY OF DENVER."

The hearing on the aforesaid petition of the Company and on the motions of the City and County of Denver was held on June 16, 1961, after due notice to all interested parties, and the matter was heard and taken under advisement.

R. D. Speer, Assistant Treasurer and Director of Rates and Property Accounting of the Company, appeared as a witness for the Company and testified to the following matters set forth herein in summary form:

1. That the Company has completed the 1959 Gas Refund Plan operation in accordance with such Plan and the Decisions of this Commission pertaining thereto;
2. That the total funds received by the Company and available for refund to customers under the 1959 Gas Refund Plan as shown in Exhibit No. 2 received in

evidence at the hearing was \$19,360,414.26, which included the basic refunds received from the Company's two wholesale gas suppliers together with interest thereon at 6% per annum, as ordered by the FPC, the sales tax refunds received by the Company from the State of Colorado and from the City and County of Denver, and the interest earned on the short term investment of the funds received from the Company's wholesale suppliers from the date such funds were received by the Company to just prior to the date of the issuance of the initial refund checks to the Company's customers entitled thereto;

3. That as shown on said Exhibit No. 2, the total amount of refund moneys disbursed to customers entitled thereto under the 1959 Gas Refund Plan and the Commission orders pertaining thereto was \$18,760,151.90 or approximately 98% of the total funds available for refund;

4. That the total reimbursable expenses incurred by the Company in the implementation and completion of the 1959 Gas Refund Plan to April 30, 1961, was \$186,519.92, as shown on said Exhibit No. 2 and on Exhibit No. 3 received in evidence at the hearing; that the Commission has heretofore approved by Decisions Nos. 52615 and 54339, \$182,467.65 of such expenses incurred by the Company through April 30, 1960 and that the Company now seeks approval of its payment of certain expenses for work incident to the completion of the 1959 refund operation, the reconciliation of balances and the preparation of a final report pertaining to such completion in the amount of \$4,051.87 incurred by it during the period from April 30, 1960 to and including April 30, 1961,



the date the Company's 1959 Gas Refund Plan records were closed to enable it to make its final report and accounting to the Commission;

5. That since the date of closing the Company's records of the 1959 Gas Refund Plan operation, the Company has received six small refund claims aggregating \$190.96 from customers entitled to refunds under the Plan, which the Company has investigated and determined to be valid, and now seeks authority to pay; that the Company estimates that it will incur additional expense of \$750 for work incident to the determination of the respective amounts of the unclaimed and undistributed balance of the refund moneys remaining in its possession to be turned over to the municipalities and counties entitled thereto under the pertinent provisions of The Public Utilities Law of Colorado, if such disposition is ordered and directed by the Commission;

6. That notwithstanding the wide publicity given by the Company through the press, television, radio and other media and the extensive efforts of the Company through the cooperation of the United States Post Office Department to locate customers of the Company entitled to refunds under the 1959 Gas Refund Plan and the Commission's orders pertaining thereto, who had moved from addresses which were known to the Company and whose present whereabouts after diligent search could not be ascertained, there will remain in the Company's possession an undistributed and unclaimed balance of 1959 Gas Refund Plan moneys in the amount of \$405,643.42 after payment of the small claims aggregating \$190.96 hereinafter authorized and of the estimated

cost (\$750) for determining the amounts to be turned over to various municipalities and counties under the pertinent provisions of The Public Utilities Law of Colorado, if such disposition is directed by the Commission; and

7. That included in the undistributed and unclaimed balance of the refund moneys remaining in the possession of the Company, there is an amount of \$24,886.84 in excess of the aggregate of the uncashed refund checks which represents in part the difference between the original estimated expense of completing the refund operation and the lower actual expense incurred and other items. This amount the Company proposed to turn over to the municipalities and counties entitled thereto in same ratio as the amounts that such municipalities and counties will receive of funds represented by uncashed checks bear to the total amount thereof.

There was also received in evidence at the hearing as Exhibit No. 1, the report of Arthur Young & Company, certified public accountants, dated May 4, 1961, wherein such firm states inter alia, that it has reviewed the disposition by the Company of the refund moneys received from its wholesale gas suppliers pursuant to the FPC orders heretofore referred to, and gas refund transactions of the Company under the Plan, and the operations of The Service Bureau Corporation (an independent non-affiliated data processing company with whom the Company contracted with Commission approval for the work necessary in the development of the refunds due customers under the Plan and in the issuance of refund checks) in preparing the gas refund checks pursuant to such Plan and in the opinion of said firm The Service Bureau Corporation has prepared the refund in compliance with the procedures set forth in the 1959 Gas Refund Plan and the Commission orders pertaining thereto.

The Commission has reviewed and considered all of the evidence introduced at the hearing on this matter and the evidence introduced in the other hearings before the Commission on the Company's 1959 Gas Refund Plan. The books and records of the Company pertaining to the Company's 1959 Gas Refund Plan have been investigated and reviewed by the Commission's Staff, and from such review and investigation the Commission is of the opinion that the Company has made a proper accounting of the 1959 Gas Refund Plan operation in accordance with the Commission orders. The Commission is satisfied that the Company has made every reasonable effort to locate its former customers entitled to the uncashed refund checks remaining in its possession, that further effort would be futile, and the closing of the Company's 1959 Gas Refund Plan operation as of April 30, 1961 is proper and should be approved. The Commission is further of the opinion that the Company should pay the six small claims in the amount of \$190.96 which have been determined by the Company to be valid under the terms of the Plan, and that the estimated cost of \$750 for work incident to the determination of the respective amounts to be turned over to the municipalities and counties entitled thereto as provided by law should be approved. The Commission is of the further opinion, based upon the evidence submitted at the hearing and upon an investigation by members of its Staff, that the additional expenses incurred by the Company in the amount of \$4,051.87 during the period from April 30, 1960 to and including April 30, 1961 for work incident to the implementation and completion of the Plan should be approved.

After allowance for the payment of the additional small claims herein authorized and for the payment of the estimated cost of determining the respective amounts to be turned over to the municipalities and counties entitled thereto, there will remain in the possession of the Company \$405,643.42 representing undistributed and unclaimed balance of the 1959 Gas Refund Plan operations.

Pursuant to the provisions of CRS 1953, 115-8-1 through 115-8-4, unclaimed funds for overcharges representing refunds due to inhabitants of municipalities or counties which refunds could not be made to such inhabitants because of the inability to find the persons entitled thereto within the time limit prescribed by the Commission for the making of such refunds, are to be turned over upon the direction of the Commission to the municipalities or counties in which said inhabitants resided when the rights to the refund accrued. The Company will be authorized and directed to determine from its records the respective amounts and the municipalities and counties to which the unclaimed and undistributed balance of the refund moneys remaining in its possession should be turned over and to make such disposition of the unclaimed and undistributed balance of the 1959 Gas Refund Plan moneys remaining in its possession pursuant to the aforesaid provisions of the Colorado Statutes.

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

##### THE COMMISSION FINDS:

That this Commission has jurisdiction of the Company, the subject matter of this proceeding and is fully advised in the premises;

That the foregoing Statement be made a part hereof by reference;

That the certain additional expenses in the amount of \$4,051.87 incurred by the Company in the completion of its 1959 refunding operation should be authorized and approved for reimbursement as a proper additional expense of the 1959 Gas Refund Plan;

That the six refund claims aggregating \$190.96 which the Company has determined are valid should be paid by the Company and that it should be authorized and directed to make such payment; and that the estimated cost to the Company of \$750 for determining the respective amounts of the undistributed and unclaimed balance of 1959 Gas Refund Plan moneys in its possession that should be

turned over to each of the municipalities and counties entitled thereto is reasonable and the payment of this amount should be authorized and approved as a proper additional expense of the 1959 Gas Refund Plan operation;

That the final report of the Company on the completion of the 1959 Gas Refund Plan operation in accordance with Decisions Nos. 51992 dated April 1, 1959 as supplemented by Decisions Nos. 52615 and 54339 dated July 2, 1959 and June 2, 1960, respectively, should be accepted and approved, and the Commission should approve and acknowledge the completion of the refunding operation in accordance with the 1959 Gas Refund Plan and the Decisions of the Commission heretofore issued in this matter, subject to the conditions hereinafter set forth;

That the Company should be authorized and directed to determine or cause to be determined from its records, in accordance with the methods proposed by the Company, the respective amounts to be turned over, and to pay such amounts to the municipalities and counties entitled to receive the undistributed and unclaimed balance of the 1959 Gas Refund Plan operation remaining in its possession pursuant to the provisions of CRS 1953, 115-8-1 through 115-8-4, and within fifteen (15) days from the date of making of said remittance, the Company should file with the Commission its verified report of the respective amounts of the unclaimed and undistributed balance of the refund moneys turned over to each such municipality and county, together with such supporting data including the name and former address of the former inhabitant-customer of each such municipality and county which the Company has been unable to find, the amount due such former inhabitant-customer and such other pertinent data as will enable such municipalities and counties to carry out their responsibilities in respect of the amount turned over to them as provided by law.

O R D E R

THE COMMISSION ORDERS:

1. That the Company be, and it hereby is, authorized and directed to pay from the undistributed and unclaimed balance of the 1959 gas refund moneys remaining in its possession the six customer refund claims, which the Company received subsequent to the date its 1959 refund records were closed to enable it to make its final report and accounting thereon, in the aggregate amount of \$190.96, which claims upon investigation have been determined to be valid and properly payable under the 1959 Gas Refund Plan and the orders of this Commission;

2. That the additional expense of \$4,051.87 incurred by the Company in the completion of the 1959 Gas Refund Plan be, and it hereby is, approved as a proper reimbursable expense of the 1959 gas refund operation, and further that the Company is hereby authorized and directed to pay from the undistributed and unclaimed balance of the 1959 refund moneys remaining in its possession as a proper expense of the 1959 gas refund operation, an amount of \$750 for work to be performed incident to the determination of the respective amounts of such undistributed and unclaimed balance of 1959 refund moneys remaining in the Company's possession to be turned over to municipalities and counties entitled thereto as provided by law and as hereinafter authorized;

3. That the final report and accounting of the Company of the completion of the 1959 Gas Refund Plan, in accordance with the Plan and the Decisions of this Commission be, and the same hereby is, accepted and approved. The Commission hereby approves and acknowledges the completion of the 1959 Gas Refund Plan as of April 30, 1961;

4. That the Company be, and it hereby is, authorized and directed to determine or cause to be determined from its records in accordance with the methods proposed by the Company, the respective amounts of the undistributed and unclaimed balance of the 1959 gas

refund moneys remaining in its possession to be turned over to the municipalities and counties entitled thereto and to turn over to such municipalities and counties the amounts so determined pursuant to the provisions of CRS 1953, 115-8-1 through 115-8-4, and to accompany each remittance with such supporting data, including the name and former address of the former inhabitant-customer of each such municipality and county which the Company has been unable to find, the amount due such former inhabitant-customer and such other pertinent data as will enable such municipalities and counties to carry out their responsibilities as provided by law in respect of such funds;

5. That the Company, within fifteen (15) days after remitting the amounts of the undistributed and unclaimed balance of the 1959 refund moneys in its possession to the respective municipalities and counties hereinabove authorized and directed, shall file with the Commission its verified report of the respective amounts of the undistributed and unclaimed balance of the 1959 refund moneys in its possession turned over to each such municipality and county;

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio  
Ralph C. Kohn  
Henry G. Ashbaugh  
Commissioners

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 168 BY THE COLORADO  
MOTOR CARRIERS' ASSOCIATION, AGENT, FOR  
AND ON BEHALF OF G. BARNHILL D/B/A BARN-  
HILL TRUCK LINE TO PUBLISH RATES ON CEMENT,  
IN BAGS, ETC., MINIMUM WEIGHT 50,000 POUNDS. )  
-----

CASE NO. 1585

-----  
July 20, 1961  
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S T A T E M E N T

BY THE COMMISSION:

On July 3, 1961, The Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, 4060 Elati Street, Denver 16, Colorado, filed Application No. 168 requesting for and on behalf of G. Barnhill, doing business as Barnhill Truck Line, authority to publish the following in its Tariff No. 14, Colorado P.U.C. No. 13 to become effective one day after the filing thereof with this Commission.

Cement, in bags; Lime, Plaster and their products, minimum weight 50,000 pounds: (Rates in cents per 100 pounds.)

<u>From</u>	<u>To</u>	<u>Rates</u>
Portland	Matheson	21
	Simla	20
	Ramah	20
	Calhan	19
	Peyton	18
Boettcher Portland Wild Spur	Burlington	29
	Stratton	29
	Seibert	29
	Flagler	28
	Arriba	27
	Genoa	24
	Limon	22
	Cheyenne Wells	29
	Kit Carson	27
	Hugo	25
	Deertrail	25
	Byers	25

Cement, in bulk in tank vehicles, minimum weight 50,000 pounds:

<u>From</u>	<u>To</u>	<u>Rates</u>
Portland	Calhan	17
	Matheson	19
	Peyton	16
	Ramah	18
	Simla	18



Cement, in bulk in tank vehicles, minimum weight 50,000 pounds:  
(Concluded)

<u>From</u>	<u>To</u>	<u>Rates</u>
	Arriba	25
	Burlington	27
	Byers	22
	Cheyenne Wells	27
	Deertrail	23
Boettcher	Flagler	26
Portland	Genoa	23
	Hugo	23
	Kit Carson	25
	Limon	20
	Seibert	27
	Stratton	27

(Rates subject to a minimum weight of 50,000 pounds  
will not apply via Don Ward, Inc.)

This matter was originally filed with exceptions in Item No. 360, Colorado Motor Carriers' Association, Agent, Tariff No. 14, Colorado P.U.C. No. 13, scheduled to become effective April 26, 1961. The Commission upon its own motion suspended the schedules under Decision No. 56368 and set the matter for hearing May 22, 1961. The hearing was held as assigned, however, respondent Barnhill did not appear. The suspended schedules were found not to be justified and the proceedings were discontinued under Decision No. 56506.

The petitioner in his application states he:

"does not know the special circumstances and conditions upon which the Barnhill Truck Line bases this request, but he is advised that Mr. Barnhill will appear in person at time of hearing to present this information and evidence to the Commission."

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

##### THE COMMISSION FINDS:

That the application as filed should be set for hearing for the taking of evidence and testimony in connection with said application.

#### O R D E R

##### THE COMMISSION ORDERS, That:

Application No. 168 be and the same is hereby set for public hearing before the Commission on August 14, 1961, at 2:00 P.M. in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Maguire*  
*Raymond C. Johnson*  
*Walter J. Zuluaga*  
Commissioners.

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

ph

original

(Decision No. 56861)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE INVESTIGATION AND SUSPENSION OF )  
TEMPORARY RIDER, SECOND REVISED )  
SHEET NO. 20 OF P.U.C.NO. 5 OF THE )  
PUEBLO GAS AND FUEL COMPANY, 900 )  
FIFTEENTH STREET, DENVER, COLORADO. )  
-----)

INVESTIGATION AND SUSPENSION  
DOCKET NO. 362

IN THE MATTER OF THE APPLICATION OF )  
THE PUEBLO GAS AND FUEL COMPANY, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AN ORDER AUTHORIZING IT )  
TO PUT INTO EFFECT A TEMPORARY GAS )  
RATE ADJUSTMENT. )  
-----)

APPLICATION NO. 13236

IN THE MATTER OF THE APPLICATION OF )  
THE PUEBLO GAS AND FUEL COMPANY, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AN ORDER AUTHORIZING IT )  
TO PUT INTO EFFECT A TEMPORARY GAS )  
RATE ADJUSTMENT. )  
-----)

APPLICATION NO. 15405

SUPPLEMENTAL ORDER

-----  
July 20, 1961  
-----

Appearances: Lee, Bryans, Kelly & Stans-  
field, Esqs., Denver,  
Colorado, by  
E. A. Stansfield, Esq.,  
Denver, Colorado, for  
The Pueblo Gas and Fuel  
Company;  
Gordon D. Hinds, Esq.,  
Pueblo, Colorado, for  
the City of Pueblo;  
E. R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

Subject to the terms and provisions of Decision No.  
52004 dated April 1, 1959, as supplemented by Decisions Nos. 52614  
and 54512 dated July 2, 1959 and June 21, 1960, respectively, the  
Commission authorized and approved the gas refund plan (1959 Gas

Refund Plan) proposed by The Pueblo Gas and Fuel Company (Company) and authorized and directed the Company to refund to its gas customers entitled thereto in accordance with said plan and the aforesaid orders of the Commission, the refund moneys the Company received from its wholesale gas supplier, Colorado Interstate Gas Company (Interstate) as a result of overcharges paid by the Company to such supplier for gas purchased during the period from January 1, 1954 to and including February 4, 1958.

The rates paid by the Company for wholesale gas during this period were found to be excessive by the Federal Power Commission (FPC) in Interstate's FPC Dockets Nos. G-2260, G-2576 and G-11717 rate change proceedings before the FPC. FPC by an order duly issued in such proceedings established separate reduced rates for Interstate for certain "closed periods" included in the overall period covered by such proceedings. Accordingly, FPC in said order directed the Company's wholesale supplier to refund to its resale customers, including, among others, the Company, the excess charges paid during the established closed periods together with interest thereon at the rate of 6% per annum.

Pursuant to the aforesaid Commission Decision No. 52004 the Commission has retained jurisdiction of this matter and the Company, upon completion of the 1959 Gas Refund Plan, was directed to report to the Commission the balance of any refund moneys remaining in its possession for such disposition as may be ordered by the Commission.

On May 23, 1961, the Company filed its verified petition for an order in this matter authorizing payment of certain small refund claims in the aggregate amount of \$101.55 not theretofore paid, the ratification and approval of certain additional expenses aggregating \$708.53 incurred by the Company in the implementation and completion of the 1959 Gas Refund Plan theretofore reported to the Commission but not heretofore approved for reimbursement by Commission order, the disposition of the undistributed and unclaimed

balance of the 1959 gas refund moneys remaining in the Company's possession, and the termination of the gas refund proceedings pending before this Commission in respect of the Company's 1959 Gas Refund Plan.

By order of the Commission dated May 26, 1961, this matter was set for hearing on June 16, 1961 at ten o'clock A. M., at 532 State Services Building, 1525 Sherman Street, Denver 3, Colorado.

The hearing on the aforesaid petition of the Company was held on June 16, 1961 after due notice to all interested parties and the matter was heard and taken under advisement.

R. D. Speer, Director of Rates and Property Accounting of the Company, appeared as a witness for the Company and testified to the following matters set forth herein in summary form:

1. That the Company has completed the 1959 Gas Refund Plan operation in accordance with such Plan and the Decisions of this Commission pertaining thereto;
2. That the total funds received by the Company and available for refund to customers under the 1959 Gas Refund Plan as shown in Exhibit No. 2 received in evidence at the hearing was \$2,361,928.89, which included the basic refunds received from the Company's wholesale gas supplier, together with interest thereon at 6% per annum as ordered by the FPC, the sales tax refunds received by the Company from the State of Colorado and from the City of Pueblo, Colorado, and the interest earned on the short term investment of the funds received from the Company's wholesale suppliers from the date such funds were received by the Company to just prior to the date of issuance of the initial refund checks to the Company's customers entitled thereto;

3. That as shown on said Exhibit No. 2, the total amount of refund moneys disbursed to customers entitled thereto under the 1959 Gas Refund Plan and the Commission orders pertaining thereto was \$2,316,493.25, or approximately 98% of the total funds available for refund;
4. That the total reimbursable expenses incurred by the Company, in the implementation and completion of the 1959 Gas Refund Plan to April 30, 1961 was \$19,402.19 as shown on said Exhibit No. 2 and on Exhibit No. 3 received in evidence at the hearing; that the Commission has heretofore approved by Decisions Nos. 52614 and 54512, \$18,693.66 of such expense incurred by the Company through April 30, 1960 and that the Company now seeks approval of its payment of certain expenses for work incident to the completion of the refund operation, the reconciliation of balances and the preparation of a final report pertaining to such completion in the amount of \$708.53 incurred by it during the period from April 30, 1960 to and including April 30, 1961, the date the Company's 1959 Gas Refund Plan records were closed to enable it to make its final report and accounting to the Commission;
5. That since the date of closing the Company's records of the 1959 Gas Refund Plan operation, the Company has received three small refund claims aggregating \$101.55 from customers entitled to refunds under the plan, which the Company has investigated and determined to be valid, and now seeks authority to pay; that the Company estimates that it will incur additional expense of \$75 for work incident to the determination of the respective amounts of the unclaimed

and undistributed balance of the refund moneys remaining in its possession to be turned over to the municipality and county entitled thereto under the pertinent provisions of The Public Utilities Law of Colorado, if such disposition is ordered and directed by the Commission;

6. That notwithstanding the wide publicity given by the Company through the press, television, radio and other media and the extensive efforts of the Company through the cooperation of the United States Post Office in Pueblo, Colorado to locate customers of the Company entitled to refunds under the 1959 Gas Refund Plan and the Commission's orders pertaining thereto, who had moved from addresses which were known to the Company and whose present whereabouts after diligent search could not be ascertained, there will remain in the Company's possession an undistributed and unclaimed balance of 1959 Gas Refund Plan moneys in the amount of \$25,520.20 after payment of the small claims aggregating \$101.55 hereinafter authorized and of the estimated cost(\$75) for determining the amounts to be turned over to the municipality and county entitled thereto under the pertinent provisions of The Public Utilities Law of Colorado, if such disposition is directed by the Commission; and

7. That included in the undistributed and unclaimed balance of the refund moneys remaining in the possession of the Company, is an amount of \$7,343.30 in excess of the aggregate of the uncashed refund checks of \$17,840.20 which represents in part the difference between the original estimated expense of completing the refund operation and the lower actual expense incurred and other items. This excess amount the

Company proposes to turn over to the municipality and county entitled thereto in same ratio as the amounts that such municipality and county will receive from funds represented by uncashed checks, bear to the aggregate amount thereof.

There was also received in evidence at the hearing as Exhibit No. 1, the report of Arthur Young & Company, certified public accountants, dated May 4, 1961 wherein such firm states inter alia, that it has reviewed the disposition by the Company of the refund moneys received from its wholesale gas suppliers pursuant to the FPC orders heretofore referred to, the gas refund transactions of the Company under the Plan, and the operations of The Service Bureau Corporation (an independent non-affiliated data processing company which performed with Commission approval work necessary in the development of refunds due customers under the Plan and in the issuance of refund checks) in preparing the gas refund checks pursuant to such Plan and in the opinion of said firm The Service Bureau Corporation has prepared the refund in compliance with the procedure set forth in the 1959 Gas Refund Plan and the Commission orders pertaining thereto.

The Commission has reviewed and considered all of the evidence introduced at the hearing on this matter and the evidence introduced in the other hearings before the Commission on the Company's 1959 Gas Refund Plan. The Commission is satisfied that the Company has made every reasonable effort to locate its former customers entitled to the uncashed refund checks remaining in its possession, that further effort would be futile, and that the closing of the Company's 1959 Gas Refund Plan operation as of April 30, 1961 is proper and should be approved. The Commission is further of the opinion that the Company should pay the three small claims in the amount of \$101.55 which have been determined by the Company to be valid under the terms of the Plan, and that the estimated cost of \$75 for work incident to the determination

of the respective amounts to be turned over to the municipality and county entitled thereto as provided by law is warranted and should be approved. The Commission is of the further opinion, based upon the evidence submitted at the hearing that certain expenses incurred by the Company in the amount of \$708.53 during the period from April 30, 1960 to and including April 30, 1961 for work incident to the implementation and completion of the Plan is warranted and that the request for approval of such expenses should be ordered.

After allowance for the payment of the additional claims herein authorized and for the payment of the estimated cost of determining the respective amounts to be turned over to the municipality and county entitled thereto, there will remain in the possession of the Company, \$25,520.20 representing an undistributed and unclaimed balance of the 1959 Gas Refund Plan operation.

Pursuant to the provisions of CRS 1953, 115-8-1 through 115-8-4, unclaimed funds for overcharges representing refunds due to inhabitants of municipalities and counties which refunds could not be made to such inhabitants because of the inability to find the persons entitled thereto within the time limit prescribed by the Commission for the making of such refunds, are to be turned over upon the direction of the Commission to the municipalities or counties in which said inhabitants resided when the rights to the refund accrued. In the instant matter, the Company serves only customers in the City of Pueblo, and in the areas adjacent thereto all in Pueblo County, Colorado. The Company will be authorized and directed to determine from its records the respective amounts of the unclaimed and undistributed balance of the refund moneys remaining in its possession which should be turned over to the City of Pueblo, and to Pueblo County, Colorado, and to make such disposition of the unclaimed and undistributed balance of the 1959 Gas Refund Plan moneys remaining



in its possession pursuant to the aforesaid provisions of the Colorado Statutes.

## F I N D I N G S

### THE COMMISSION FINDS:

That this Commission has jurisdiction of the Company, the subject matter of this proceeding and is fully advised in the premises;

That the foregoing Statement be made a part hereof by reference;

That the additional expenses in the amount of \$708.53 incurred by the Company in the completion of its 1959 refunding operation should be authorized and approved for reimbursement as a proper additional expense of the 1959 Gas Refund Plan;

That the three refund claims aggregating \$101.55 which the Company has determined are valid should be paid by the Company and that it should be authorized and directed to make such payment; and that the estimated cost to the Company of \$75 for determining the respective amounts of the undistributed and unclaimed balance of 1959 Gas Refund Plan moneys in its possession that should be turned over to the municipality and county entitled thereto is reasonable and the payment of this amount should be authorized and approved as a proper additional expense of the 1959 Gas Refund Plan operation;

That the final report of the Company on the completion of the 1959 Gas Refund Plan operation in accordance with Decision No. 51992 dated April 1, 1959 as supplemented by Decisions Nos. 52615 and 54339 dated July 2, 1959 and June 2, 1960, respectively, should be accepted and approved, and the Commission should approve and acknowledge the completion of the refunding operation in accordance with the 1959 Gas Refund Plan and the Decisions of the Company heretofore issued in this matter, subject to the conditions hereinafter set forth;

That the Company should be authorized and directed to determine or cause to be determined from its records in accordance with the methods proposed by the Company, the respective amounts to be turned over, and to pay such amounts to the municipality and county entitled to receive the undistributed and unclaimed balance of the 1959 Gas Refund Plan operation remaining in its possession pursuant to the provisions of CRS 1953, 115-8-1 through 115-8-4, and within fifteen (15) days from the date of making of said remittance, the Company should file with the Commission its verified report of the respective amounts of the unclaimed and undistributed balance of the refund moneys turned over to the City of Pueblo and the County of Pueblo, together with such supporting data including the names and former addresses of the former inhabitant-customers of each which the Company has been unable to find, the amount due such former inhabitant-customers, and such other pertinent data as will enable the municipality and county to carry out their responsibilities in respect of the amounts turned over to them as provided by law.

O R D E R

THE COMMISSION ORDERS:

1. That the Company be, and it hereby is, authorized and directed to pay from the undistributed and unclaimed balance of the 1959 Gas refund moneys remaining in its possession the customer refund claims, which the Company received subsequent to the date its 1959 refund records were closed to enable it to make its final report and accounting thereon, in the aggregate amount of \$101.55, which claims upon investigation have been determined to be valid and properly payable under the 1959 Gas Refund Plan and the orders of this Commission.

2. That the certain expense of \$708.53 incurred by the Company in the completion of the 1959 Gas Refund Plan be, and it hereby is, approved as a proper reimbursable expense of the 1959 gas refund operation, and further that the Company is hereby authorized and directed to pay from the undistributed and unclaimed

balance of the 1959 refund moneys remaining in its possession as a proper expense of the 1959 gas refund operation, an amount of \$75 for work to be performed incident to the determination of the respective amounts of such undistributed and unclaimed balance of 1959 refund moneys remaining in the Company's possession to be turned over to municipality and county entitled thereto as provided by law and as hereinafter authorized;

3. That the final report and accounting of the Company of the completion of the 1959 Gas Refund Plan, in accordance with the Plan and the Decisions of this Commission be, and the same hereby is, accepted and approved. The Commission hereby approves and acknowledges the completion of the 1959 Gas Refund Plan as of April 30, 1961;

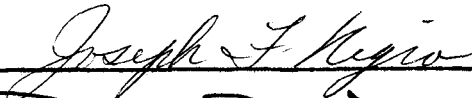

4. That the Company be, and it hereby is, authorized and directed to determine or cause to be determined from its records in accordance with the methods proposed by the Company, the respective amounts of the undistributed and unclaimed balance of the 1959 gas refund moneys remaining in its possession to be turned over to the municipality and county entitled thereto and to turn over to such municipality and county the amounts so determined pursuant to the provisions of CRS 1953, 115-8-1 through 115-8-4, and to accompany such remittance with such supporting data, including the name and former address of the former inhabitant-customer of each such municipality and county which the Company has been unable to find, the amount due such former inhabitant-customer and such other pertinent data as will enable The City of Pueblo and the County of Pueblo to carry out their responsibilities as provided by law in respect of such funds;

5. That the Company, within fifteen (15) days after remitting the amounts of the undistributed and unclaimed balance of the 1959 refund moneys in its possession to the City of Pueblo and to the County of Pueblo hereinabove authorized and directed,

shall file with the Commission its verified report of the respective amounts of the undistributed and unclaimed balance of the 1959 refund moneys in its possession turned over to each of them.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of July, 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, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY, AUTHORIZ- )  
ING THE PURCHASE OF THE GAS DISTRI- )  
BUTION SYSTEM AND RELATED FACILITIES )  
OF RIO GRANDE GAS COMPANY, IN THE )  
CITY OF MONTE VISTA, RIO GRANDE )  
COUNTY, COLORADO; THE PURCHASE, MANU- )  
FACTURE, TRANSMISSION, DISTRIBUTION )  
AND SALE OF GAS, EITHER NATURAL, )  
ARTIFICIAL OR MIXED, IN SAID CITY )  
AND IN THE AREA ADJACENT THERETO AND )  
ALONG THE GAS TRANSMISSION LINE TO )  
BE CONSTRUCTED TO SAID CITY: AND FOR )  
A PRELIMINARY ORDER AUTHORIZING THE )  
EXERCISE OF FRANCHISE RIGHTS TO BE )  
ACQUIRED IN SAID CITY. )

APPLICATION NO. 18594

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July 20, 1961  
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Appearances: Lee, Bryans, Kelly & 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 June 29, 1961, Public Service Company of Colorado  
(Applicant) filed an application with this Commission seeking an  
Order to purchase from Rio Grande Gas Company, a Colorado corpora-  
tion (Rio Grande), the existing liquefied petroleum gas pipeline  
distribution system of Rio Grande in the City of Monte Vista, Rio  
Grande County, Colorado, (Monte Vista), and for an Order granting  
a preliminary certificate of public convenience and necessity to  
permit Applicant to exercise the franchise rights granted by said

City to Applicant, subject to the approval of qualified taxpaying electors of said City at a special municipal election to be held July 11, 1961, for the purchase, manufacture, transmission and distribution of gas, either natural, artificial or mixed, in said City, and to distribute and sell natural gas in the area adjacent thereto and along the route of the high pressure gas transmission line now being constructed to bring gas to said City and to the adjacent area.

The matter was set for hearing after due notice to all interested parties on Thursday, July 13, 1961, at 10:00 o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The application was heard on said date. No one appeared at the hearing in opposition to the granting of the application. At the conclusion of the hearing, the matter was taken under advisement by the Commission.

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 at retail of natural gas in various municipalities and areas adjacent thereto in the State of Colorado. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

There was received in evidence at the hearing as Exhibit A a conformed copy of an agreement dated June 29, 1961, between Applicant and Rio Grande wherein, subject to the approval of regulatory authorities having jurisdiction of the parties and of the subject matter, Rio Grande agreed to sell and Applicant agreed to purchase on or before July 31, 1961, for the base purchase price of \$146,078.37 all of the physical properties and assets of Rio Grande and records relating thereto, including accounts receivable from customers, meter

deposits, franchises, agreements, operating rights and other rights and facilities as more particularly delineated and set forth in said Exhibit A, used in connection with or being a part of the liquefied petroleum gas pipeline distribution system owned and operated by Rio Grande in Monte Vista and adjacent area.

Under the terms of the aforesaid agreement (Exhibit A) there will be no general assumption by Applicant of the liabilities of Rio Grande, except as specifically provided therein. Further, the base purchase price provided in the agreement is subject to adjustment for certain accrued and unpaid current liabilities of Rio Grande to be approved by Applicant, at the time the proposed purchase and sale transaction is completed.

Among other items proposed to be transferred and sold by Rio Grande to Applicant in connection with the proposed sale and purchase transaction is the certificate of public convenience and necessity granted by this Commission to Rio Grande by Decision No. 45090, dated January 3, 1956, in Rio Grande's Application No. 13872, and the franchise granted by Monte Vista to Rio Grande by Ordinance No. 273 of said City on November 7, 1946, to which said Decision related. Witness for Applicant, R. D. Speer, testified that if the Commission grants to Applicant the certificated authority which it has requested in the instant application, Applicant proposes to request the City of Monte Vista to cancel the 1946 franchise heretofore granted by said City to Rio Grande and which Applicant proposes to acquire under the provisions of Exhibit A. Applicant also proposes, if the certificate of authority requested in the instant Application is granted that such authority as of the effective date thereof shall supersede the certificate authority previously granted by the Commission to Rio Grande by Decision No. 45090, dated January 3, 1956.

There was also received in evidence at the hearing as Exhibit B-1, which is made a part hereof by reference, Ordinance No. 363

of the City of Monte Vista granting to Applicant the right to purchase, manufacture, transmit and distribute gas, either natural, artificial or mixed, in said City, and certain related supporting documents. The term of the said franchise is for a period of twenty-five years. Said Ordinance was duly passed and adopted on June 3, 1961, by the City Council of the City of Monte Vista, subject to approval by the qualified taxpaying electors of said City at a special municipal election held on July 11, 1961. At said election the qualified taxpaying electors voting on the question voted in favor of the approval of the granting of said franchise to Applicant. Applicant's acceptance of the terms and provisions of said franchise was filed with the Clerk of said City on July 12, 1961. At the hearing, Applicant was granted authority to amend its application in the instant matter to request that a final certificate of public convenience and necessity be granted to it to exercise said franchise rights in Monte Vista and not a preliminary certificate as requested in its original application. Ordinance No. 363 of said City is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF MONTE VISTA, RIO GRANDE COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE CITY OF MONTE VISTA, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE CITY OF MONTE VISTA, 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 CITY OF MONTE VISTA, AND FIXING THE TERMS AND CONDITIONS THEREOF, SUBJECT TO THE APPROVAL OF THE QUALIFIED TAXPAYING ELECTORS OF THE CITY.

The witness further testified that liquefied petroleum gas has been and is presently being supplied to customers in Monte Vista by Rio Grande through the distribution pipe system which Appli-



cant proposes to acquire under the provisions of Exhibit A, but that there is no utility distributing and selling natural gas in Monte Vista or in the area adjacent thereto, and that natural gas service heretofore has not been available to the inhabitants of such area.

Applicant proposes to obtain its supply of natural gas for distribution and sale in Monte Vista and in the adjacent area from Western Slope Gas Company (Western) which has been authorized by this Commission in Decision No. 56620, dated June 12, 1961, to construct a high pressure intrastate gas transmission line from the vicinity of Ignacio, La Plata County, Colorado, to Monte Vista and to other points in the San Luis Valley area of Colorado. A confirmed copy of the contract between Applicant and Western, dated May 5, 1961, and a sketch map of Western's proposed transmission line were received in evidence as Exhibit C and D, respectively.

Applicant plans to proceed promptly with the expansion of the existing gas distribution system in Monte Vista which it proposes to acquire in order to be able to serve natural gas, when available, to substantially all the potential natural gas customers in Monte Vista and in the area immediately adjacent thereto. A sketch map containing the proposed expansion of such distribution system was received in evidence at the hearing as Exhibit E. After the initial installation proposed by Applicant, extensions to the system will be made by Applicant in accordance with the extension policy contained in Applicant's tariff now on file with the Commission, or as such tariff may be amended from time to time as provided by law. The rates at which natural gas service will be supplied by Applicant to customers in Monte Vista and adjacent areas will be in accordance with the rates contained in the aforesaid tariff as the same may be changed from time to time as provided by law.

Applicant proposes to continue to serve liquefied petro-

leum gas in Monte Vista from the date it acquires the existing facilities of Rio Grande under the terms of the aforesaid Exhibit A to the date it is able to distribute and sell natural gas in Monte Vista and adjacent areas which it is anticipated will be approximately mid-October of this year. During this interim period, Applicant will adopt, and will render liquefied petroleum gas service in Monte Vista at the rates of Rio Grande now on file with the Commission.

Applicant proposes to bear the cost of re-orificing and adjusting customers' gas equipment and of installing fuel run piping on the customers' side of meters, to customers now supplied with liquefied petroleum gas from the existing distribution pipe system of Rio Grande. Persons not supplied from the liquefied gas distribution system and wishing to convert from other fuels to natural gas, when available, will pay the necessary cost of conversion except in instances in which re-orificing only is required.

The population of the City of Monte Vista is 3,385, according to the 1960 United States Census. Applicant anticipates that it will be serving natural gas to approximately 840 gas customers in Monte Vista and the adjacent area by the end of 1961; that the present potential gas customers in said area are approximately 1,531, and that it anticipates that by the end of 1964, it will be serving approximately 1,375 customers.

Applicant's capital investment in the acquisition of the facilities it proposes to acquire from Rio Grande and in the expansion of the gas distribution system in the City of Monte Vista during the term of the franchise (Exhibit B-1) is estimated by Applicant to be \$550,000. This amount will be used to determine the issuance fee for the certificate herein authorized. However, the basis of the fee will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof, 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, 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 proposed acquisition by Applicant of the liquefied petroleum gas distribution system and related facilities now owned and operated by Rio Grande in the City of Monte Vista and adjacent area, as proposed under the provisions of the Agreement, Exhibit A, referred to in the foregoing Statement, is consistent with the public interest and should be approved.

That the public convenience and necessity require and will require, the exercise by Applicant of the franchise rights granted in and by Ordinance No. 363 of the City of Monte Vista for the purchase, manufacture, transmission, distribution and sale of gas, either natural, artificial or mixed, by Applicant in said City, and the distribution and sale of such gas in the area adjacent to said City and along the high pressure gas transmission line to be constructed by Western in said area.

That the certificate of public convenience and necessity issued to Rio Grande by Commission Decision No. 45090, dated January 3, 1956, should be transferred to Applicant and should be superseded by the certificate to be granted herein, on the effective date of the closing of the sale.

O R D E R

THE COMMISSION ORDERS:

That the proposed acquisition by Applicant of the liquified petroleum gas distribution system and related facilities now owned and operated by Rio Grande in the City of Monte Vista and adjacent area as proposed under the provisions of the agreement, Exhibit A referred to in the foregoing Statement, be, and it hereby is, approved.

That public convenience and necessity require and will require the exercise by Applicant of the franchise rights granted in and by Ordinance No. 363 of the City of Monte Vista (a conformed copy of which by reference is made a part hereof) for the purchase, manufacture, transmission, distribution and sale of gas, either natural, artificial or mixed, by Applicant in said City, and the distribution and sale by Applicant of such gas in the area adjacent to said City and along the high pressure gas transmission line of Western now in the process of construction in said area; and that this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the certificate of public convenience and necessity issued to Rio Grande by Commission Decision No. 45090, dated January 3, 1956, be, and it hereby is, transferred to Applicant and then superseded by the certificate granted herein on the effective date of the closing of the sale.

That Applicant, prior to its acquisition of the liquefied petroleum gas distribution system and related facilities now owned and operated by Rio Grande in the City of Monte Vista and adjacent area, shall file with the Commission a notice of its adoption of the tariff of Rio Grande now on file with the Commission covering liquefied petroleum gas distribution service in said City and adjacent area as required by the Commission's Rules of Practice and Pro-

cedure.

That Applicant during the period between the date of its acquisition of the aforesaid facilities of Rio Grande shall render to the customers in the City of Monte Vista and adjacent area liquefied petroleum gas distribution service under the aforesaid tariff of Rio Grande until such time as it has natural gas available for distribution and sale in said City and adjacent area; and that from and after the date natural gas is available to Applicant for distribution and sale in said area, Applicant shall install, operate and maintain its natural gas system and supply natural gas service in said City and adjacent area in accordance with its rules and regulations and the schedules of Applicant's natural gas rates now on file with the Commission for such service, or as the same may be changed according to law and the rules and regulations of the Commission;

That Applicant shall submit for Commission approval within one hundred twenty (120) days after the consummation of the aforesaid acquisition of the facilities of Rio Grande, the proposed entries to be made on its books to reflect such acquisition, the date such acquisition was effected and the final acquisition cost to Applicant of said facilities.

That Applicant 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph G. Norton*  
*Henry E. Zuleaga*  
Commissioners.

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

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BERNARD B. DAVIS, 3130 TENTH STREET, )  
BOULDER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING OPERATION AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 18572

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July 24, 1961  
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Appearances: Bernard B. Davis, Boulder,  
Colorado, pro se;  
Stanley F. Johnson, Esq.,  
Boulder, Colorado, for  
Charles Corn, Donald  
Shields, Donald Noloe,  
Elmer Lieckner, Frank  
McCowan, Russell Turner,  
United Haulers Associa-  
tion, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public conven-  
ience and necessity, authorizing operation as a common carrier  
by motor vehicle for hire, for the transportation of trash in  
the City of Boulder, Colorado.

Said application was regularly set for hearing before the  
Commission, at the Court House, Boulder, Colorado, July 5, 1961, at  
ten o'clock A. M., due notice thereof being forwarded to all parties  
in interest.

On June 30, 1961, the Commission, as provided by law,  
designated Louis J. Carter, an employee of the Commission, to  
conduct the hearing on said application.

Said hearing was held at the time and place designated  
in the Notice of Hearing, with Louis J. Carter, as Examiner con-  
ducting the hearing, he thereafter submitting a report of said pro-  
ceedings 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 has had two years' experience as a driver for a trash transporter, and knows the trash business; that from this experience and his observations, he believes that there is a need for his services herein proposed; that he has a net worth of \$14,000, and owns a two-wheel trailer, with which he proposes to pick up trash by attaching said trailer to his car; that he is presently employed, and has been with his present employer for fourteen years; that it is his intention to haul trash part time, as his present employment will permit.

Pearl Bellitt testified that she is a friend of applicant, and thinks he would make a good trash hauler; that she has, from time to time, had trouble getting trash-hauling service; that she thinks applicant's service is needed.

Donald Noloe testified he is one of nineteen authorized trash haulers authorized to serve the City of Boulder; that he is a full-time operator, obtaining his entire income from hauling trash; that he could do additional hauling, if available; that he has not turned down any requests for service which he is authorized to render.

Charles Corn (PUC No. 3964), Donald Shields (PUC No. 4340), Elmer Leichner (PUC No. 4510), Frank McCowan (PUC No. 4317), and Russell Turner (PUC No. 3412), were in the Hearing Room, ready to testify. It was stipulated that if each was called and sworn, each would testify substantially as did Witness Donald Noloe.

Findings of the Examiner are that applicant failed to establish public convenience and necessity for his proposed operations; that the service he proposes to render is a part-time service, based upon the desire to supplement his income; that there are now nineteen certificated carriers who can render the services sought to be performed by applicant herein; that the service applicant can offer would only meet a very small number of customer's needs -- this because of the time available to him and the small capacity of his trailer.



Report of the Examiner recommends that the above-styled application be denied.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That public convenience and necessity do not require applicant's proposed operations, and that said application should be denied.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Application No. 18572 of Bernard B. Davis, Boulder, Colorado, 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

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

ea

*Joseph J. Maguire*  
*Ralph L. Horton*  
*Henry E. Zuley*  
Commissioners.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED J. KISSLER, 1671 SOUTH AMES, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER TO DOYLE R. MOON, CRAIG, ) APPLICATION NO. 18551-PP-Transfer  
COLORADO, A PORTION OF PERMIT NO. )  
B-2864. )  
----- )

-----  
July 24, 1961  
-----

Appearances: Doyle R. Moon, Craig,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Fred J. Kissler, Denver, Colorado, was  
granted authority to operate as a Class "B" private carrier by  
motor vehicle (Permit No. B-2864), for the transportation of:

Sand, gravel, dirt, rock, and other road-  
surfacing materials from pits and supply  
points in the State of Colorado, to road  
and building construction jobs within a  
radius of 50 miles of said pits and supply  
points, excluding service in Boulder, Clear  
Creek and Gilpin Counties, except the allowance  
of the right to serve the Atomic Plant being  
built on the Rocky Flats northwest of Denver,  
in Boulder County, Colorado.

Transportation of coal from the strip mine  
operated by Mr. Edward Lasnik, approximately  
14 miles from Hayden, to the tipple at Hayden.

Transportation, in dump trucks only, 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 sup-  
ply points; sand and gravel, from pits and  
supply points in the State of Colorado, to  
railroad loading points, and to homes and small  
construction jobs within a radius of fifty miles  
of said pits and supply points; sand, gravel,  
dirt, stone, and refuse, from and to building  
construction jobs, to and from points within a  
radius of fifty miles of said jobs; insulrock,  
from pits and supply points in the State of  
Colorado, to roofing jobs within a radius of  
fifty miles of said pits and supply points.

Said permit-holder is now desirous of transferring a portion of said operating rights to Doyle R. Moon, Craig, Colorado, viz., the right to transport:

coal from strip mine operated by Edward Lasnik, approximately 14 miles from Hayden, Colorado, to the tipple at Hayden, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Steamboat Springs, Colorado, June 22, 1961, at one o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 21, 1961, as provided by law, the Commission designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

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

Report of said Examiner states that at the hearing, Doyle R. Moon, Craig, Colorado, transferee herein, appeared in support of the application, stating he had entered into a contract with Fred J. Kissler to buy a portion of Permit No. B-2864; that he is presently the owner and operator of Permit No. B-6103; that he has the necessary equipment, and has on file with the Commission a financial statement, showing net worth of \$20,000; that transferor does not desire to continue the hauling of coal.

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 Examiner.

Findings of the Examiner are that authority herein sought is compatible with the public interest; that there are no outstanding unpaid operating obligations against said Permit No. B-2864; that transferee is a fit and proper person, and is financially able to continue the services herein sought to be transferred to him.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

That transferor herein is the owner and operator of Permit No. B-2864.

That transferee herein is qualified to conduct operations under authority herein sought to be transferred.

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

That operating rights herein authorized to be transferred should be consolidated with Permit No. B-6103, presently owned and operated by transferee herein.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Fred J. Kissler, Denver, Colorado, be, and he hereby is, authorized to transfer to Doyle R. Moon, Craig, Colorado, a portion of Permit No. B-2864, viz.:

transportation of coal, from strip mine operated by Edward Lasnik, approximately 14 miles from Hayden, Colorado, to the tipple at Hayden, Colorado.

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.

That operating rights herein authorized to be transferred shall be consolidated with, and become a part of, and be operated under Permit No. B-6103.

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. Higney  
Ralph C. Hutton  
Alvin J. Zerk  
Commissioners

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

ea

(C.B.A. 5)

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES E. MC KIBBEN, DOING BUSINESS )  
AS "MC KIBBEN CONSTRUCTION COMPANY," )  
CRAIG, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

APPLICATION NO. 18552-PP

- - - - -  
July 24, 1961  
- - - - -

Appearances: G. Edward Smart, Craig,  
Colorado, for Applicant;  
Charles Cranston, Esq.,  
Steamboat Springs, Colo-  
rado, for W. R. Hall  
Transportation Company,  
Hunt Water Service;  
Troy A. Pollard, Rangely,  
Colorado, for Pollard  
Contracting Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B " private carrier by motor vehicle for hire, for the transportation of 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 150 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 150 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 150 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 150 miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles; water, between points within a radius of 100 miles of Craig, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Steamboat Springs, Colorado, June 22, 1961, at one o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 21, 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 he operates McKibben Construction Company; that said company performs construction jobs in and on oil fields; that part of his work requires that he transport water to oil drilling operators on a for-hire basis; that he has complete equipment for oil field work, including three water trucks, and has sixteen employees; that he believes he is the only oil field transporter based in Craig that can supply this water-hauling service; that he has a net worth of \$65,000; that his company has had demands for a sand and gravel service, as herein requested.

L. N. Rexroad, of Baroid Division of National Lead Company, and Roger Snyder, of Milwhite Mud Sales Company, both testified that they supply drilling mud to oil well drillers; that water is a very vital necessity in the preparation of drilling mud; that they know of no one who is based in Craig that has authority to haul water for hire; that they believed the proposed water-hauling service is needed in Craig.

There was read into the record a letter from the Drilling Foreman and the Senior Production Foreman of Continental Oil Company, in support of the instant application.

Bob Hunt, of Hunt Water Service, testified that his company is located in Grand Junction; that they have water-hauling authority in all of the territory sought to be served by applicant, except Jackson County; that water-hauling is the only business of Hunt Water Service; that he has a net worth of \$45,000, of which \$15,000 is cash; that he can purchase any additional equipment necessary to serve his territory; that it is approximately 150 miles from Craig to Grand Junction, and 90 miles from Rangely to Craig; that his company could generally get a truck from Grand Junction to Craig in three hours; that the water service required by oil field operators was one that required the placing of a water truck on the drilling operation for twenty-four hours a day during the time of the drilling of the well; that the three hours necessary to reach the drilling site was not too material; that a large part of the water used in the oil fields in the territory sought is hauled by Commercial Carriers.

Troy A. Pollard testified he has authority to haul water in most of the territory sought to be served by applicant; that he has two water trucks available for said service; that he lives and maintains an office in Rangely, Colorado.

Findings of the Examiner are that applicant has a net worth of \$65,000, and has a large amount of motor vehicle equipment, including three water trucks; that there is no for-hire water carrier located in Craig, Colorado, and there was no testimony from protestants that either of them was now hauling water in the Craig area, or that either of their operations would be impaired by applicant's proposed operation; that Craig is the center for oil well business in Northwestern Colorado, and as such, should have an operator for transportation of water located in the Craig area; that part of said territory in the 100-mile radius of Craig now sought to be served is being adequately served by protestants, Hunt Water Service and Pollard Construction Company; that there is testimony of the need

for a water service in Moffat, Routt, Jackson and Grand Counties, all of which is within 100 miles of Craig; that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service; that granting of authority, as hereinafter limited, will not impair the service of any common carrier rendering like service.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

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

That applicant herein is qualified, financially and by experience, to conduct his proposed operations.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, 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 James E. McKibben, doing business as "McKibben Construction Company," Craig, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado,



to road jobs, mixer and processing plants within a radius of 150 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 150 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 150 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 150 miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles; water, in the Counties of Moffat, Routt, and Jackson, and that part of Grand County which would be within a 100-mile radius of Craig, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Magno*  
*Ralph C. Horton*  
*Alvin E. Zuckerman*  
Commissioners.

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

ea

Original

(Decision No. 56866)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHRIS BRAVO, 1327 ROSELAWN ROAD, )  
PUEBLO, COLORADO. )  
-----

PUC NO. 2427

-----  
July 24, 1961  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Chris Bravo, Pueblo, Colorado, owner and operator of PUC No. 2427, requesting authority to use the trade name "Bravo Trash Service," in the conduct of his operations under said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show PUC No. 2427 to be owned and operated by:

"Chris Bravo, doing business  
as 'Bravo Trash Service,'"

in lieu of:

"Chris Bravo."

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

*Joseph F. Nigro*  
*Reuben C. Norton*  
*Alvin E. Ziegler*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WALTER RUMNEY AND CELESTE W. RUMNEY, )  
AS JOINT TENANTS, ROUTE 4, BOX 287, )  
GREELEY, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMITS NOS. B-729 AND )  
B-729-I TO REDWOOD COMPANY, INC., A )  
COLORADO CORPORATION, 3499 WAZEE )  
STREET, DENVER, COLORADO. )  
-----

APPLICATION NO. 18583-PP-Transfer

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July 24, 1961  
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Appearances: Barry and Boyle, Esq., Denver,  
Colorado, for Applicants;  
Edward Lyons, Jr., Esq., Den-  
ver, Colorado, for Denver  
Chicago Transport, Inc.,  
Ward Transport, Melton Trans-  
port, Barlow's Division of  
Consolidated Motor Freight;  
John P. Thompson, Esq., Denver,  
Colorado, co-counsel for Ward  
Transport, and for Intrastate  
Line-Haul Common Carriers and  
individual members thereof.

S T A T E M E N T

By the Commission:

The above-styled 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, July 3, 1961, and at the conclusion of the evi-  
dence, the matter was taken under advisement.

This is an application for authority to transfer Permits  
Nos. B-729 and B-729-I, which is an unrestricted state-wide permit.  
The present owners and operators of this permit, the Rumneys, who  
are husband and wife, are reaching an advanced age, and desire to  
retire. They have entered into a contract with Redwood Company,  
Inc., for the sale of said permits, for a total of \$30,000.00.

The Redwood Company, Inc., which is controlled by James Miller, is engaged in trucking -- primarily in connection with construction work. It hauls sand and gravel and bulk cement for the Monolith-Portland Cement Company within a seventy-five-mile radius of Denver.

Mr. Miller concedes that most of his operation is primarily in construction and heavy engineering.

All protestants indicated that some restriction should be placed upon this authority herein sought to be transferred, as condition for transfer, and all of them indicated that their several certificates provide authority to conduct not only the operations that have been conducted under this permit, but also the operations that may be conducted, by virtue of the unrestricted nature of said permits. The protestants were obviously fearful that a new owner and operator might take advantage of the broad scope of the permit, in order to enter into a field of competition with present certificate-holders not heretofore experienced by these truckers under the existing operations under Permit No. B-729.

The evidence adduced at the hearing by the transferors indicated that for some years last past this authority has been actively operated, with the main office in Greeley, and an office in Denver for the solicitation of business.

Applicants' Exhibit No. 2 was a list of the representative movements performed by the carrier under Permit No. B-729. A searching scrutiny of this record discloses that this carrier has been engaged in the transportation primarily of materials and supplies of all types used in all types of general construction, from road-building to all forms of building construction. Some of the commodities transported included brick, rock lathe, roofing, ash blox, sewer pipe, fire brick and flue lining, mortar, lumber, masonry cement, furnaces, rock, stone, plaster, "I" beams, buildings, marbelite,

insulation, wire, window screens and sashes, metal lathe, mosaic, slab tile, pre-fabricated houses, window frames, pumice brick, asphalt tile, and numerous other commodities generally associated with the general construction business. In addition, this carrier has hauled numerous loads of agricultural implements, commodities, and products, as well as some machinery, both new and used, and commodities listed as "junk."

It is noted that most of this operation occurred in Northern and Northeastern Colorado, with the exception of sporadic trips to Western Colorado, in the vicinity of Yampa, Snow Mass, Johnstown, Steamboat Springs, Grand Junction, Holyoke, Rangely, Aspen, Hot Sulphur Springs, Leadville, Kremmling, Pagosa Springs, Canon City, Cripple Creek, Hotchkiss, and Cortez.

The issue thus presented to the Commission is whether or not, in the transfer of said operating rights, any restriction should be placed upon this unrestricted permit, either as to offices for the solicitation of business, areas in which the carrier may operate, or as to the commodities which the carrier may transport.

In the determination of this issue, we must reiterate the oft-repeated assertion that this Commission views the operation of all certificates and permits and transfers thereof, with a view to public interest. Although the applicant transferors and transferee, and the protestants, may view this as an adversary proceedings, either to gain or to protect advantage, we cannot too strongly emphasize that it was not the intent of the Legislature in establishing the Public Utility Law, that a proceeding of this nature should not be viewed as an adversary proceedings, such as ordinary litigation between private parties; rather, it is the paramount public interest which compels our attention and dictates the determination of our judgment.

It is fundamental that in any transfer proceedings there

is no requirement to prove public need. All that need be shown is that the transfer is compatible with the public interest.

It is entirely possible, however, that by virtue of a transfer, a certificate or a permit that has been operated in one fashion over many years may be operated in an entirely different fashion by the transferee, which could completely change competitive aspects that, in effect, result in an imbalance in the transportation system. Although this Commission lays no claim to perfection, a reasonably balanced transportation system, adequately serving the needs and demands of the public, is the prime objective of the State in motor carrier regulation. Thus, the threat of enlarged competition or radical change in service is at least a matter of grave consideration for the Commission, to the extent that it may tend to distort the competitive picture and result in an imbalance in the transportation system, contrary to the public interest. ✓

Although we have previously stated that the public interest is paramount, it is not to say the vested private rights of the individuals may be summarily disregarded with cavalier abandon. We thus are likewise restricted in the determination of the issues of public interest by the property rights of the individuals.

In dealing with the transfer of a private carrier permit, as contrasted with a certificate, we are faced with a different problem. The common carrier has a duty to serve, and the failure to render that service may constitute an abandonment, or at least a non-user that will effect an estoppel against the carrier to prohibit such a carrier from transferring a certificate to a transferee who will enlarge its operation, after others have dedicated their property and treasury to the public service. A private carrier, however, has no such duty or obligation; thus we hold that the doctrine of estoppel cannot be applied carte blanche on the

basis of such a duty. Abandonment, of course, being a matter of intention, can always be applied to any proper situation.

Despite the fact, however, that estoppel may not be applied in the case of a private carrier, we do believe that this Commission has the authority and the duty to examine the proposed transfer, with a view prospectively to its effect upon the transportation system, and consequently on the public interest in the light of past operations, and in the light of the private rights of the parties. This Commission has the right, at any time, on its own motion, to review authorities which have been granted by it. We believe that we are warranted in so doing in a transfer proceedings, if the issues are properly raised before us. We believe, for example, that if a private carrier, such as this, sought to transfer its operation to an entirely different part of the State, to engage in substantially local carriage, in an area where said private carriage, on a local basis, was not needed, the Commission could act on the basis of an implied abandonment and restrain such an operation. Since such actions are generally unusual and unlikely, we think it appropriate to examine these various facets of the prospective operation at the time of transfer, when a change in mode and method of operation by a new owner is more likely.

The restrictions that may be considered, in our opinion, apply to: (1) location of offices for solicitation of business; (2) area of operations; (3) commodities which may be carried, and (4) possibly the amount and type of equipment which may be employed.

Applying these principles to the matter before the Commission, it is apparent that this carrier has restricted itself to an operation based in Denver and Greeley. To allow the basing or stationing of equipment in any other locale for the opening of an office for the solicitation of business would be a radical departure from the operation of this permit from the time of its inception. The

transferee conceded that he proposed to operate with bases only in Denver and Greeley, and has no desire to establish offices in any other community. Thus, employing the fundamental legal principle that intent is discerned from the actions of the individual, we hold, and so find, that there has been an implied abandonment of the right to establish offices for the solicitation of business under this permit in any community other than Denver and Greeley, and we hold, and so find, that to establish such an office in communities other than Denver and Greeley in the future would not be compatible with the public interest, in the absence of a showing of a need therefor. We therefore will order that, as a condition of this transfer, the transferee be restricted to offices in Denver and Greeley for the solicitation of business.

With respect to the area of operations, it is quite apparent that a heavy preponderance of the transportation performed by this carrier at a point of origin or point of destination originated or terminated at Denver or Greeley, with some local point to point service in Northeastern Colorado. We believe that on the basis of this evidence, it is most appropriate, considering the public interest and the rights of the individuals and the theory of implied abandonment employed above, that this permit be restricted to a base territory in which point to point service may be provided, being described as follows: An area in Northeastern Colorado east of the Continental Divide, and north of an imaginary line running east and west from the Continental Divide to the Kansas-Colorado State Line, dissecting the Town of Castle Rock, Colorado.

We find that point to point service has been conducted within said territory. It is apparent, however, that substantial radial operations have been conducted in and out of said territory. This permit will likewise provide for authority to transport commodities to or from said base territory, on the one hand, from or to any other



point in the State of Colorado, on the other hand.

With respect to the commodities to be hauled, the evidence is almost undisputed that this is primarily a carrier of commodities relating to general construction and agricultural products and implements, with some miscellaneous carriage. It cannot be successfully controverted that this carrier has been actively and generally engaged in the transportation of all types of commodities, including heavy machinery, used in connection with all types of general construction, including road-building, and we so find.

We therefore believe, and so find, that none of the principles of implied abandonment or incompatibility with the public interest can be successfully asserted against the transportation of these commodities.

The transferee testified that in connection with his general construction operations, he may be called upon, from time to time, to haul all types of general commodities, such as household furniture, equipment and appliances that are a part of the contractor's camp. Such a service we hold is consistent with the type of operation performed, and the authority to transport all supplies and equipment in connection with general construction jobs of all types, which includes the right and authority of general cartage of commodities in connection with and for said construction jobs.

The same findings must likewise be made with respect to agricultural commodities, implements, machinery, and supplies, including livestock. This carrier has likewise been engaged in sporadic transportation of iron, steel, copper or alloyed products, classified as "junk," and such an authority should likewise be permitted.

In all other respects, it appears clearly that although this carrier had the right and authority to engage in transportation

of all other commodities, and although such commodities have been transported by the various carriers in the area served by this carrier, this carrier has chosen not to engage in such transportation. We find, and so hold, therefore, that the doctrine of implied abandonment is likewise applicable to all other commodities not heretofore specifically named, and that any prospective conversion of this permit to transportation of such unnamed commodities, without the showing of a public need therefor, is incompatible with the public interest, and should not be permitted, and therefore will be restricted in this authority.

We further find there is no basis from the evidence why there should be any limitation on the type or extent of equipment.

We also hold, and so find, that the transferee herein established financial responsibility, to the satisfaction of the Commission.

#### O R D E R

##### THE COMMISSION ORDERS:

That Walter Rumney and Celeste W. Rumney, as joint tenants, Greeley, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permits Nos. B-729 and B-729-I to Redwood Company, Inc., Denver, Colorado, transfer of interstate operating rights herein authorized to be subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, operations under Permit No. B-729 being subject to the restrictions hereinafter set forth.

That as a condition of this transfer, transferee shall accept said permit, restricted and described as follows:

##### Base Territory:

That area in Northeastern Colorado east of the Continental Divide and north of an imaginary line running east and west from the Continental Divide to the Kansas-Colorado State line dissecting the town of Castle Rock, Colorado.

1. General Commodities.
  - a. To construction sites within the State of Colorado having origin at points within the base territory.
2.
  - a. Building materials, supplies and equipment;
  - b. Agricultural commodities, implements, machinery and supplies;
  - c. Iron, steel, copper or alloyed products classified as "junk" and having value for remelting purposes only.
    - A. Between points within the base territory.
    - B. Between points within the base territory, on the one hand, and on the other, points within the State of Colorado.
3. Building materials, supplies and equipment.
  - a. Between points within the base territory, on the one hand, and on the other, construction jobs set up or located at points outside the base territory within the State of Colorado.

The operations hereunder shall be restricted to an office in Denver and in Greeley for the solicitation of business.

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


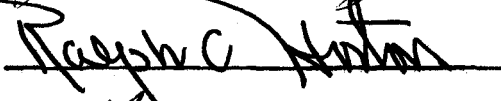

The right of transferee to operate under this Order shall

depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permits up to the time of transfer of said permits.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

CLIFTON HENRY )  
Sunset Service Special )  
2835 Welton Street )  
Denver 5, Colorado )  
----- )

PUC 3275

AUTHORITY NO. M 13881

CASE NO. 5406 Ins.

-----  
July 24, 1961  
-----

S T A T E M E N T

By the Commission:

On July 18, 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

(S E A L)

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary

Joseph F. Nigro  
Raymond C. Johnston  
Alexander H. Hailings  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 170, BY THE COLORADO  
MOTOR CARRIERS' ASSOCIATION, J. R. SMITH,  
CHIEF OF TARIFF BUREAU, FOR AND ON BEHALF  
OF GOLDEN TRANSFER COMPANY, RAYMOND PHERSON  
AND PATRICIA M. PHERSON, DOING BUSINESS AS  
PHERSON TRUCKING CO., AND THE RIO GRANDE  
MOTOR WAY, INC., TO PUBLISH ON LESS-THAN-  
STATUTORY NOTICE RATES ON CINDERS, CLAY OR  
SHALE, IN BULK.

CASE NO. 1585

July 19, 1961

STATEMENT

BY THE COMMISSION:

On July 17, 1961, The Colorado Motor Carriers' Association, as Agent, for and on behalf of Golden Transfer Company, Raymond Pherson and Patricia M. Pherson, doing business as Pherson Trucking Company and the Rio Grande Motor Way, Inc., filed the above application requesting permission to publish a specific commodity item in its Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, to become effective one day after the filing thereof with this Commission.

The item is as follows:

(Rates are in dollars and cents per ton of 2,000 lbs. loaded miles)

Commodity	From	To	Rates
Cinders, Clay or Shale (Aggregate), in bulk, minimum weight 40,000 pounds.  Minimum charge \$25.00 per trailer	Idealite Company Plant Site near Rocky Flats, Colo.	Denver, Colo.	\$1.25
		Boulder, Colo.	
		Bellview, Colo.	
		Englewood, Colo.	
		Golden, Colo.	
		Longmont, Colo.	\$1.30
		Littleton, Colo.	\$1.40
		Hygiene, Colo.	
		Loveland, Colo.	\$1.50
		All points in Colorado not named specifically above: 5¢ per ton per mile in plains territory 6¢ per ton per mile in mtn territory	

Method of computing distances to be used in assessing distance rates published in this item:

- (1) Where mileages are shown in the current Colorado Department of Highways map via improved roads only, such mileages shall be used to determine the distance or portions of such distance via improved roads only.
- (2) For distances from and to points not covered by the map referred to in paragraph (1) above, the actual mileage via the shortest practicable route shall be used, except that the map will be used for such portion of the distance as may be provided thereon or ascertainable therefrom.
- (3) In applying the distance rates provided in this item, all mileage traveled on Colorado Highway 93 will be considered as plains territory.

Interterritorial Movements:

Apply the applicable rate in each territory for the distance traversed in each respective territory.

The petitioner bases the application upon the following facts:

"Publication of the above rates and provisions were requested by the Rio Grande Motor Way, Inc., in connection with the extension of authority granted to it by this Commission's Decision No. 56593 dated June 9, 1961."

The Rio Grande Motor Way, Inc., had previously published the above matter with exceptions of not publishing the method of applying the mileage rates and not listing the points as shown in this request to northern Colorado in Amendment No. 11 to its individual Tariff No. 10-I, Colorado P.U.C. No. 56, scheduled to become effective July 30, 1961.

A letter was filed by Ralph Knull, Traffic Manager, on July 3, 1961, requesting the rejection of this publication because no provisions had been made in the amendment for the basis to be used in determining the mileage rates.

"Also, we have been informed by the shipper that, due to difficulty encountered in its Laramie, Wyoming plant, shipments will begin moving from the Rocky Flats earlier than had been expected. Shipper anticipates that traffic will begin to move as soon as the rates for the transportation service can be established."

The publishing agent sent a copy of this proposal as instituted by the Rio Grande Motor Way, Inc., on July 5, 1961, under its independent action procedure to all its carrier members in its Tariff No. 14, Colorado P.U.C. No. 13, and only the two additional carriers involved herein indicated a desire to join in its publication.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Application No. 170, as 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 Rio Grande Motor Way, Inc., be, and it is hereby notified and required to cancel Amendment No. 11 to its Freight Tariff No. 10-I, Colorado P.U.C. No. 56, on July 30, 1961, upon notice to this Commission and the general public by not less than five (5) days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
4. The rates, rules, regulations and provisions set forth in the Statement shall on July 30, 1961, be, both maximum and minimum for the Rio Grande Motor Way, Inc., Golden Transfer Company, and Raymond Pherson and Patricia M. Pherson, doing business as Pherson Trucking Company.
5. The Rio Grande Motor Way, Inc., Golden Transfer Company, and Raymond Pherson and Patricia M. Pherson doing business as Pherson Trucking Company, shall publish or cause to be published the rates, rules, regulations and provisions herein prescribed, to become effective July 30, 1961, on notice to this Commission and the general public by not less than five (5) days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
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 the named motor vehicle common carriers, to become effective on July 30, 1961, by not less than five (5) days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.



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 subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

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

ph

original

(Decision No. 56870)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM F. CARTWRIGHT, DOING BUSI- )  
NESS AS "SOUTH PROSPECT TRANSFER," )  
7207 PROSPECT, KANSAS CITY, MIS- )  
SOURI, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO )  
CARTWRIGHT'S MOVING & STORAGE, )  
INC., 7205 PROSPECT AVENUE, KANSAS )  
CITY, MISSOURI. )  
----- )

PUC NO. 2226-I-Transfer

-----  
July 24, 1961  
-----

S T A T E M E N T

By the Commission:

Heretofore, William F. Cartwright, doing business as  
"South Prospect Transfer," Kansas City, Missouri, 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 known as "PUC No. 2226-I."

Said certificate-holder now seeks authority to transfer  
said operating rights to Cartwright's Moving & Storage, Inc.,  
Kansas City, Missouri.

Inasmuch as 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 William F. Cartwright, doing business as "South Prospect Transfer," Kansas City, Missouri, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2226-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Cartwright's Moving & Storage, Inc., Kansas City, Missouri, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

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

ea

original

(Decision No. 56871)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE AIRPLANE OPERATIONS OF )	CASE NO. 5208
SPILLMAN AERO SERVICE, )	ORDER TO SHOW CAUSE AND
INC., HOLYOKE, COLORADO. )	<u>NOTICE OF HEARING</u>
----- )	

-----  
July 24, 1961  
-----

S T A T E M E N T

By the Commission:

On May 10, 1948, by Decision No. 30438, in Application No. 8900, Spillman Aero Service, Inc., Holyoke, Colorado, was granted a certificate of public convenience and necessity, authorizing operation as a common carrier, by airplane, in interstate and intrastate commerce, for the transportation of:

passengers and property, not on schedule,  
but on call and demand, in irregular service,  
between all points in the State of Colorado,

as set forth in said Decision No. 30438.

On June 29, 1961, the Aeronautical Inspector for this Commission inspected the Holyoke Airport, and made inquiry concerning said Spillman Aero Service, Inc., and Gene E. Spillman, and could find no one who had any knowledge of any current operations by this firm, and was informed that Spillman Aero Service, Inc. had been out of business for some time.

On June 27, 1961, a registered letter was directed to Spillman Aero Service, Inc., with return receipt requested.

On July 6, 1961, this letter was returned to the Commission, marked "Unclaimed -- out of business."

Inasmuch as it appears that Spillman Aero Service, Inc., Holyoke, Colorado, is failing to operate under said authority,

F I N D I N G S

THE COMMISSION FINDS:

That a hearing should be had to determine whether said



certificate of public convenience and necessity should or should not be cancelled for failure of said certificate-holder to furnish service thereunder, and on account of abandonment thereof, and that said Spillman Aero Service, Inc. should be required to show cause why said certificate of public convenience and necessity granted by Decision No. 30438 should not be cancelled.

O R D E R

THE COMMISSION ORDERS:

That, upon the Commission's own motion, an investigation should be had of operations of Spillman Aero Service, Inc., Holyoke, Colorado, under certificate of public convenience and necessity granted by Decision No. 30438.

That said Spillman Aero Service, Inc., be, and hereby is, required to show cause, on or before the 31st day of July, 1961, why an Order should not be entered, cancelling, setting aside, and re-voking said certificate of public convenience and necessity granted by said Decision No. 30438, on account of failure of said certificate-holder to furnish service thereunder, in the manner authorized and required by said certificate.

That said matter is hereby set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, on the 2nd day of August, 1961, at 9:30 o'clock A. M.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Hutton*  
*Blair G. Anderson*  
Commissioners.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

INTRASTATE LINE HAUL COMMON CARRIERS )  
DIVISION OF THE MOTOR TRUCK COMMON )  
CARRIERS' ASSOCIATION, AND THE )  
RESPECTIVE MEMBERS THEREOF, )  
Complainants, )  
vs. )  
NAVAJO FREIGHT LINES, INC.; DENVER )  
AMARILLO RED BALL MOTOR FREIGHT, )  
INC.; AND DEAN RESLER, )  
Respondents. )  
----- )

CASE NO. 5206

-----  
July 24, 1961  
-----

Appearances: John P. Thompson, Esq.,  
Denver, Colorado, for  
Complainants;  
Herbert M. Boyle, Esq.,  
Denver, Colorado, for  
Navajo Freight Lines,  
Inc.;  
E. B. Evans, Esq., Denver,  
Colorado, for Dean  
Resler;  
Charles D. Mathews, Esq.,  
Dallas, Texas, for  
Red Ball Motor Freight,  
Inc.

S T A T E M E N T

By the Commission:

On June 7, 1961, Complaint was filed with the Commission in the above-styled matter by John P. Thompson, Attorney, for and on behalf of Intrastate Line Haul Common Carriers Division of the Motor Truck Common Carriers' Association, and the respective members thereof, against Navajo Freight Lines, Inc., Denver-Amarillo Red Ball Motor Freight, Inc., and Dean Resler.

On June 8, 1961, the Commission issued its Order to Satisfy or Answer within twenty days, directed to each Respondent herein.

On June 16, 1961, "Answer" was filed by Barry and Boyle, Esqs., for Navajo Freight Lines, Inc.

On June 21, 1961, "Answer" was filed by E. B. Evans, Attorney for Dean Resler.

On June 29, 1961, "Motion to Dismiss Complaint as to Denver-Amarillo Red Ball Motor Freight," was filed by Charles Mathews, General Counsel.

On June 30, 1961, "Motion to Dismiss Complaint as to Denver-Amarillo Red Ball Motor Freight," was filed by John P. Thompson, Attorney for Complainants herein, stating that the subject matter of said Complaint, with regard to said Denver-Amarillo Red Ball Motor Freight, Inc. is now moot.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Motions of Denver-Amarillo Red Ball Motor Freight and of Attorney for Complaints herein should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Motion of Denver-Amarillo Red Ball Motor Freight filed June 29, 1961, by Charles Mathews, General Counsel, and Motion of Complainants herein, filed June 30, 1961, by John P. Thompson, Attorney, be, and they hereby are, granted.

That said Denver-Amarillo Red Ball Motor Freight be, and hereby is, stricken as a Respondent herein, leaving Navajo Freight Lines, Inc. and Dean Resler as Respondents.

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

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

ea

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Horton*  
*Henry E. Schuler*  
Commissioners.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. E. WHITLOCK TRUCK SERVICE, INC., )  
STAFFORD, KANSAS, FOR A GENERAL IN- )  
CREASE OF TEN PER CENT ON THE RATES )  
AND CHARGES FOR TRANSPORTATION OF )  
OIL FIELD COMMODITIES AND SPECIAL )  
AND OTHER SERVICES IN CONNECTION )  
THEREWITH. )  
----- )

CASE NO. 1585

-----  
July 25, 1961  
-----

Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, for  
L. E. Whitlock Truck  
Service, Inc.

S T A T E M E N T

By the Commission:

On January 19, 1960, "Application for General Increase in Rates and Charges on Oil Field Commodities" was filed with the Commission by Jones and Meiklejohn, Attorneys, for and on behalf of Whitlock Truck Service, Inc.

Said matter was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, May 17, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On May 6, 1960, upon request of Attorney for said L. E. Whitlock Truck Service, Inc., said setting was vacated, said matter to be later re-set for hearing before the Commission, with notice to all parties in interest.

The Commission has now been advised that L. E. Whitlock Truck Service, Inc. no longer desires to prosecute said matter.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled matter should be dismissed, upon request of L. E. Whitlock Truck Service, Inc.



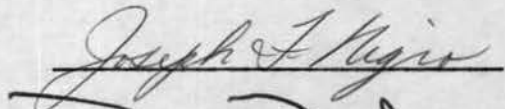
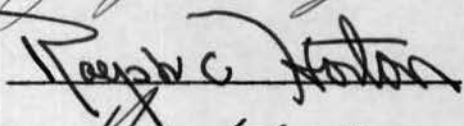
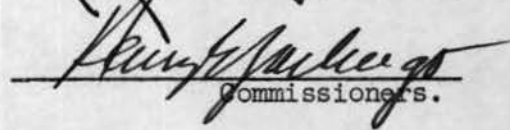
O R D E R

THE COMMISSION ORDERS:

That the above-styled matter be, and the same hereby  
is, dismissed, upon request of L. E. Whitlock Truck Service, Inc.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

ea

original

(Decision No. 56874)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALLEN C. SWANSON, DOING BUSINESS AS )  
"ACE SERVICE," P. O. BOX 177, BUENA )  
VISTA, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 4038 TO ARTHUR E. )  
PRYOR AND DENNIS E. ARMSTRONG, CO- )  
PARTNERS, DOING BUSINESS AS "ACE )  
SERVICE," BOX 9, BUENA VISTA, COLO- )  
RADO. )  
----- )

APPLICATION NO. 18624-Transfer

-----  
July 25, 1961  
-----

S T A T E M E N T

By the Commission:

Heretofore, Allen C. Swanson, doing business as "Ace Service," Buena Vista, Colorado, was granted a certificate of public convenience and necessity (PUC No. 4038), authorizing operations as a common carrier by motor vehicle for hire, for:

call and demand transportation service for the collecting, transporting, and hauling of ashes, trash, garbage, and other refuse, for hire, between all points within a radius of five miles of the center of the Town of Buena Vista, Colorado, including all territory within the corporate limits of the Town of Buena Vista, Colorado.

Said certificate-holder now seeks authority to transfer said PUC No. 4038 to Arthur E. Pryor and Dennis E. Armstrong, co-partners, doing business as "Ace Service," Buena Vista, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that transferees, pecuniarily and otherwise, are qualified to carry on said operation; that there are no outstanding unpaid operating obligations against said certificate, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose,

who would desire to be heard in opposition to transfer of said certificate, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Allen C. Swanson, doing business as "Ace Service," Buena Vista, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 4038 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Arthur E. Pryor and Dennis E. Armstrong, co-partners, doing business as "Ace Service," Buena Vista, 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

Joseph F. Nigro  
Raymond C. Norton  
Augustus J. Sullivan  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERNEST DUANE ALLEN AND MARY E. ALLEN, )  
DOING BUSINESS AS "ALLEN MOVING & )  
STORAGE," 201 SOUTH RAILROAD, LOVE- )  
LAND, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 538 TO DEAN SAMPSON )  
AND GENE SAMPSON, DOING BUSINESS AS )  
"SAMPSON BROS. TRANSPORTATION COM- )  
PANY," 201 SOUTH RAILROAD, LOVELAND, )  
COLORADO. )  
----- )

APPLICATION NO. 18571-Transfer

-----  
July 25, 1961  
-----

Appearances: Frank E. Starkey, Esq.,  
Loveland, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

Heretofore, Ernest Duane Allen and Mary E. Allen, doing  
business as "Allen Moving & Storage," Loveland, Colorado, were  
granted a certificate of public convenience and necessity (PUC No.  
538), authorizing operation as a common carrier by motor vehicle  
for hire, for the transportation of:

Transportation of freight, generally, from  
point to point within the territory extending  
ten miles north of Loveland, fifteen miles  
east, ten miles south, and to the Larimer  
County line on the west, and between points  
within said territory and other points within  
the State of Colorado, subject to the following  
conditions: (a) For the transportation of  
commodities other than household goods between  
points served singly or in combination by  
scheduled carriers, applicant shall charge  
rates which, in all cases, shall be at least  
twenty per cent in excess of those charged by  
scheduled carriers; (b) Applicant shall not  
operate on schedule between any points; (c)  
Applicant shall not be permitted, without  
further authority from the Commission, to  
establish a branch office or to have any  
agent employed in any other town or city  
than Loveland for the purpose of developing  
business.

Said certificate-holders now seek authority to transfer  
said PUC No. 538 to Dean Sampson and Gene Sampson, doing business as

"Sampson Bros. Transportation Company," Loveland, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, July 5, 1961, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 30, 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, applicants herein moved to amend the instant application, to show transferee to be:

"Sampson Brothers Transportation Company, Inc." and stated they would supply a copy of Articles of Incorporation for the Commission's record, the original of which was exhibited at the hearing.

Ernest D. Allen testified that he and his wife, Mary E. Allen, are owners of PUC No. 538; that they had entered into an agreement to sell said operating rights to Dean Sampson and Gene Sampson; that there are no outstanding unpaid operating obligations against said certificate.

Dean Sampson testified that he and his brother, Gene Sampson, have entered into an agreement to purchase PUC No. 538 from transferors herein; that they have assigned their rights under said agreement to Sampson Brothers Transportation Co., Inc.

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 Examiner.



Findings of the Examiner are that authority herein sought is compatible with the public interest; that there are no outstanding unpaid operating obligations against said operating rights; that transferee is fit and proper to continue said operation.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

That the instant application should be amended to show transferee to be:

"Sampson Brothers Transportation Co., Inc.,"

in lieu of:

"Dean Sampson and Gene Sampson, doing business as 'Sampson Bros. Transportation Company.' "

That transferee herein is qualified to conduct operations under authority herein sought to be transferred.

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

### O R D E R

#### THE COMMISSION ORDERS:

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

That transferee herein is amended and changed to be:

"Sampson Brothers Transportation Co., Inc.,"

in lieu of:

"Dean Sampson and Gene Sampson doing business as 'Sampson Bros. Transportation Company.' "

That Ernest Duane Allen and Mary E. Allen, doing business as "Allen Moving & Storage," Loveland, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 538 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Sampson Brothers Transportation Co., Inc., Loveland, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Anton*  
*Henry Paulings*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GARY D. DAVIS, 128 BOWEN, LONGMONT, )	
COLORADO, FOR A CLASS "B" PERMIT TO )	<u>APPLICATION NO. 18573-PP</u>
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
July 25, 1961  
-----

Appearances: Gary D. Davis, Longmont,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 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.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, July 5, 1961, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 30, 1961, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

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

Report of said Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that he is in the excavating business and needs authority herein sought in conjunction with this business; that he is the owner of a 1952 Ford one and one-half-ton dump truck; that he has a net worth of \$4,500; that he is presently operating under Temporary Authority heretofore issued by the Commission; that if authority herein sought is granted, he will obey the rules and regulations of the Commission.

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

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

Findings of the Examiner are that applicant herein is a fit and proper person, has sufficient equipment, and is financially able to render the service herein proposed; that there is a present need for such service; that the granting of authority herein sought would not impair the efficient public service of any authorized motor vehicle common carrier operating in the territory sought to be served by applicant.

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

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred

to therein should be approved.

That the granting of authority herein sought will not impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

That applicant herein is qualified, cinancially and by experience, to conduct his proposed operations.

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

That Gary D. Davis, Longmont, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 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 being restricted against the use of tank vehicles.

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

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of

his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio  
Ralph C. Foster  
Harry E. Auland  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARLEY I. KEETER, JR., ROUTE 2, BOX )  
360, BOULDER, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 18574-PP

-----  
July 25, 1961  
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Appearances: George L. Sawhill, Boulder,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to 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; coal, from mines in Northern Colorado, to points in Weld, Boulder, and Denver Counties, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, July 5, 1961, at

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

On June 30, 1961, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

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

Report of said Examiner states that at the hearing, George L. Sawhill, father-in-law of applicant, appeared and testified in support of the application, stating applicant was working and unable to attend the hearing; that applicant is the owner of a Kenworth Tractor, owns his home, and has a net worth of between \$6,000 and \$8,000; that applicant is presently operating under Temporary authority issued by this Commission; that if authority herein sought is granted, applicant will obey the law, rules and regulations of the Commission; that applicant has received numerous requests for the services he herein seeks to perform.

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 the services herein sought to be performed; that there is a present need for such service; that the granting of authority herein sought will not impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

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

## F I N D I N G S

### THE COMMISSION FINDS:

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

That the granting of authority herein sought will not impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

That applicant herein is qualified, financially and by experience, to conduct his proposed operations.

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

## O R D E R

### THE COMMISSION ORDERS:

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

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

coal, from mines in Northern Colorado, to points in Weld, Boulder, and Denver Counties, Colorado.


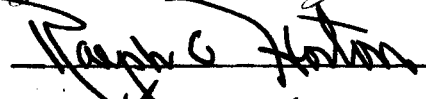

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERVIN HENRY, DOING BUSINESS AS )  
"WINDSOR MILK LINES," BOX 384, )  
JOHNSTOWN, COLORADO, FOR AUTHORITY ) APPLICATION NO. 18570-PP-Lease  
TO LEASE PERMIT NO. B-4617 TO ALVIN )  
O. NORDELL, ROUTE 1, JOHNSTOWN, )  
COLORADO. )  
-----

-----  
July 25, 1961  
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Appearances: Ervin Henry, Johnstown,  
Colorado, pro se;  
Alvin O. Nordell, Johnstown,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Ervin Henry, doing business as "Windsor Milk Lines," Johnstown, Colorado, was granted a Class "B" permit (Permit No. B-4617), authorizing operation as a private carrier by motor vehicle for hire, for the transportation of:

milk and cream, from the territory described as:  
  
bounded on the east by U. S. Highway No. 85, on the south by State Highway No. 16, on the west by a line drawn north and south one and one-half miles west of Timnath, Colorado, and on the north by the Colorado-Wyoming State Line, to the condensery at Johnstown, Colorado, with return of empty cans.

Said permit-holder now seeks authority to transfer said operating rights to Alvin O. Nordell, Johnstown, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, July 5, 1961, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 30, 1961, the Commission, as provided by law, desig-

nated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

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

Report of said Examiner states that Ervin Henry, transferor herein, appeared at the hearing and testified in support of the application, stating he is the owner of Permit No. B-4617; that he has entered into a contract to lease said operating rights to Alvin O. Nordell, his son-in-law; that he has other business which requires his attention; that the lease is continuous, but may be cancelled by either party by notice to The Public Utilities Commission of the State of Colorado; that there are no outstanding obligations against said permit.

Alvin O. Nordell also appeared at the hearing and testified he is presently the owner of Permit No. A-577, which authorizes transportation of milk; that if the lease herein sought is approved, it is his intention to combine operations under Permit No. B-4617 and Permit No. A-577; that he is the owner of a 1960 two-ton Ford Truck, and has a net worth of \$4,000; that he has had three years experience in the transportation of milk and cream.

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

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

Findings of the Examiner are that transferee is a fit and proper person, has sufficient equipment, and is financially able to continue operations under Permit No. B-4617; that lessee has had experience as a milk transporter; that lease of said Permit No. B-4617 is in the public interest, and should be approved.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

That lessee herein is qualified to conduct operations under authority herein sought to be leased.

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

### O R D E R

#### THE COMMISSION ORDERS:

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

That Ervin Henry, doing business as "Windsor Milk Lines," Johnstown, Colorado, be, and he hereby is, authorized to lease Permit No. B-4617 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Alvin O. Nordell, Johnstown, Colorado, said leasing agreement to be continuous, subject to cancellation by either party, upon notice to this Commission.

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 the time of lease of said permit.

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

leased.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio  
Ralph C. Horton  
Don E. Fairclough  
Commissioners

Dated at Denver, Colorado,  
this 25th day of July, 1961.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES D. CLAY AND ANDY VOLOSHIN, CO- )  
PARTNERS, CRAIG, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 18550

-----  
July 25, 1961  
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Appearances: Robert H. Gleason, Esq.,  
Steamboat Springs, Colo-  
rado, and  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of mobile homes and house trailers, between points in the following area, and to and from points in said area, from and to points within the State of Colorado:

Beginning at the southwest corner of Rio Blanco County; thence east to the intersection of Colorado Highway No. 9, near Dillon, Colorado; thence north to the Colorado State Line; thence west to the northwest corner of Moffat County; thence south to the point of beginning.

Said application was regularly set for hearing before the Commission at the Court House, Steamboat Springs, Colorado, June 22, 1961, at one o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 21, 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, applicants herein appeared and testified in support of their application, stating they own and operate a trailer court in Craig, Colorado; that they are the owners of a 1960 two-ton G.M.C. Truck; that they are presently operating under Temporary Authority issued by this Commission, and have been serving other trailer courts in Craig; that they have a partnership capital of in excess of \$50,000.

Thomas Chockley testified he is the owner of a trailer court in Craig, Colorado, with space for 94 units; that he has used the services of applicants herein, which were satisfactory; that there is a need for applicants' proposed operations.

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

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

Findings of the Examiner are that applicants are fit and proper persons, having sufficient equipment and being financially able to render the service proposed; that there is a public need for said service.

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein.

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

##### THE COMMISSION FINDS:

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

After reviewing the evidence adduced at the hearing, as re-

ported by the Examiner herein, we find:

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

O R D E R

THE COMMISSION ORDERS:

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

That public convenience and necessity require the motor vehicle common carrier call and demand transportation of James D. Clay and Andy Voloshin, co-partners, Craig, Colorado, for the transportation of mobile homes and house trailers in the following territory:

beginning at the southwest corner of Rio Blanco County; thence east to the Town of Dillon, Colorado; thence north to the Colorado-Wyoming State Line; thence west along said State Line to the northwest corner of Moffat County; thence south along the Colorado-Utah State Line to the place of beginning,

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regio*  
*Ralph C. Norton*  
*Frank Zuluaga*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

mls



original

(Decision No. 56880)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) ED J. PHILLIPS, BOX 434, CRAIG, ) COLORADO, FOR A CLASS "B" PERMIT TO ) OPERATE AS A PRIVATE CARRIER BY ) MOTOR VEHICLE FOR HIRE. ) ----- )	<u>APPLICATION NO. 18549-PP</u>
--	---------------------------------

-----  
July 25, 1961  
-----

Appearances: Ed J. Phillips, Craig,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, for Anlauf Lumber Company, South Russell Street, Craig, Colorado, from points within a radius of fifty miles of Black Mountain, to Craig, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Steamboat Springs, Colorado, June 22, 1961, at one o'clock P. M., due notice thereof being forwarded to all parties in interest.

On June 21, 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 appeared and testified in support of his application, stating

that he is in the business of transporting logs from forests to saw-mill at Craig, Colorado, for Anlauf Lumber Company; that said company has several forest points in the area sought to be served; that he owns a three and one-half-ton 1950 G.M.C. Truck, and has a net worth of \$50,000; that there is a demand for his proposed 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 the services herein proposed; that there is presently a need for such service; that the granting of authority herein sought will not impair the efficient public service of any common carrier operating in the territory sought to be served by applicant.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

That the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

That applicant herein is qualified, financially and by experience to conduct his proposed operations.

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

O R D E R

THE COMMISSION ORDERS:

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

That Ed J. Phillips, Craig, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, for Anlauf Lumber Company, South Russell Street, Craig, Colorado, from points within a radius of fifty miles of Black Mountain, to Craig, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(S E A L)

Dated at Denver, Colorado,  
this 25th day of July, 1961.

mls

*Joseph F. Magno*  
*Ralph C. Hatan*  
*Harold Zuelweg*  
Commissioners.

(Decision No. 56881 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALPHUS B. AND LEONARD B. JOHNSTON )  
1521 East 9th )  
North Platte, Nebraska )

AUTHORITY NO. M 11713

CASE NO. 5473 Ins.

-----  
July 25, 1961  
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S T A T E M E N T

By the Commission:

On May 22, 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

(S E A L)

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary

*Joseph F. Nigro*  
*Joseph C. Horton*  
*May H. Hurling*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

CASE NO. 1585

-----  
July 25, 1961  
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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 July 31, 1961, designated as set forth in Appendix "A," attached hereto and made a part hereof.

Under the provisions of Rule 18, Paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

In justification of the following changes the Commission has been informed by letters from carriers or other interested parties involved that:

Item No. 120 covering beverages as named is being amended by adding beverages, flavored or phosphated. This change was requested by Joseph V. Laurie, Assistant Traffic Manager for Pepsi-Cola Company, New York. He states:

"Our drink is in a 12 oz. flat top can (identical to a beer can), packed 24 cans to a carton, the gross weight of which is 24½ pounds. In view of the fact that the physical and transportation characteristics of our soft drink and those beverages shown in Item No. 120 are almost identical we should like to propose that this item be amended to include 'beverages, flavored or phosphated.'"

Item No. 320 covering fresh fruits is being amended to provide an exception wherein cold pack or frozen will not be included in this column 70 rating.

The Chief of Tariff Bureau for this association states:

"Some shippers are beginning to insist that Item No. 320, as published, applies on cold pack or frozen as well as other fresh fruits. The purpose of this restriction is to place a restriction in the item so that the reduced class 70 rating will not apply on the traffic which requires refrigeration and which, because of the extra expense involved, always has and should move at the classification rating of class 100."

Item No. 930 paragraph (p) is being amended to include Ivan Miller and Dwight Miller, d/b/a Miller Bros. Truck Line. The item covers the delivery of refrigerators, washing machines and other household appliances as named to private homes. This item presently applies to other carriers, however, in furtherance of the justification Ivan Miller states:

"Considerable time is involved in making deliveries since the truck must be parked at the curb and the freight handled over the lawn or narrow walk way around the house into the back door. It is true that we do not handle a large volume of this business but every time we do it costs more in delivery cost than is realized out of the transportation charges."

The class rates between Grand Junction, Colorado, on the one hand and Fraser, Hot Sulphur Springs, Kremmling, Parshall, Tabernash and Winter Park, Colorado, on the other hand are being eliminated. Also Item No. 2550 covering scrap iron or steel in the territory of Atwood Truck Line to Denver is being eliminated.

The Chief of Tariff Bureau states the class rates "are being canceled because the Larson Transportation Company does not have intrastate authority to serve the points located in Middle Park." The cancellation of Item 2550 is due to "not moving any traffic for many years."

#### 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, 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, 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 July 31, 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 July 31, 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 July 31, 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

*Joseph T. Regio*  
*Joseph C. Adams*  
*Samuel S. Gulley*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

# APPENDIX "A"

Changes effective July 31, 1961:

## COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT Local and Joint Freight Tariff No. 12-A Colo. P.U.C. No. 11

EXCEPTIONS TO RATINGS OF THE GOVERNING CLASSIFICATION		
Item No.	Articles	Class Rating
120	Beverages, viz.: Beverages, cereal, non-intoxicating liquors, malt; Ale, Beer, Beer Tonic, Porter or Stout. / R Beverages, flavored or phosphated. Water, mineral or spring, plain, concentrated or fortified, carbonated (charged) or not carbonated. Water, plain spring.	55
320	Fruit, fresh, / A Except cold pack or frozen, packed in accordance with classification.	70

RULES AND REGULATIONS	
Item No.	Application
930	<p><u>MINIMUM CHARGE:</u> (Continued) <u>Exceptions:</u></p> <p>* * * Balance of item not pertinent to this order.</p> <p>(p) The minimum charge for a single shipment of refrigerators, washing machines, electric clothes dryers, dish washers, household furniture or any other household appliances or furniture from one consignor to one consignee on one bill of lading in one day, when the total weight is in excess of 100 pounds, destined to a private home in authorized territory of Overland Motor Express, Inc., D/B/A Boulder-Denver Truck Line, Denver-Laramie-Walden Truck Line, Inc., Floyd A. Henrikson, D/B/A Denver-Loveland Transportation, The McKie Transfer Company, / A Ivan Miller and Dwight Miller, D/B/A Miller Bros. Truck Line, North Eastern Motor Freight, Inc., Westway Motor Freight, Inc., or John B. Windecker, D/B/A Windecker Truck Line will be \$7.50.</p>

SECTION NO. 1						
Class Rate Bases						
For Application, See Item No. 927.						
For Class Rates, See Pages 101 to 124.						
Index No.	BETWEEN  AND	Miles	GRAND JUNCTION, COLORADO			Route No.
			Less-than- Truckload	MINIMUM WEIGHT -- POUNDS		
				5,000	10,000	
15850	Fraser E A	326	350	286	229	39
15900	Granby E A	312	337	277	221	39
16000	Hot Sulphur Springs E A	302	337	277	221	39
16030	Kremmling E A	284	317	265	209	39
16400	Parshall E A	297	322	265	210	39
16730	Tabernash E A	322	350	286	229	39
16820	Winter Park E A	331	350	286	229	39



SECTION NO. 2  
Commodity Rates  
(For Application, See Page No. 190 of Tariff)

Rates are in cents per 100 pounds (unless otherwise stated)

Item No.	Commodity Commodities in the same item may be shipped in straight or mixed truck loads.	From	To	Rates	Route No.
2550	Scrap, iron or steel, minimum weight 10,000 pounds.	Points in authorized territory of Atwood Truck Line	Denver, Colo.	See Below	--
E	80 miles and over	75 ... 18	140 miles and over	130 ... 26	
	85 miles and over	80 ... 19	150 miles and over	140 ... 26	
	90 miles and over	85 ... 19	160 miles and over	150 ... 31	
A	95 miles and over	90 ... 19	170 miles and over	160 ... 31	
	100 miles and over	95 ... 20	180 miles and over	170 ... 32	
	110 miles and over	100 ... 22	190 miles and over	180 ... 34	
	120 miles and over	110 ... 24	200 miles and over	190 ... 34	
	130 miles and over	120 ... 25			

A - Denotes increase  
E - Denotes elimination  
/ - Denotes addition  
R - Denotes reduction

Route No. 39 - Rio Grande Motor Way, Inc., Denver, Colorado.  
Larson Transportation Company.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES AND INCREASES IN  
RATES PUBLISHED TO BECOME EFFECTIVE  
JULY 31, 1961, FOR ACCOUNT OF MILLER  
BROS. TRUCK LINE, ET AL, IN TARIFF  
NO. 12-A, P.U.C. NO. 11, COLORADO  
MOTOR CARRIERS' ASSOCIATION, AGENT,  
J. R. SMITH, CHIEF OF TARIFF BUREAU,  
4060 ELATI STREET, DENVER 16, COLORADO. )  
-----

INVESTIGATION AND SUSPENSION

DOCKET NO. 458

-----  
July 25, 1961  
-----

S T A T E M E N T

BY THE COMMISSION:

On June 26, 1961, The Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, 4060 Elati Street, Denver 16, Colorado, filed certain schedules, designated in the attached Appendix to become effective July 31, 1961, with this Commission.

The said schedules make certain changes, additions and increases in the rates, rules and regulations whereby the rights and interest of the public may be injuriously affected; and it is the opinion of the Commission that the effective date of said schedules in said tariff should be postponed pending a hearing and decision thereon.

The proposed changes reflect the following: A new general rule providing for application of rates on shipper owned trailers; the Miller Bros. Truck Line are proposing elimination in specific point to point class rates and an increase of 5 per cent on 5,000 pound and approximately 50 per cent on 10,000 pound, minimum weight factor rates, also instituting new increased provisions for minimum charge shipments and elimination from participation in a lumber commodity rate; the Westway Motor Freight, Inc., Byers-Denver Truck Line, Navajo Freight Lines, Inc., and Thomas D. Lane Truck Line are increasing by approximately 10 per cent class rates to local points surrounding Denver, Colorado; Ringsby Truck Line, Inc., is proposing an adjustment in a commodity rate covering grain; and North Eastern Motor freight, Inc., locally on its own line and also in conjunction with Brooks Transportation Company are proposing the elimination of Item No. 2020, to points they serve.

## 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 schedules shall be deferred 120 days, or until November 28, 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 J. R. Arnold, President, North Eastern Motor Freight, Inc., 5231 Monroe Street, Denver 16, Colorado; Lowell Brooks, Brooks Transportation Company, Sterling, Colorado; Ed Tuxhorn, d/b/a Byers-Denver Truck Line, Byers, Colorado; Navajo Freight Lines, Inc., 1205 South Platte River Drive, Denver 23, Colorado; Thomas D. Lane, d/b/a Thomas D. Lane Truck Line, Box 5472 Terminal Annex, Denver 17, Colorado; Ivan Miller and Dwight Miller, d/b/a Miller Bros. Truck Line, 619 Sixth Avenue, Greeley, Colorado; Westway Motor Freight, Inc., Golden, Colorado; Ringsby Truck Lines, Inc., 3201 Ringsby Court, Denver 5, Colorado; J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, 4060 Elati Street, Denver 16, Colorado; John Norman, Manager, Motor Tariff Service, 1304 Cherokee Street, Denver 4, Colorado.
6. This proceeding be and the same is hereby set for public hearing before the Commission on August 21, 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. Flavin  
Ralph C. Horton  
Henry B. Zarlengo  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

ph

# APPENDIX "A"

Scheduled to become effective July 31, 1961, as published in:

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
Local and Joint Freight Tariff No. 12-A  
Colo. P.U.C. No. 11

RULES AND REGULATIONS	
Item No.	Application
677  A	<p><u>APPLICATION OF RATES ON SHIPPER-OWNED TRAILERS, ETC.:</u></p> <p>Shipments of machinery, equipment or other lading mounted and installed on pneumatic tired trailers, semi-trailers or trucks owned and furnished by the shipper, when such installation makes the trailer, semi-trailer or truck and equipment mounted thereon an integral unit to transport, and for which the carrier is required to furnish a truck or truck-tractor and one man only and to perform only a towing service, will be accepted, subject to the following conditions and charges:</p> <p>A. \$1.00 per mile when gross weight of equipment furnished by shipper and lading is 40,000 pounds or less; \$1.25 per mile when gross weight of equipment furnished by shipper and lading exceeds 40,000 pounds but does not exceed the legal gross weight.</p> <p>Subject to a minimum charge of \$50.00 for distances of 50 miles or less, and \$75.00 for distances exceeding 50 miles.</p> <p>Return of equipment furnished by shipper to original point of origin within twelve hours, 50¢ per mile.</p> <p>Mileage to be used in applying the charge in this item will be that determined by use of Section No. 4 of this tariff.</p>
	<p>B. The trailer, semi-trailer or truck to be towed must be licensed properly by the owner and must be in a safe and proper condition for movement over the highways of Colorado on its own wheels, and must conform to the insurance and safety rules, regulations and requirements of the State of Colorado.</p>
	<p>C. For the purpose of this item, time lost due to tire or mechanical failure of, or deficiency of, the trailer, semi-trailer or truck, or any other delay, when not caused by fault of the carrier, shall be considered as "Detention Time" and shall be charged for at the hourly rates named in Item No. 925. Free time for detention will not be granted under the provisions of this item. Charges for detention time are in addition to the transportation charges provided in this item.</p>
	<p>D. 1. In instances where special highway permits are required by state or municipal bodies or commission and such special permits designate the route to be traveled, the highway distance via such route shall be used to determine the charges.</p> <p>2. Shipments moving under special permits as set forth above will be subject to a charge of \$10.00 in addition to all other lawful charges applicable to the shipment.</p>
678  A	<p><u>APPLICATION OF RATES TO BIG ELK MEADOWS:</u></p> <p>Shipments of freight destined to Big Elk Meadows will be accepted for transportation by Ivan Miller and Dwight Miller, D/B/A Miller Bros. Truck Line, and will be charged for at the rate in cents per 100 pounds applicable to Estes Park, Colorado, plus \$10.00 per truck trip.</p>

RULES AND REGULATIONS	
Item No.	Application
	<p><u>MINIMUM CHARGE:</u> (concluded)</p> <p><u>Exceptions:</u></p> <p>* * * Balance of item not pertinent to this order.</p> <p>(R) The minimum charge for a single shipment from one consignor to one consignee on one bill of lading in one day via or in conjunction with Overland Motor Express, Inc., D/B/A Boulder-Denver Truck Line, Centennial Truck Lines, Inc., Denver-Limon-Burlington Transfer Company, Floyd A. Henrikson, D/B/A Denver-Loveland Transportation, The McKie Transfer Company, / A Ivan Miller and Dwight Miller, D/B/A Miller Bros. Truck Line (except as provided in paragraph "s" of this Rule), North Eastern Motor Freight, Inc., The Santa Fe Trail Transportation Company, Richard H. &amp; Lois Mae Eshe, D/B/A South Park Motor Lines, Westway Motor Freight, Inc., or John B. Windecker, D/B/A Windecker Truck Line (except as noted in paragraph "m" of this rule), when the shipment originates at, is destined to, or is interlined at, Denver, Colorado, and points within 5 miles of the Denver City Limits, Colorado Springs, Colorado, or Pueblo, Colorado, and pick-up and/or delivery service is performed by the carrier, will be the charge for 100 pounds at the class 100 rate but not less than \$2.75. The minimum charge provided in this paragraph shall not apply in any event when five or more shipments are tendered to the carrier at one time, and the bills of lading for such shipments are marked by the shipper and receipted by carrier's driver to establish the fact of such five or more simultaneous tenders. The minimum charge provided in this paragraph shall not apply to shipments tendered at carrier's dock for delivery to points other than Colorado Springs, Pueblo, or within five miles of Denver, including Denver, Colorado.</p> <p>/ A (s) The minimum charge for a single shipment from one consignor to one consignee in one day on one bill of lading between Denver, Colorado, and points served by Ivan Miller and Dwight Miller, D/B/A Miller Bros. Truck Line, other than Allenspark, Estes Park, Hygiene, Lyons, Meeker Park, National Park Village, Steads Ranch and Y.M.C.A., and directly intermediate points will be as follows:</p> <p>Points located four miles and exceeding one mile from carrier's regularly traveled highway route ..... \$4.00</p> <p>Points located seven miles and exceeding four miles from carrier's regularly traveled highway route ..... \$5.00</p> <p>Points located ten miles and exceeding seven miles from carrier's regularly traveled highway route ..... \$6.00</p>

SECTION NO. 1

Class Rates Bases

For Application, See Item No. 927.

For Class Rates, See Pages 101 to 124.

Index No.	BETWEEN  AND	Miles	BOULDER, COLORADO			Route No.
			Less-Than- Truckload	MINIMUM WEIGHT -- POUNDS		
				5,000	10,000	
730	Estes Park	34	140	A 110	A 105	37
740	Grand Lake E A	81	214	160	109	37
750	Longs Peak Inn E A	42	160	114	71	37
760	Lyons	14	97	A 74	A 68	37
770	Meadow Dale	34	140	A 110	A 105	37
790	Phantom Valley E A	69	194	145	100	37
840	Welches	22	130	A 103	A 98	37

SECTION NO. 1  
Class Rates Bases  
For Application, See Item No. 927.  
For Class Rates, See Pages 101 to 124.

Index No.	BETWEEN AND	Miles	DENVER, COLORADO				Route No.
			Less-than- Truckload	MINIMUM WEIGHT -- POUNDS			
				2,000	5,000	10,000	
6990	Allenspark	69	182	- -	A 144	A 138	37
7720	Buckley Field	14	A 87	- -	A 81	A 75	16;43
7850	Camp George West	14	A 87	- -	A 81	A 75	16;43
8190	Copeland Lake	71	186	- -	A 148	A 142	37
8360	Deer Ridge	80	197	- -	A 155	A 149	37
8480	Drake	71	185	- -	A 148	A 142	37
8580	Edgewater	5	A 77	- -	A 70	A 65	16;43
8710	Estes Park	70	182	- -	A 143	A 137	37
8820	Fitzsimons Hospital	10	A 81	- -	A 75	A 68	16;43
9220	Golden	15	A 87	- -	A 81	A 75	43
9680	Hygiene	42	124	- -	A 97	A 91	37
10040	Lakewood	8	A 81	- -	A 75	A 68	22;43
10260	Longs Peak Inn E A	76	197	- -	145	98	37
10270	Loretto Heights	8	A 81	- -	A 75	A 68	43
10325	Lowry AFB	10	A 81	- -	A 75	A 68	5;16;43
10360	Lyons	48	129	- -	A 100	A 94	37
10570	Meeker Park	73	186	- -	A 148	A 142	37
10795	National Park Village	--	186	- -	148	142	37
11125	Phantom Valley E A	103	227	- -	173	124	37
11470	Remaco	8	A 81	- -	A 75	A 68	16;22
11570	Rocky Flats Plant of The Atomic Energy Commission	21	A 94	- -	A 68	- -	22;43
11575	Rocky Flats Plant of Great Western Aggregate Co.	21	A 94	- -	A 68	- -	43
12110	Spivak	8	A 81	- -	A 75	A 68	43
12125	Steads Ranch	--	186	- -	148	142	37
12380	Trail Ridge Museum E A	95	216	- -	158	108	37
12720	Wheatridge	8	A 81	- -	A 75	A 68	43
12880	Y.M.C.A.	75	186	- -	A 148	A 142	37
BETWEEN			ESTES PARK, COLORADO				
AND	Less-than- Truckload	MINIMUM WEIGHT -- POUNDS					
		5,000	10,000				
13500	Allenspark	16	125	A 98	A 92	37	
13510	Bear Lake	11	124	A 97	A 91	37	
13520	Grand Lake E A	47	169	122	77	37	
13530	Holzworth Ranch E A	37	156	113	69	37	
13540	Hygiene	26	136	A 106	A 100	37	
13550	Longs Peak Inn E A	9	120	85	55	37	
13560	Meadow Dale	5	113	A 87	A 82	37	
13570	Meeker Park	12	124	A 97	A 91	37	
13580	Phantom Valley E A	35	146	106	66	37	
13590	Raymonds	22	133	A 104	A 98	37	
13600	Riverside	24	133	A 104	A 98	37	
13610	Trail Ridge Museum E A	27	144	104	63	37	
13620	Wild Basin Lodge	13	124	A 97	A 91	37	
13630	Wild Spur	24	133	A 104	A 98	37	
BETWEEN			FORT COLLINS, COLORADO				
AND							
14010	Estes Park	--	153	A 121	A 115	37	
14020	Grand Lake E A	--	219	164	113	37	
14030	Longs Peak Inn E A	--	164	120	72	37	
14040	Phantom Valley E A	--	200	146	104	37	
14050	Trail Ridge Museum E A	--	193	144	97	37	



SECTION NO. 1  
Class Rates Bases  
For Application, See Item No. 927.  
For Class Rates, See Pages 101 to 124.

Index No.	BETWEEN		Miles	GRAND LAKE, COLORADO			Route No.
	AND	Less-than- Truckload		MINIMUM WEIGHT -- POUNDS			
				5,000	10,000		
17000	Granby E A	29	144	104	63	37	
17010	Phantom Valley E A	12	124	90	56	37	
17020	Trail Ridge Museum E A	20	125	90	58	37	
Greeley, Colorado							
BETWEEN							
AND							
17290	Estes Park	65	174	A 138	A 132	37	
17350	Grand Lake E A	112	242	182	132	37	
17440	Longs Peak Inn E A	73	193	141	97	37	
17450	Loveland	20	98	A 75	A 69	37	
17530	Phantom Valley E A	100	221	162	114	37	
Longmont, Colorado							
BETWEEN							
AND							
19020	Estes Park	30	136	A 106	A 100	37	
19030	Grand Lake E A	77	206	156	108	37	
19040	Hygiene	4	85	A 64	A 59	37	
19050	Longs Peak Inn E A	38	154	109	69	37	
19070	Lyons	10	90	A 68	A 62	37	
19100	Meadow Dale	29	136	A 106	A 100	37	
19110	Phantom Valley E A	65	189	138	98	37	
19120	Trail Ridge Museum E A	57	184	132	90	37	
19130	Welches	17	125	A 99	A 93	37	
Loveland, Colorado							
BETWEEN							
AND							
		Miles	Less-than- Truckload	MINIMUM WEIGHT -- POUNDS			
				2,000	5,000	10,000	
19300	Estes Park	29	136	- -	A 107	A 101	37;108
19310	Grand Lake E A	74	202	- -	153	106	37
19320	Longs Peak Inn E A	35	148	- -	106	68	37
19330	Phantom Valley E A	62	189	- -	138	98	37
19340	Trail Ridge Museum E A	54	177	- -	130	87	37
Lyons, Colorado							
BETWEEN							
AND							
19500	Deer Ridge	31	146	- -	A 115	A 109	37
19510	Estes Park	20	125	- -	A 98	A 92	37
19520	Grand Lake E A	67	200	- -	146	104	37
19530	Hygiene	6	90	- -	A 92	A 86	37
19540	Longs Peak Inn E A	28	144	- -	104	63	37
19550	Meadow Dale	20	125	- -	A 98	A 92	37
19560	Phantom Valley E A	55	178	- -	133	90	37
19570	Trail Ridge Museum E A	47	169	- -	122	77	37
19580	Welches	8	120	- -	A 92	A 86	37
19590	Y.M.C.A. Area	26	144	- -	A 112	A 106	37

SECTION NO. 2  
Commodity Rates  
(For Application, See Page No. 190 of Tariff)

Rates are in cents per 100 pounds (unless otherwise stated)

Item No.	Commodity Commodity in the same item may be shipped in straight or mixed truck loads.	From	To	Rates	Route No.
1950	Grain and Grain Products. ① Min. Wt. 5,000 lbs. ② Min. Wt. 10,000 lbs. (Subject to Item No. 770.)	Grand Junction, Colo.	Craig, Colo. Rangely, Colo. Elk Springs, Colo.	① A 50 ① R 58 ② 58	44
		Craig, Colo.	Maybell, Colo. Elk Springs, Colo.	② 28 ② 38	



SECTION NO. 2  
Commodity Rates  
(For Application, See Page No. 190 of Tariff)

Rates are in cents per 100 pounds (unless otherwise stated)

Item No.	Commodity	From	To	Rates	Route No.
	Commodities in the same item may be shipped in straight or mixed truck loads.				
2020	Ice Cream Mix, Sweetened Condensed Milk, or Sweet Cream, for use in making ice cream, in milk shipping cans.  Shipper must furnish all necessary refrigerants to keep shipment in good condition.  Rates include return of empty cans.  The carrier will not furnish pick-up or delivery service at Denver, Colo., in connection with the rates published in this item.	Denver, Colo.	Amherst, Colo. Atwood, Colo. Brush, Colo. Crook, Colo. Dailey, Colo. Fleming, Colo. Ft. Morgan, Colo. Goodrich, Colo. Haxtun, Colo. Hillrose, Colo. Holyoke, Colo. Iliff, Colo. Julesburg, Colo. Merino, Colo. Orchard, Colo. Ovid, Colo. Paoli, Colo. Proctor, Colo. Sedgwick, Colo. Sterling, Colo. Weldona, Colo. Wiggins, Colo.	133 110 101 122 126 122 93 99 126 103 131 120 133 <del>136</del> 93 131 129 122 129 118 101 85	4 32 32 32 4 4 32 32 4 32 4 32 32 32 32 32 4 32 32 32 32 32 32

	Lumber, N.O.I., native wood. (Not subject to Item No. 960.) (Subject to Item No. 770.)	<u>BETWEEN</u> Saw mills and planing mills in Colorado.	<u>AND</u> Points and places within the State of Colorado	See Below	--
--	--	--	--	-----------	----

Distance (Miles)	MINIMUM WEIGHT		Distance (Miles)	MINIMUM WEIGHT		Distance (Miles)	MINIMUM WEIGHT	
	20,000 Pounds	30,000 Pounds		30,000 Pounds			30,000 Pounds	
2½	8	7½	120	31		360	55	
5	9	8	130	32		370	56	
7½	10	9	140	33		380	57	
10	11	10	150	34		390	58	
12½	12	11	160	35		400	59	
15	13	12	170	36		410	60	
20	14	13	180	37		420	61	
25	15	14	190	38		430	62	
30	17	15	200	39		440	63	
35	18	16	210	40		450	64	
40	19	17	220	41		X		
45	20	18	230	42				
50	21	19	240	43				
55	--	20	250	44				
60	--	21	260	45				
65	--	22	270	46				
70	--	23	280	47				
75	--	24	290	48				
80	--	25	300	49				
85	--	26	310	50				
90	--	27	320	51				
95	--	28	330	52				
100	--	29	340	53				
110	--	30	350	54				

When exact distance is not shown, use next greater distance.  
Shipments must be loaded by consignor and unloaded by consignee.  
The provisions of this item will not apply via Overland Motor Express, Inc., D/B/A Boulder-Denver Truck Line, Centennial Truck Lines, Inc.  
/ A, Ivan Miller and Dwight Miller, D/B/A Miller Bros. Truck Line, or North Eastern Motor Freight, Inc.

The portions in this Appendix not affected by the abbreviations listed below are not suspended and are shown for informational matter only.

- / - Denotes addition
- A - Denotes increase
- E - Denotes elimination
- R - Denotes reduction

Route No. 4 - North Eastern Motor Freight, Inc., Sterling, Colorado, Brooks  
Transportation Company.

Route No. 5 - Byers-Denver Truck Line - direct.

Route No. 16 - Navajo Freight Lines, Inc. - direct.

Route No. 22 - Thomas D. Lane Truck Lines - direct.

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

Route No. 37 - Miller Bros. Truck Line - direct.

Route No. 43 - Westway Motor Freight, Inc. - direct.

Route No. 44 - Ringsby Truck Line, Inc. - direct.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CON- )  
STRUCT A GAS TRANSMISSION LINE FROM )  
ERIE TO DACONO, WELD COUNTY, COLO- )  
RADO, AND FOR CERTIFICATES OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO )  
EXERCISE FRANCHISE RIGHTS IN THE )  
TOWNS OF DACONO, FREDERICK, AND )  
FIRESTONE, WELD COUNTY, COLORADO, )  
FOR THE PURCHASE, DISTRIBUTION AND )  
SALE OF GAS, EITHER NATURAL OR )  
ARTIFICIAL OR MIXED, IN SAID TOWNS, )  
IN THE AREA ADJACENT TO THE TRANS- )  
MISSION LINE, INCLUDING THE UN- )  
INCORPORATED VILLAGE OF EVANSTON. )  
----- )

APPLICATION NO. 18584

-----  
July 26, 1961  
-----

Appearances: Grant E. McGee, Esq.,  
and  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for  
Rocky Mountain Natural  
Gas Company, Inc.;  
Lee, Bryans, Kelly, & Stans-  
field, Esqs., by  
Bryant O'Donnell, Esq.,  
Denver, Colorado, for  
Public Service Company of  
Colorado, as its interests  
may appear;  
E. R. Thompson, Denver, Colo-  
rado, 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 June 23, 1961, Rocky Mountain Natural Gas Company,  
Inc., by its attorneys, filed with this Commission an application  
to construct a gas transmission line from Erie, Colorado, to the  
Towns of Dacono, Frederick and Firestone, in Weld County, Colorado.  
Applicant proposes to construct these facilities and to serve  
these towns, as well as prospective customers located along the  
route of the transmission line.



This matter was set for hearing by the Commission on Monday, July 10, 1961, at 9:30 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, after due notice to all interested parties. The hearings were concluded on July 10, 1961, and at said time were taken under advisement by the Commission.

Testimony at the hearing revealed that applicant applied for and obtained franchises to render gas service, either natural, artificial or mixed, as follows:

Dacono, Ordinance No. 56, passed on July 7, 1959:

"Ordinance No. 56

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF DAKONO TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF DAKONO, WELD COUNTY, COLORADO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF DAKONO, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF DAKONO, AND FIXING THE TERMS AND CONDITIONS THEREOF."

Frederick, Ordinance No. 80, passed July 11, 1959:

"ORDINANCE NO. 80

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF FREDERICK TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN, AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF FREDERICK, WELD COUNTY, COLORADO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF FREDERICK, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF FREDERICK, AND FIXING THE TERMS AND CONDITIONS THEREOF."

Firestone, Ordinance No. 22, passed June 30, 1959:

"ORDINANCE NO. 22

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF FIRESTONE, COLORADO, TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF FIRESTONE, WELD COUNTY, COLORADO, A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF FIRESTONE, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF FIRESTONE, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The evidence showed that each of the foregoing communities by resolutions duly adopted by the respective City Councils have agreed to refrain from taking any action to forfeit the respective franchises for failure to deliver gas within a two year period to November 15, 1961.

The period of each of the above franchises is for a period of twenty-five years and provides a 2% tax for gas sold in said town, excluding therefrom revenues received from the sale of industrial gas and for gas sold to the town and after an adjustment for uncollectible accounts. The population of the area embraced by the above franchises was estimated by applicant to be 1500. Applicant estimated the potential gas customers within the above towns and adjacent areas to be approximately 518. The estimated cost of the above systems was as follows:

Frederick	\$36,545
Firestone	\$15,681
Dacono	\$22,853
Transmission line and farm taps	<u>\$77,748</u>
Total Tri-Town area	\$152,827

The fee for the issuance of the certificates sought herein will be based upon this figure, but will not be binding upon the Commission should the subject of rates or valuation be at issue in the future.



Applicant proposes to purchase natural gas at Erie, Colorado, from Colorado-Wyoming Gas Company, with whom the applicant has entered into a service agreement which is subject to the issuance of authority by the Federal Power Commission to Colorado-Wyoming Gas Company authorizing the latter company to deliver gas to the applicant at Erie, Colorado. Applicant submitted as Exhibit No. G the proposed rates which it proposes to use in rendering gas service in the above area for which the certificate herein is sought.

All gas will be odorized prior to sale to customers.

Mr. Adam LePore, a resident of and the Mayor of Firestone, appeared at the hearing and testified that there was a need for natural gas in Dacono, Frederick and Firestone and the surrounding area and that in his opinion connections to natural gas in that area would be rapid; that there would be a price advantage for space heating compared to L. P. gas and oil and that it would be competitive with coal. He further testified that about seventy per cent of the people in that area presently were using L. P. gas as a fuel. It was evident from the evidence and testimony in the record that gas service is needed and would be a great convenience to the inhabitants of the Tri-Town area.

Applicant is presently operating as a gas utility and is familiar with the Commission's requirements regarding the uniform system of accounts to be maintained by gas utilities for the filing of annual reports and the rules regulating gas service promulgated by this Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company, and of the subject of the instant application.

That the Commission is fully advised in the premises.

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the Towns of Dacono, Frederick, and Firestone and the areas adjacent to said towns.

That public convenience and necessity require the exercise by applicant herein of the rights and privileges granted to applicant by the Board of Trustees of the Town of Dacono, Colorado, in and by Ordinance No. 56, the Town of Frederick, Colorado, in and by Ordinance No. 80, and the Town of Firestone, Colorado, in and by Ordinance No. 22.

That public health and safety require the installation of suitable equipment to odorize all gas in applicant's transmission and distribution systems prior to sale of gas to its customers.

That at least fifteen days before gas is sold to any of the prospective customers under the certificate to be granted herein, applicant should file with this Commission its proposed rates, rules and regulations as set forth in Exhibit No. G as introduced at the hearing herein and made a part hereof by reference.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the approval of the construction, installation, maintenance and operation of the necessary gas transmission and distribution lines to serve the Towns of Dacono, Frederick and Firestone, Weld County, Colorado, and the exercise by applicant herein of the rights and privileges granted to applicant in and by Ordinance No. 56 of the Town of Dacono, Colorado, dated July 7, 1959; by Ordinance No. 80 of the Town of Frederick, Colorado, dated July 11, 1959; by Ordinance No. 22 of the Town of Firestone, dated June 30, 1959, for gas service in said towns and for the supplying of gas service in the area adjacent to said towns, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; conditioned,

however, upon applicant securing from the Colorado-Wyoming Gas Company an adequate supply of gas pursuant to authority granted by the Federal Power Commission to Colorado-Wyoming Gas Company to serve the applicant at Erie, Colorado; upon showing of the compliance with this condition the certificate of convenience and necessity referred to in this Order shall become unconditional.

That applicant shall install suitable equipment to odorize the gas in its transmission and distribution lines prior to sale to customers.

That at least fifteen days before gas is sold to any prospective customers under the certificate granted herein, applicant shall file with this Commission its proposed rates, rules and regulations as set forth on Exhibit No. G, introduced at the hearing herein and made a part hereof by reference.

That after the conditions attached to this certificate are removed and the certificates become unconditional, then the applicant shall commence construction of a gas transmission line and the distribution system authorized herein, or as soon as possible, and shall complete the same as soon as reasonably possible.

That applicant shall continue to keep its books and accounts in accordance with the Uniform System of Accounts, as prescribed by this Commission.

That the applicant shall otherwise and at all times comply with the rules and regulations of this Commission.


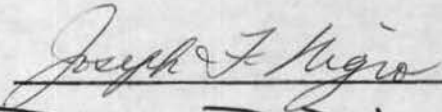
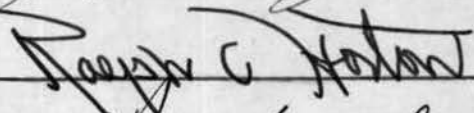
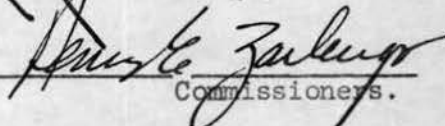
This Order shall become effective as of the day and date hereof.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

ea

  
  
  
  
Commissioners.



original

(Decision No. 56885)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE HAXTUN TELEPHONE COMPANY, HAXTUN, )  
COLORADO, FOR AMENDMENT OF CERTIFI- )  
CATES OF PUBLIC CONVENIENCE AND NE- )  
CESSITY, DECREASING THE TERRITORY )  
SERVED BY THE HAXTUN TELEPHONE )  
COMPANY. )  
----- )

APPLICATION NO. 18575

-----  
July 26, 1961  
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Appearances: Floyd L. Reyher, Haxtun,  
Colorado, for Applicant;  
C. J. McCallister, Denver,  
Colorado, for Mountain  
States Telephone and  
Telegraph Company;  
J. M. McNulty, Denver,  
Colorado, for the Staff  
of the Commission;

S T A T E M E N T

By the Commission:

On June 19, 1961, the Haxtun Telephone Company filed an application with this Commission, seeking authority to decrease the area under its certificate of public convenience and necessity within which it proposed to serve telephone customers.

The matter was set for hearing after due notice to all interested parties, on Monday July 17, 1961, at 9:30 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado. At said time and place the matter was heard by the Commission and at the conclusion of the hearing, the matter was taken under advisement.

The Haxtun Telephone Company is a public utility rendering telephone service in northeastern Colorado, as set forth in a certificate of public convenience and necessity issued by this Commission in Application No. 18230 by Decision No. 55727, of January 17, 1961. The Applicant is subject to the jurisdiction of this Commission and

has been rendering telephone service to the public within its certificated area over a period of several years. Its rates, rules and regulations are presently on file with this Commission as is a copy of the Articles of Incorporation.

In Application No. 18230, Mr. Floyd Reyher, President of the Haxtun Telephone Company, testified that he had an application for telephone service from several prospective customers in an area near his Crook Exchange. These customers were on a farmer-owned line known as the "Cow Creek Telephone Company." By virtue of the decision in the above application, the Commission extended Applicant's certificate of public convenience and necessity to include the area of the locations of the proposed customers desiring telephone service. Subsequent to the issuance of said certificate, Mr. Reyher was informed by his prospective customers that they desired telephone service from Sidney, Nebraska, rather than from Applicant's Crook Exchange. Applicant has agreed with the members of Cow Creek Telephone Company and Mountain States Telephone and Telegraph Company to relinquish that portion of the certificate in the Crook Exchange so as to exclude it from the existing certificate of public convenience and necessity. The area to be excluded was set out in the application.

In view of the fact that the prospective customers for telephone service did not materialize and there being no objection at the hearing to the elimination of the territory sought herein, we believe that a certificate of public convenience and necessity should issue deleting said area, and setting forth the revised area in which Applicant will continue to render telephone service as a public utility.

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

##### THE COMMISSION FINDS:

That the application of the Haxtun Telephone Company to delete certain territory previously included in its certificate of public convenience and necessity because certain prospective customers residing therein do not now desire telephone service from Applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That a certificate of public convenience and necessity be, and hereby is, granted to Haxtun Telephone Company excluding certain territory as set forth in its application and that the revised certificate of public convenience and necessity hereby granted to Haxtun Telephone Company be delineated as follows:

Beginning at a point at the center point of Section Two (2), Township Eleven (11) North, Range Fifty (50) West; thence East Two (2) miles to the center point of Section Six (6), Township Eleven (11) North, Range Forty-nine (49) West; thence North one (1) mile to the center point of Section Thirty-one (31), Township Twelve (12) North, Range Forty-nine (49) West; thence East Five (5) miles to the center point of Section Thirty-six (36), Township Twelve (12) North, Range Forty-nine (49) West; thence North one and one-fourth ( $1\frac{1}{4}$ ) miles to the center point of the West side of the NE quarter of Section Twenty-five (25), Township Twelve (12) North, Range Forty-nine (49) West; thence East One (1) mile to the center point of the East side of the Northwest quarter of Section Thirty (30), Township Twelve (12) North, Range Forty-eight (48) West; thence North approximately three quarters ( $\frac{3}{4}$ ) of One (1) mile to the midpoint of Section Nineteen (19), Township Twelve (12) North, Range Forty-eight (48) West, that point being on the Colorado-Nebraska State line; thence East along the Colorado-Nebraska State line Five and One-half ( $5\frac{1}{2}$ ) miles to a point on the East line of Section Twenty-four (24), Township Twelve (12) North, Range Forty-eight (48) West; thence South approximately Thirteen and one-fourth ( $13\frac{1}{4}$ ) miles to the Southeast corner of Section Twenty-five (25), Township Ten (10) North, Range Forty-eight (48) West; thence East one (1) mile to the Northeast corner of Section Thirty-one (31), Township Ten (10) North, Range Forty-seven (47) West; thence North one (1) mile to the Northwest corner of Section Twenty-nine (29), Township Ten (10) North, Range Forty-seven (47) West; thence East Three and one-half ( $3\frac{1}{2}$ ) miles to the mid point of the north line of Section Twenty-six (26), Township Ten (10) North, Range Forty-seven (47) West; thence South two (2) miles to the mid point of the South line of Section Thirty-five (35), Township Ten (10) North, Range Forty-seven (47) West; thence East five (5) miles to the mid point of the North line of Section Three (3), Township Nine (9) North, Range Forty-six (46) West; thence South Two and one-half ( $2\frac{1}{2}$ ) miles to the center point of Section Fifteen (15), Township Nine (9) North, Range Forty-six (46) West; thence East



Two (2) miles to the center point of Section Thirteen (13), Township Nine (9) North, Range Forty-six (46) West; thence South Three and one-half ( $3\frac{1}{2}$ ) miles to the mid point of the South line of Section Thirty-six (36), Township Nine (9) North, Range Forty-six (46) West; thence East approximately one-fourth ( $\frac{1}{4}$ ) mile along second correction line north to the mid point of the North line of Section Six (6), Township Eight (8) North, Range Forty-five (45) West; thence South Ten (10) miles to the mid point of the South line of Section Nineteen (19), Township Seven (7) North, Range Forty-five (45) West; thence West Two (2) miles to the mid point of the South line of Section Twenty-three (23), Township Seven (7) North, Range Forty-six (46) West; thence South Nine (9) miles to the mid point of the South line of Section Two (2), Township Five (5) North, Range Forty-six (46) West; thence East One and one-half ( $1\frac{1}{2}$ ) miles to the Northeast corner of Section Twelve (12), Township Five (5) North, Range Forty-six (46) West; thence South Three and one-half ( $3\frac{1}{2}$ ) miles to the mid point of the East line of Section Twenty-five (25), Township Five (5) North, Range Forty-six (46) West; thence West One and one-half ( $1\frac{1}{2}$ ) miles to the center point of Section Twenty-six (26), Township Five (5) North, Range Forty-six (46) West; thence South One and one-half ( $1\frac{1}{2}$ ) miles to the mid point of the South line of Section Thirty-five (35), Township Five (5) North, Range Forty-six (46) West; thence West Two (2) miles to the mid point of the South line of Section Thirty-three (33), Township Five (5) North, Range Forty-six (46) West; thence North One and one-half ( $1\frac{1}{2}$ ) miles to the center point of Section Twenty-eight (28), Township Five (5) North, Range Forty-six (46) West; thence West Three (3) miles to the center point of Section Twenty-five (25), Township Five (5) North, Range Forty-seven (47) West; thence North One (1) mile to the center point of Section Twenty-four (24), Township Five (5) North, Range Forty-seven (47) West; thence West Sixteen and One-half ( $16\frac{1}{2}$ ) miles to the mid point of the West line of Section Twenty (20), Township Five (5) North, Range Forty-nine (49) West; thence North Three and one-half ( $3\frac{1}{2}$ ) miles to the Northwest corner of Section Five (5), Township Five (5) North, Range Forty-nine (49) West; thence West Three (3) miles to the Southwest corner of Section Thirty-five (35), Township Six (6) North, Range Fifty (50) West; thence North Six (6) miles to the Northwest corner of Section Two (2), Township Six (6) North, Range Fifty (50) West; thence West One-half ( $\frac{1}{2}$ ) mile to the mid point of the South line of Section Thirty-four (34), Township Seven (7) North, Range Fifty (50) West; thence North Six and one-half ( $6\frac{1}{2}$ ) miles to the center point of Section Thirty-four (34), Township Eight (8) North, Range Fifty (50) West; thence West Two and one-half ( $2\frac{1}{2}$ ) miles to the mid point of the West line of Section Thirty-two (32), Township Eight (8) North, Range Fifty (50) West; thence North Five and one-half ( $5\frac{1}{2}$ )

miles to the Northwest corner of Section Five (5), Township Eight (8) North, Range Fifty (50) West; thence East approximately Two and Three-fourths ( $2\frac{3}{4}$ ) miles to the Southwest corner of Section Thirty-four (34), Township Nine (9) North, Range Fifty (50) West, on the second correction line North; thence North Four and one-half ( $4\frac{1}{2}$ ) miles to the mid point on the West line of Section Ten (10), Township Nine (9) North, Range Fifty (50) West; thence East One and one-half ( $1\frac{1}{2}$ ) miles to the center point of Section Eleven (11), Township Nine (9) North, Range Fifty (50) West; thence North approximately Thirteen (13) miles to the center point of Section Two (2), Township Eleven (11) North, Range Fifty (50) West, which is the point of beginning.

That the above-described area is more fully set forth in Exhibit A introduced at the hearing, and is made a part of this Order by reference.

That Applicant, the Haxtun Telephone Company, shall continue to render telephone service in the area set out herein under the rates, rules and regulations presently on file with this Commission until changed according to law and the rules and regulations of this Commission.

That Applicant shall continue to comply with all the rules and regulations of this Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Ralph C. Horton  
Donald G. Culver  
Commissioners.

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

ea

original

(Decision No. 56886)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY FOR PERMISSION TO )  
CLOSE A PUBLIC ROAD CROSSING AT. )  
M.P. 648 + 2991 NEAR MORLEY, COLO- )  
RADO, TO RETIRE THE FLASHING LIGHT )  
SIGNALS SERVING THIS CROSSING AND )  
TO PLACE TWO FLASHING LIGHT SIG- )  
NALS AT A ROAD CROSSING NEAR HOEHNES, )  
COLORADO, ON THE CROSSING OF STATE )  
AND COUNTY HIGHWAY NO. 239. )  
----- )

APPLICATION NO. 18585

-----  
July 26, 1961  
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S T A T E M E N T

By the Commission:

On June 23, 1961, the Atchison, Topeka and Santa Fe Railway Company (Santa Fe), by its Attorneys, filed the instant application with this Commission; which in effect is to remove the flashing signals originally placed at a public crossing that existed at the above location and to therewith improve another main line grade crossing at Mile Post 629 + 650 feet, approximately three miles westward from Hoehnes, Colorado.

Authority for the former installation of the public grade protection on County Road at Morley (Railroad Mile Post 648 + 2991 feet) was granted by this Commission in Application No. 11304, Decision No. 37312, dated August 28, 1951.

Since that time, it appears that coal production at the nearby Morley Mine has been discontinued; the County road serving the mining town has been abandoned, the road barricaded and a bridge removed; so the crossing is no longer in use. Hence, there is no current need or requirement for the automatic flashing signals at Morley, Colorado, and request is made for the proposed removal and new installation.



Official abandonment of the County road facility and approval for the signal removal is given by the Las Animas Board of County Commissioners in correspondence to the Commission dated July 6, 1961, and stating in part as follows:

"In reply to a letter received by the Board of County Commissioners from the Law Department of The Atchison, Topeka and Santa Fe Railway Company, said Las Animas County Board of County Commissioners are heartily in accord with the removal of two (2) flashing light signals at Morley and the subsequent installation at a point near Hoehnes on Highway No. 239."

Submitted also in the current application is the railroad request for approval of a proposed installation of two automatic flashing light signals at an active County road grade crossing at M. P. 629 + 650 feet, being on the eastward extension of State Highway No. 239 and located approximately three miles west from Hoehnes, also in Las Animas County, Colorado. Exhibit B, as attached to the application, is a profile and sketch sheet to show the crossing situation and proposed signal installation.

It appears the present crossing is one of early origin; protection consists of a single reflectorized crossbuck with advance warning and 15-mile per hour speed signs at each approach; the road crossing is at a near right-angle over the single main track, resulting in an additional sharp curve at each side of the rail line.

The proposed signal installation has resulted from various negotiations between the Railroad, the Board of Las Animas County Commissioners and the request as made by Hoehnes Reorganized School District No. 3 wherein Eugene J. Coburn, Superintendent, has explained the current situation as follows:

- "A. The road was paved last year by the County and the amount of traffic has gained in volume to be considered a County arterial road.
- B. The removal of a signal block located West of the crossing has removed a method by which many local patrons determined whether or not there was approaching railroad traffic.
- C. School buses loaded with as many as 55 children use this crossing at various times during the school day.

- D. The crossing is dangerous due to the two 90° turns.
- E. The high speed of railroad traffic necessitates the lights for adequate protection of vehicular traffic."

Other investigation as made by the Commission pertaining to plans of the State Highway Department for future road work in the crossing area resulted in a staff memorandum from J. A. Solomonson, District Engineer, to Plans Engineer Adolph Zulian, stating in part as follows:

"In reply to your memo dated June 28, 1961, please be advised that it appears we have no interest in the application as we do not anticipate any extension of S. H. #239."

According to applicant, the estimated gross cost of the work in closing the crossing at Morley, removing the flasher signals from the Morley crossing and locating flasher signals near Hoehnes would be \$4,522.00, which the Railway Company proposes to assume. The new installation at Hoehnes will consist of automatic signals to be actuated by trains approaching from either direction, and will be in accordance with the requirements and specifications of this Commission.

The track involved herein is the cross-country main line of the Santa Fe extending through Colorado between the states of New Mexico and Kansas. Numerous trains, both freight and passenger, are operated daily at high speeds through this territory. The effectiveness of flashing light signals for crossing protection is well established and the low crossing speed for vehicles due to the road curvature offers a further factor of safety. Hence, it is our opinion that the installation of the proposed signals would be in the public interest and should be authorized. Since no public utilities or adjacent property owners will be adversely affected by the proposed crossing changes; since the public needs and safety will be aided, and as all proposed work will be in conformity with the Commission's rules, the Commission determined to hear, and has heard, said matter forthwith, upon the records and files herein.



## F I N D I N G S

### THE COMMISSION FINDS:

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

That cessation of operations at the Morley Mine has resulted in abandonment of the County Road serving Morley and there is no longer any need for a protected public crossing at Santa Fe Mile Post 648 + 2991 feet.

That automatic flashing light signals as installed at Mile Post 648 + 2991 feet should be removed.

That public convenience and necessity require the protection of automatic flashing light signals at the public crossing of Las Animas County Road (former State Highway No. 239), over and across the main-line track of The Atchison, Topeka and Santa Fe Railway Company at its Mile Post 629 + 650 feet, being three miles west of Hoehnes, Colorado.

## O R D E R

### THE COMMISSION ORDERS:

That Applicant, The Atchison, Topeka and Santa Fe Railway Company, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the following:


- (1) Abandonment and removal of the public grade crossing, withdrawal of automatic flashing light signals at Railroad Mile Post 648 + 2991 feet; all at the closed County Road at Morley, Las Animas County, Colorado.
- (2) Installation, operation and maintenance of automatic flashing light railroad signals at the public grade crossing of Las Animas County Road (former State Highway No. 239) over Santa Fe main line at Mile Post 629 + 650 feet located some three miles southwesterly from Hoehnes, Colorado.

That the work to be done, payment and operation shall all be in accordance with the foregoing Statement and Exhibit "B" which, by reference, are made a part hereof.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Joseph F. Nigro  
Francis C. Horton  
Henry H. Harlow  
Commissioners.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 171 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 C. R. BRYANT,  
DOING BUSINESS AS EVERGREEN FREIGHT  
LINE, TO PUBLISH AN INCREASE IN ITS  
CLASS RATES AND ALSO ITEM NO. 2070.

CASE NO. 1585

July 25, 1961

S T A T E M E N T

BY THE COMMISSION:

On July 17, 1961, the above-stated application was filed with the Commission requesting permission to publish on less-than-statutory notice the following tariff changes to become effective one day after the filing thereof with this Commission:

"Publish an increase of 12 per cent in all class rates published for the account of Evergreen Freight Line, and an increase of 12 per cent in the commodity rate published in Item No. 2070."

Generally speaking, the line haul operation of Evergreen Freight Line is between Denver and Evergreen and its environs, and intermediate points west of Bergen Park, Colorado.

The Item 2070 covers a rate of 56 cents per 100 pounds on finished laundry between Denver, Colorado, and Evergreen and Troutdale, Colorado.

It was represented that the proposed changes would be published in this association's Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11.

The petitioner bases his application upon the following facts, that:

"Evergreen Freight Line has not increased the rates for its services since 1956 while all of the materials and services utilized in its motor vehicle common carrier operation have continued to increase in cost.

"For example, of the three people employed by the Evergreen Freight Line, one man's salary has been increased \$35.00 weekly since 1956, another man's weekly salary has been increased by \$25.00, and the bookkeeper's salary has been increased by \$10.00 weekly. Also the monthly rent on the carrier's terminal in Evergreen has increased \$75.00 since 1956.



"As shown on the carrier's 1960 profit and loss statement attached hereto, the carrier's net profit was only \$3,542.02 without Mr. or Mrs. Bryant having been paid anything for their own time which is devoted to this business."

### F I N D I N G S

#### THE COMMISSION FINDS, That:

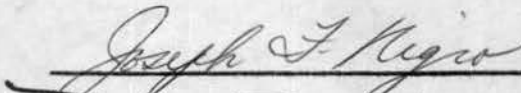
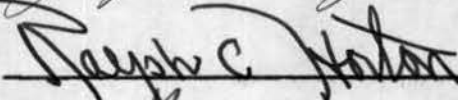
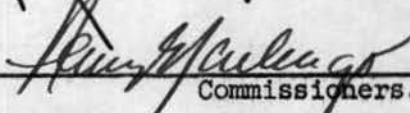
Upon its own motion, after full consideration of all the facts presented, it is of the opinion, and so finds, that this matter is of sufficient importance to require a public hearing.

### 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 application be and the same is hereby assigned for public hearing, in the hearing room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver 2, Colorado, at 10:00 A. M. on August 21, 1961.
3. A copy of this order be forthwith served upon C. R. Bryant, d/b/a Evergreen Freight Line, Evergreen, Colorado; and J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver 16, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1961.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AGRICULTURAL EQUIPMENT CORPORATION, )  
P. O. BOX 581, LA JUNTA, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-14413

\_\_\_\_\_  
July 27, 1961  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Agricultural Equipment Corporation, La Junta, Colorado

requesting that Permit No. M-14413 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14413, heretofore issued to Agricultural Equipment Corporation, La Junta, Colorado be,

and the same is hereby, declared cancelled effective June 18, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 27th day of July, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
G. H. ELLIOTT, P. O. BOX 87, ALTUS, )  
OKLAHOMA. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-14513

-----  
July 27, 1961  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from G. H. Elliott,  
Altus, Oklahoma  
requesting that Permit No. M-14513 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14513, heretofore issued to G. H. Elliott,  
Altus, Oklahoma be,  
and the same is hereby, declared cancelled effective May 29, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of July, 1961.



SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 56890 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM C. SNIDER, DOING BUSINESS )  
AS, "SNIDER OIL COMPANY", )  
FLORISSANT, COLORADO. )

PERMIT NO. B-3786

-----  
July 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-3786 be suspended  
for six months from June 16, 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 William C. Snider, doing business as, "Snider Oil Company",  
Florissant, Colorado  
be, and is hereby, authorized to suspend his operations under Permit  
No. B-3786 until December 16, 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*  
*Francis C. Johnston*  
*Henry E. Zuckerman*  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES J. PETERSON, DOING BUSINESS )  
AS, "PETERSON CATERING COMPANY", )  
18023 $\frac{1}{2}$  SOUTH VERMONT AVENUE, GARDENA, )  
CALIFORNIA. )  
-----)

PERMIT NO. M-11102

-----  
July 27, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles J. Peterson,  
dba "Peterson Catering Company", Gardena, California  
requesting that Permit No. M-11102 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11102, heretofore issued to Charles J. Peterson,  
dba "Peterson Catering Company", Gardena, California be,  
and the same is hereby, declared cancelled effective February 7, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 27th day of July, 1961.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
H. A. FILLINGIM, 1001 WEST 17TH )  
STREET, PUEBLO, COLORADO. )  
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 )  
----- )

PERMIT NO. M-15557

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. A. Fillingim,  
Pueblo, Colorado  
requesting that Permit No. M-15557 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15557, heretofore issued to H. A. Fillingim,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective September 20, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of August, 1961.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
DAVID L. DINGLER, DOING BUSINESS AS, )  
"ACE PLUMBING AND HEATING COMPANY", )  
1623 MINER, IDAHO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-10989

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from David L. Dingler,  
doing business as, "Ace Plumbing & Heating Company", Idaho Springs, Colorado  
requesting that Permit No. M-10989 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10989, heretofore issued to David L. Dingler, doing  
business as, "Ace Plumbing & Heating Company", Idaho Springs, Colorado be,  
and the same is hereby, declared cancelled effective July 2, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. [unclear]  
Henry E. [unclear]  
Commissioners

Dated at Denver, Colorado,

this 3rd day of August, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ORVILLE T. AND MARJORIE CRAWFORD, )  
DOING BUSINESS AS, "CRAWFORD'S MOBIL )  
HOME SALES", P. O. BOX 253, GRAND )  
JUNCTION, COLORADO. )  
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PERMIT NO. M-15452

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Orville T. and Marjorie Crawford, dba "Crawford's Mobil Home Sales", Grand Junction, Colorado requesting that Permit No. M-15452 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15452, heretofore issued to Orville T. and Marjorie Crawford, dba "Crawford's Mobil Home Sales", Grand Junction, Colorado be, and the same is hereby, declared cancelled effective July 12, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raymond C. Norton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 3rd day of August, 197 61.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
LLOYD W. SMITH, 330 MONROE STREET, )  
MONTE VISTA, COLORADO. )  
 )  
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----- )

PERMIT NO. M-4729

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lloyd W. Smith,  
Monte Vista, Colorado

requesting that Permit No. M-4729 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4729, heretofore issued to Lloyd W. Smith,  
Monte Vista, Colorado be,

and the same is hereby, declared cancelled effective February 28, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Norton  
Wm. E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 3rd day of August, 195 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LLOYD W. SMITH, 330 MONROE STREET, )  
MONTE VISTA, COLORADO. )  
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 )  
----- )

PERMIT NO. B-5876

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lloyd W. Smith,  
Monte Vista, Colorado  
requesting that Permit No. B-5876 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5876, heretofore issued to Lloyd W. Smith  
Monte Vista, Colorado be,  
and the same is hereby, declared cancelled effective February 28, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of August, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PACKARD-BELL ELECTRONICS CORPORATION, )  
12333 WEST OLYMPIC BOULEVARD, LOS )  
ANGELES 64, CALIFORNIA. )  
----- )

PERMIT NO. M-4788

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Packard-Bell Electronics Corporation, Los Angeles 64, California

requesting that Permit No. M-4788 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4788, heretofore issued to Packard-Bell Electronics Corporation, Los Angeles 64, California be,  
and the same is hereby, declared cancelled effective July 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of August, 1961.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF SAN MIGUEL POWER ASSOCIATION, INC.,  
A COLORADO CORPORATION, NUCLA, COLO-  
RADO, FOR AN ORDER AUTHORIZING THE  
ISSUANCE OF SECURITIES AND APPLICATION  
OF THE PROCEEDS THEREFROM.

APPLICATION NO. 18632  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed July 24,  
1961, by San Miguel Power Association, Inc., a Corporation in the above  
styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing August 9,  
1961, at 3:00 o'clock P.M., 532 State Services Building, Denver, Colorado,  
respecting the matters involved and issues presented in the proceeding.  
Any interested municipality or any representative of interested consumers  
or security holders of applicant corporation, and any other person whose  
participation herein is in the public interest, may intervene in said  
proceedings. Intervention petitions should be filed with the Commission  
on or before August 3, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Frederic C. Horton*  
*Heurt J. Salinger*  
Commissioners

Dated at Denver, Colorado,  
this 25th day of July, 1961.

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. 18383-Extension  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 149. )  
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-----  
July 27, 1961  
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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:

By the instant application, Rio Grande Motor Way, Inc.,  
Denver, Colorado, owner and operator of PUC No. 149, seeks a certifi-  
cate of public convenience and necessity, authorizing extension of  
operations under said operating rights, to include the right to  
transport:

general commodities, over regular routes, be-  
tween Denver, Colorado, and Trinidad, Colorado,  
and intermediate points; between Pueblo, Colo-  
rado, and Holly, Colorado, and intermediate  
points; between Denver, Colorado, and Ault,  
Colorado, and intermediate points; and off-  
route points of Manitou Springs, Colorado, the  
Broadmoor District, Peterson Field, Palmer Lake,  
Colorado, the Pueblo Ordnance Depot, and a  
three and one-half-mile radius of the City  
Limits of Pueblo, Colorado, including the Tri-  
plex Plant and Pueblo Air Base.

Said application was regularly set for hearing before the  
Commission at various times and places, due notice thereof being for-  
warded to all parties in interest.

The Commission is now in receipt of a request from Attorneys  
for Applicants herein, requesting dismissal of said application, inas-



much as applicant does not desire to prosecute said application.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, and settings of the above-styled applications vacated.

O R D E R

THE COMMISSION ORDERS:

That hearings of the above-styled application, presently set for:

August 3, 1961, August 4, 1961, 9:30 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 7, 1961, August 8, 1961, 11:00 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 10, 1961, 10:00 o'clock A. M., Court House,  
Trinidad, Colorado;

August 15, August 16, 1961, 10:00 o'clock A. M.,  
Court House, Lamar, Colorado;

August 18, 1961, 10:00 o'clock A. M., County Office  
Building, Colorado Springs, Colorado;

August 22, 1961, August 23, 1961, August 24, 1961,  
10:00 o'clock A. M., Court House, Pueblo, Colorado;  
and

August 29, 1961, August 30, 1961, 10:00 o'clock A. M.,  
Court House, Greeley, Colorado,

be, and the same hereby are, vacated.

That Application No. 18383-Extension be, and the same hereby is, dismissed, upon request of Attorneys 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. Myers*  
*Ralph C. Horton*  
*Alvin E. Zurling*  
Commissioners.

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

mls

original

(Decision No. 56900)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GOLDSTEIN TRANSPORTATION AND STORAGE, )  
INC., 3434 WALNUT STREET, DENVER, )  
COLORADO, FOR A CONVERSION OF A POR- )  
TION OF PERMIT NO. A-787 TO A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY. )  
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APPLICATION NO. 18392

-----  
July 27, 1961  
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Appearances: Ben Goldstein, Denver, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Goldstein Transportation and Storage, Inc., Denver, Colorado, owner and operator of Permit No. A-787, seeks conversion of a portion thereof to a certificate of public convenience and necessity, said authority requested to be converted being as follows:

service from Denver to Trinidad and all intermediate points, with a five-mile radius of Denver and Pueblo, including Triplex Plant, Pueblo Air Base, and the off-route point of Peterson Field, Colorado.

Said application was regularly set for hearing before the Commission at various times and places, due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a request from applicant herein for dismissal of said application, inasmuch as said applicant no longer desires to prosecute said application.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, and settings of the

above-styled application vacated.

O R D E R

THE COMMISSION ORDERS:

That hearings of the above-styled application, presently  
set for:

August 3, 1961, August 4, 1961, 9:30 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 7, 1961, August 8, 1961, 11:00 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 10, 1961, 10:00 o'clock A. M., Court House,  
Trinidad, Colorado;

August 15, August 16, 1961, 10:00 o'clock A. M.,  
Court House, Lamar, Colorado;

August 18, 1961, 10:00 o'clock A. M., County Office  
Building, Colorado Springs, Colorado;

August 22, 1961, August 23, 1961, August 24, 1961,  
10:00 o'clock A. M., Court House, Pueblo, Colorado;  
and


August 29, 1961, August 30, 1961, 10:00 o'clock A. M.,  
Court House, Greeley, Colorado,

be, and the same hereby are, vacated.

That Application No. 18392 be, and the same hereby is,  
dismissed, upon request of Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
*Joseph F. Nigro*  
*Ralph C. Horton*  
*Samuel M. Milne*  
Commissioners.

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

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THACKER BROS. TRANSPORTATION, INC., )  
DOING BUSINESS AS "CLEMENTI-B. C. )  
TRUCK LINE," 125 SOUTH SANTA FE )  
AVENUE, PUEBLO, COLORADO, FOR A )  
CONVERSION OF PERMIT NO. A-655 TO )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COM- )  
MON CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 18405

IN THE MATTER OF THE APPLICATION OF )  
THACKER BROS. TRANSPORTATION, INC., )  
DOING BUSINESS AS CLEMENTI-B. C. )  
TRUCK LINE," 125 SOUTH SANTA FE )  
AVENUE, PUEBLO, COLORADO, FOR A )  
CONVERSION OF PERMIT NO. A-16 TO A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COM- )  
MON CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 18406

IN THE MATTER OF THE APPLICATION OF )  
THACKER BROS. TRANSPORTATION, INC., )  
DOING BUSINESS AS "CLEMENTI-B. C. )  
TRUCK LINE," 125 SOUTH SANTA FE )  
AVENUE, PUEBLO, COLORADO, (IN THE )  
EVENT AUTHORITY SOUGHT IN APPLICA- )  
TION NO. 18406 IS GRANTED), FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER CONVERTED PER- )  
MIT NO. A-16, TO INCLUDE THE RIGHT )  
TO TRANSPORT FREIGHT BETWEEN PUEBLO, )  
COLORADO AND TRINIDAD, COLORADO, OVER )  
U.S. HIGHWAY NO. 85-87, SERVING ALL )  
INTERMEDIATE POINTS, AND BETWEEN )  
PUEBLO, COLORADO, AND HOLLY, COLO- )  
RADO, OVER U.S. HIGHWAY NO. 50 AND )  
U.S. HIGHWAY NO. 50 BY-PASS, SERVING )  
ALL INTERMEDIATE POINTS. )  
+ ----- )

APPLICATION NO. 18407-Extension

-----  
July 27, 1961  
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Appearances: Stockton, Linville, Lewis and  
Mitchell, Esqs., Denver,  
Colorado, for Applicants.

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 various times and places, due  
notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a request of Attorneys for Applicant herein for dismissal of said applications, inasmuch as said Applicant no longer desires to prosecute said applications.

### F I N D I N G S

#### THE COMMISSION FINDS:

That said request should be granted, and settings of the above-styled applications vacated.

### O R D E R

#### THE COMMISSION ORDERS:

That hearings of the above-styled applications, presently set for:

August 3, 1961, August 4, 1961, 9:30 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 7, 1961, August 8, 1961, 11:00 o'clock A. M.,  
at 532 State Services Building, Denver, Colorado;

August 10, 1961, 10:00 o'clock A. M., Court House,  
Trinidad, Colorado;

August 15, 1961, 10:00 o'clock A. M., Court House,  
Lamar, Colorado;

August 18, 1961, 10:00 o'clock A. M., County Office  
Building, Colorado Springs, Colorado;

August 22, 1961, August 23, 1961, August 24, 1961,  
10:00 o'clock A. M., Court House, Pueblo, Colorado; and

August 29, 1961, August 30, 1961, 10:00 o'clock A.M.,  
Court House, Greeley, Colorado,

be, and the same hereby are, vacated.

That Applications Nos. 18405, 18406, 18407-Extension be,  
and the same hereby are, dismissed, upon request of Attorneys 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. Negro*

*Ralph C. Horton*

*Henry J. Zuluaga*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES D. ANDERSON, DOING BUSINESS )  
AS, "ANDY'S APPLIANCE COMPANY", )  
311 EAST ABRIENDO, PUEBLO, COLORADO. )  
-----)

PERMIT NO. M-10607

-----  
July 27, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles D. Anderson,  
doing business as, "Andy's Appliance Company", Pueblo, Colorado  
requesting that Permit No. M-10607 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10607, heretofore issued to Charles D. Anderson,  
doing business as, "Andy's Appliance Company", Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective June 28, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of July, 1961.



(Decision No. 56903 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF

ALBERT R. HURLEY  
MID-EASTERN HOME IMPROVEMENT CO.  
225 North Front  
Sterling, Colorado

AUTHORITY NO. M 10527

CASE NO. 5393 Ins.

July 28, 1961

STATEMENT

By the Commission:

On May 22, 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.

FINDINGS

THE COMMISSION FINDS:

That said Authority should be restored to active status.

ORDER

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*  
*Joseph C. [unclear]*  
*Henry [unclear]*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of July, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION	)	
OF THE SANGRE DE CRISTO ELECTRIC	)	
ASSOCIATION, INC., A COLORADO	)	
CORPORATION, SALIDA, COLORADO,	)	
FOR PERMISSION TO BORROW MONEY FROM	)	APPLICATION NO. 18646
THE RURAL ELECTRIFICATION ADMINIS-	)	Securities
TRATION.	)	

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S T A T E M E N T

By the Commission:

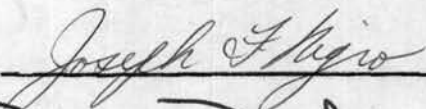
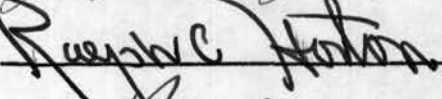

Upon consideration of the application filed July 25, 1961, by Sangre De Cristo Electric Association, Inc., a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on August 8, 1961, at 10:00 o'clock A.M., 502-D State Services Building, Denver, Colorado, respecting the matters involved and issues presented in the proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before August 3, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE PETITION OF  
WESTERN POWER & GAS COMPANY, A  
CORPORATION, PUEBLO, COLORADO,  
FOR AUTHORITY TO ISSUE A MAXIMUM  
OF 85,000 SHARES OF ITS COMMON  
STOCK OF THE PAR VALUE OF \$5 PER SHARE.

APPLICATION NO. 18648  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed July 25, 1961, by Western Power & Gas Company, a Corporation in the above styled matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing August 8, 1961, at 10:00 o'clock A. M., 502-D State Services Building, Denver, Colorado, respecting the matters involved and issues presented in the proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before August 3, 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 subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Stephen H. Hahn*  
*Henry J. Paulsen*  
Commissioners

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

(Decision No. )  
56906

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF

O. M. NORTHCOTT  
Box 673  
Cortez, Colorado

AUTHORITY NO. PUC 4373 I

CASE NO. 5490 Ins.

-----  
July 31, 1961  
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S T A T E M E N T

By the Commission:

On May 22, 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  
Ralph C. Horton  
Harry J. Paulings  
Commissioners

Dated at Denver, Colorado,  
this 31st day of July, 1961

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
WALT MADISON, P. O. BOX 67, COPE, )  
COLORADO. )  
 )  
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 )  
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PERMIT NO. M-3696

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August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Walt Madison,  
Cope, Colorado

requesting that Permit No. M-3696 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3696, heretofore issued to Walt Madison,  
Cope, Colorado be,

and the same is hereby, declared cancelled effective July 20, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph G. Norton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 3rd day of August, 1961.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
BLAKE AND THURMAN FISHER, DOING )  
BUSINESS AS, "WATSONVILLE PIE APPLE )  
PROCESSING COMPANY", P. O. BOX 611, )  
WATSONVILLE, CALIFORNIA. )  
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PERMIT NO. M-11659

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Blake and Thurman Fisher, dba "Watsonville Pie Apple Processing Company", Watsonville, California requesting that Permit No. M-11659 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11659, heretofore issued to Blake and Thurman Fisher, dba "Watsonville Pie Apple Processing Company", Watsonville, California be, and the same is hereby, declared cancelled effective July 17, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Francis C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 3rd day of August, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
WILLARD HOFMEISTER, HOLYOKE, COLO- )  
RADO. )  
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----- )

PERMIT NO. M-13657

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August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Willard Hofmeister,  
Holyoke, Colorado

requesting that Permit No. M-13657 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13657, heretofore issued to Willard Hofmeister,  
Holyoke, Colorado be,

and the same is hereby, declared cancelled effective June 19, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Wood  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 3rd day of August, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
CARLTON W. HIXSON AND JAMES E. LIND- )  
QUIST, DOING BUSINESS AS, "TEXACO )  
SERVICE", DOVE CREEK, COLORADO. )  
----- )

PERMIT NO. M-15724

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carlton W. Hixson and James E. Lindquist, dba "Texaco Service", Dove Creek, Colorado requesting that Permit No. M-15724 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15724, heretofore issued to Carlton W. Hixson and James E. Lindquist, dba "Texaco Service", Dove Creek, Colorado be, and the same is hereby, declared cancelled effective July 8, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of August, 195/ 61.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
HAROLD J. AND LILLIAN A. ALKIRE, )  
DOING BUSINESS AS, "MISTER SOFTEE", )  
1045 SHERMAN STREET, DENVER 3, COLO- )  
RADO. )  
-----)

PERMIT NO. M-360

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold J. and Lillian A. Alkire, doing business as, "Mister Softee", Denver 3, Colorado requesting that Permit No. M-360 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-360, heretofore issued to Harold J. and Lillian A. Alkire, doing business as, "Mister Softee", Denver 3, Colorado be, and the same is hereby, declared cancelled effective July 10, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of August, 1961.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
JOHN A. MC KELVY, 117 NORTH TAYLOR, )  
GUNNISON, COLORADO. )  
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----- )

PERMIT NO. M-7057

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August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from John A. Mc Kelvy,  
Gunnison, Colorado  
requesting that Permit No. M-7057 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7057, heretofore issued to John A. Mc Kelvy,  
Gunnison, Colorado be,  
and the same is hereby, declared cancelled effective July 30, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of August, 1961.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
CARL SCHAWA, 1047 FLORENCE, COLORADO )  
SPRINGS, COLORADO. )  
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 )  
----- )

PERMIT NO. M-9527

-----  
August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl Schawe,  
Colorado Springs, Colorado  
requesting that Permit No. M-9527 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9527, heretofore issued to Carl Schawe,  
Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective July 16, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph S. Regier  
Joseph C. Hooton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 3rd day of August, 195/ 61.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
CLYDE E. EICHENBERGER, DOING BUSINESS)  
AS, "EICHENBERGER LUMBER COMPANY", )  
60 EAST 1ST, CHEYENNE WELLS, COLO- )  
RADO. )  
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PERMIT NO. M-4086

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August 3, 1961  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clyde E. Eichenberger,  
doing business as, "Eichenberger Lumber Company", Cheyenne Wells, Colorado  
requesting that Permit No. M-4086 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4086, heretofore issued to Clyde E. Eichenberger,  
doing business as, "Eichenberger Lumber Company", Cheyenne Wells, Colorado be,  
and the same is hereby, declared cancelled effective July 12, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 3rd day of August, 195/ 61.