(Decision No. 4785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF GEORGE B. WILLIAMS, DOING BUSINESS AS WILLIAMS-SIDNEY-DENVER TRANSFER.

CASE NO. 937

January 12, 1933

S T A T E M E N T

By the Commission:

An order was made on May 31, 1932, requiring the respondent, doing business as Williams-Sidney-Denver Transfer, to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1541 should not be suspended or revoked for failure to file monthly reports and pay highway compensation taxes for the months of December, 1931, and January to March, 1932, inclusive, and for failure to file an insurance policy as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file reports and pay highway compensation taxes for the months in question and also failed to file any insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statues which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by

the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate heretofore issued to George B. Williams should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to George B. Williams, doing business as Williams-Sidney-Denver Transfer, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1933.

(Decision No. 4786)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED PRICE.) CASE NO. 941

January 12, 1933

S T A T E M E N T

By the Commission:

An order was made on June 15, 1932, requiring the respondent, Fred Price to show cause why his motor vehicle private permit No. 236-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the period from May 16, 1931 to December 31, 1931, inclusive, and from January 1, 1932, to April 30, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports for the months in question and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated

that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 236-A, heretofore issued to Fred Price, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 236-A, heretofore issued to Fred Price, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1933.

(Decision No. 4787)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS M. WOODMAN.) CASE NO. 942

January 12, 1933.

S T A T E M E N T

By the Commission:

An order was made on June 15, 1932, requiring the respondent, Lewis M. Woodman, to show cause why his permit, No. 303-A, heretofore issued to him by the Commission should not be suspended or revoked for failure to file monthly reports and pay highway compensation taxes for the months of October, November and December, 1931, and January to April, 1932, inclusive.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports and pay the highway compensation taxes for the months in question.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statues which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle

permit heretofore issued to Lewis M. Woodman should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. 303-A, heretofore issued to Lewis M. Woodman, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1933.

(Decision No. 4788)

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES M. ROBERTSON.) CASE NO. 943

January 13, 1933

S T A T E M E N T

By the Commission:

An order was made on June 15, 1932, requiring the respondent, James M. Robertson to show cause why his motor vehicle private permit No. 283-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of October, 1931 to April, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports for the months in question, and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated

that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 283-A, heretofore issued to James M. Robertson, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 283-A, heretofore issued to James M. Robertson, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED , That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1933.

(Decision No. 4789)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. W. BONDURANT.)

CASE NO. 1050

January 13, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, H. W. Bondurant, to show cause why his private permit No. A-195 should not be revoked for failure to file highway compensation tax reports for the months of June, July and August, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that no reports for the months in question had been filed and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said private permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that private permit No. A-195, heretofore issued to H. W. Bondurant, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission and file all highway compensation tax reports due, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-195, heretofore issued to H. W. Bondurant, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1933.

(Decision No. 4790)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. T. SMITH.) CASE NO. 944

January 13, 1933

S T A T E M E N T

By the Commission:

An order was made on June 15, 1932, requiring the respondent, G. T. Smith to show cause why his motor vehicle private permit No. 271-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the period from May 16, 1931, to December 31, 1931, inclusive, and for the months of January to April, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports for the months in question and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated

that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 271-A, heretofore issued to G. T. Smith, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 271-A, heretofore issued to G. T. Smith, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1933.

(Decision No. 4791)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN A. DAVIS.)

CASE NO. 1051

January 13, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, John A. Davis, to show cause why his private permit No. A-212 should not be suspended or revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that no effective insurance has been filed by respondent.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due

to the economic situation, we have concluded, and find, that the permit No. A-212, heretofore issued to John A. Davis, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commissdon, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-212, heretofore issued to John A. Davis, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1933.

(Decision No 4792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED GREENWALD.)

CASE NO. 1052

January 14, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, Fred Greenwald, to show cause why his private permit No. A-270 should not be suspended or revoked for his failure to file highway compensation tax reports for the months of April, May and August, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of the said hearing. The record discloses that subsequent to said hearing, respondent filed all reports due, but has failed to file the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that permit No. A-270, heretofore issued to Fred Greenwald, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-270, heretofore issued to Fred Greenwald, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1933.

(Decision No. 4793)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. A. HAMMEL.) CASE NO. 945

January 14, 1933

S T A T E M E N T

By the Commission:

An order was made on June 17, 1932, requiring the respondent, R. A. Hammel, to show cause why his motor vehicle private permit No. 220-A should not be suspended or revoked for failure to file monthly reports and pay highway compensation taxes for the months of May to December, 1931, and January to May, 1932, inclusive, and for failure to file an insurance policy as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports and pay the taxes for the months in question and that he has never filed any insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the permit heretofore issued to R. A. Hammel should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 220-A, heretofore issued to R. A. Hammel, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1933.

(Decision No 4792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED GREENWALD.)

CASE NO. 1052

January 14, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, Fred Greenwald, to show cause why his private permit No. A-270 should not be suspended or revoked for his failure to file highway compensation tax reports for the months of April, May and August, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of the said hearing. The record discloses that subsequent to said hearing, respondent filed all reports due, but has failed to file the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that permit No. A-270, heretofore issued to Fred Greenwald, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-270, heretofore issued to Fred Greenwald, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1933.

(Decision No. 4793)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. A. HAMMEL.) CASE NO. 945

January 14, 1933

S T A T E M E N T

By the Commission:

An order was made on June 17, 1932, requiring the respondent, R. A. Hammel, to show cause why his motor vehicle private permit No. 220-A should not be suspended or revoked for failure to file monthly reports and pay highway compensation taxes for the months of May to December, 1931, and January to May, 1932, inclusive, and for failure to file an insurance policy as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports and pay the taxes for the months in question and that he has never filed any insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the permit heretofore issued to R. A. Hammel should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 220-A, heretofore issued to R. A. Hammel, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1933.

(Decision No. 4794)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF C. J. SLATER.) CASE NO. 1078

January 14, 1933.

S T A T E M E N T

By the Commission:

An order was made on December 12, 1932, requiring the respondent, C. J. Slater, to show cause why his certificate of public convenience and necessity, heretofore issued to him in Application No. 1617, should not be suspended or revoked for failure to file monthly reports for the months of July to November, 1932, inclusive, and failure to pay highway compensation tax for the months of January, February, April, May and June, 1932; also for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports and pay the highway compensation taxes for the months in question, and that he has filed no insurance policy.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to

require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to the respondent should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to C. J. Slater be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1933.

a 321

(Decision No. 4796)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HOMER BLOWERS, DOING BUSINESS AS) PRIVATE PERMIT NO. 321-A
BLOWER'S TRANSFER COMPANY.)

January 16, 1933.

S T A T E M E N T

By the Commission:

In reply to our letters asking for monthly highway compensation tax reports, Homer Blowers, holder of private motor vehicle permit No. 321-A, has written us under date of January 10, 1933, that he has discontinued his haul to Denver. Under these circumstances the permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 321-A, heretofore issued to Homer Blowers, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1933.

(Decision No. 4797)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED DREW.) CASE NO. 1053

January 16, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission .

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, Fred Drew, to show cause why his private permit No. A-316 should not be revoked for failure to file highway compensation tax reports for the period January 1, 1932, to August 31, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that the insurance filed by respondent expired May 4, 1932, and had never been renewed. Moreover, no highway compensation tax reports for the months in question have been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating

under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that private permit No. A-316, heretofore issued to Fred Drew, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission, file all highway compensation tax reports due, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-316, heretofore issued to Fred Drew, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1933.

(Decision No. 4798)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. P. ARNOLD, DOING BUSINESS) CASE NO. 1079
AS ARNOLD TRANSFER COMPANY.)

January 14, 1933

S T A T E M E N T

By the Commission:

An order was made on December 12, 1932, requiring the respondent, C. P. Arnold, doing business as Arnold Transfer Company, to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1794 should not be suspended or revoked for failure to file monthly reports for the months of May to November, 1932, inclusive, and to pay highway compensation tax for the month of April, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports and pay the tax for the months in question and that he has filed no insurance policy or surety bond.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to

require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to C. P. Arnold should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to C.P. Arnold, doing business as Arnold Transfer Company, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1933.

(Decision No. 4799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KIRK ALBRIGHT.)

CASE NO. 1057

January 16, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, Kirk Albright, to show cause why his private permit No. A-274 should not be revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that no insurance had ever been filed by respondent.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic

situation, we have concluded, and find, that private permit No. A-274, heretofore issued to Kirk Albright, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-274, heretofore issued to Kirk Albright, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1933.

(Decision No. 4800)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES G. BUNTING.)
* * * * * * * * * * * * * * * * * *

CASE NO. 1015

- - - - - - - - -
January 16, 1933.
- - - - - - - - -

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 19, 1932, requiring the respondent, James G. Bunting, to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1612 should not be revoked for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The record shows that subsequent to the hearing respondent filed a surety bond.

After careful consideration of the record, the Commission is of the opinion, and so finds, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16th day of January, 1933.

Commissioners.

(Decision No. 4801)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS FRANK WELLS.) CASE NO. 1038

January 16, 1933

Appearance: Lewis Frank Wells, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

An order was made on September 28, 1932, requiring the respondent, Lewis Frank Wells to show cause why his motor vehicle private permit No. 35-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the month of August, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

At the hearing it developed that respondent filed his highway compensation tax reports, paid all taxes, and filed the necessary insurance.

After consideration of the record, the Commission is of the opinion, and so finds, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1933.

(Decision No. 4802)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR F. WOODS.)

CASE NO. 1024

January 16, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the respondent, Arthur F. Woods, to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1652 should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that no insurance policy had been filed by respondent.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economi

situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Arthur F. Woods in Application No. 1652 should be suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Arthur F. Woods in Application No. 1652, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1933.

(Decision No. 4803)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES W. HEWES.)

CASE NO. 1025

January 16, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the above named respondent to show cause why his certificate of public convenience and necessity should not be revoked for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that prior to the date of said hearing, respondent had filed the necessary insurance.

After careful consideration of the record, the Commission is of the opinion, and so finds, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16th day of January, 1933.

Commissioners.

(Decision No. 4804)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLAUD RICHARDSON.) CASE NO. 1039

January 16, 1933

S T A T E M E N T

By the Commission:

An order was made on September 28, 1932, requiring the respondent, Claud Richardson to show cause why his motor vehicle private permit No. 41-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of June, July, August and September, 1932; for failure to pay highway compensation tax for the months of April and May, 1932; and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports and pay highway compensation taxes for the months in question, and also failed to file any insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated

that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 41-A, heretofore issued to Claud Richardson, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 41-A, heretofore issued to Claud Richardson, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1933.

(Decision No. 4805)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. C. BUKEY.)

CASE NO. 1006

January 16, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission;
Mr. H. C. Bukey, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring respondent, H. C. Bukey, to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 738 should not be suspended or revoked for his failure to pay highway compensation taxes for the month of June, 1932, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

At the hearing, the evidence disclosed that respondent had paid the taxes due for the month of June, 1932, but had failed to file the necessary insurance policy or surety bond.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is

appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Henry C. Bukey in Application No. 738 should be suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to H. C. Bukey in Application No. 738, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16th day of January, 1933.

Commissioners.

(Decision No. 4806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVIN L. MUSSER.) CASE NO. 968

January 17, 1933

S T A T E M E N T

By the Commission:

An order was made herein by the Commission on December 19, 1932, granting a further stay of the order herein until January 19, 1933. Since that time it has been stipulated by and between Nathan H. Creamer, Esq., attorney for said Musser, and Richard E. Conour, Esq., attorney for the Commission, that the order of the Commission herein be stayed for an additional ten days, so that in the meantime the said Musser may have an opportunity to secure a stay order of the District Court of the City and County of Denver wherein his application is pending.

O R D E R

IT IS THEREFORE ORDERED, That pursuant to the agreement of the interested parties, as above stated, the effective date of the order of the Commission made herein be, and the same is hereby, stayed for a period of ten days beyond the period of the stay already granted by the Commission in its order of December 19, 1932.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4807)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ART W. QUINLAN, DOING BUSINESS) CASE NO. 1007
AS ALL WESTERN TRANSPORTATION)
COMPANY.)

January 17, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring respondent, Art W. Quinlan, doing business as All Western Transportation Company, to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 905, should not be suspended or revoked for his failure to file a report for the month of August, 1932, and pay highway compensation taxes for the months of June and July, 1932, and also for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that respondent had paid the highway compensation taxes due for the months of June and July, 1932, but had failed to file a report for the month of August and had also failed to file the necessary insurance policy or surety bond.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are

now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Art W. Quinlan, doing business as All Western Transportation Company, in Application No. 905, should be suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file the report due, file such insurance as is required by the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 905 to Art W. Quinlan, doing business as All Western Transportation Company, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 17th day of January, 1933.

Commissioners.

(Decision No. 4808)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ED BALDWIN.)

CASE NO. 1043

January 17, 1933

S T A T E M E N T

By the Commission:

An order was made on September 28, 1932, requiring the respondent, Ed Baldwin, to show cause why his motor vehicle private permit, No. 54-A, should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of July and August, 1931, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent had filed the reports in question but had never filed any insurance policy or surety bond.

The Commission fully appreciates what business conditions have been and has tried to show every proper considération for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Man revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit heretofore issued to Ed Baldwin should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 54-A, heretofore issued to Ed Baldwin, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4809)

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL ANTHONY.) CASE NO. 1040

January 17, 1933

S T A T E M E N T

By the Commission:

An order was made by the Commission on September 28, 1932, required the above named respondent to show cause why his private motor vehicle permit No. 42-A, heretofore issued to him should not be revoked for failure to file monthly highway compensation tax reports and to pay such taxes, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. At the hearing the evidence showed that the respondent failed to file monthly highway compensation tax reports for the months of November and December, 1931, January to August, 1932, inclusive, and that the taxes for the month of October, 1931, have not been paid, and also no insurance had been filed.

After consideration of the record, the Commission is of the opinion, and so finds, that the said private motor vehicle permit No. 42-A, heretofore issued to Earl Anthony should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 42-A, heretofore issued to Earl Anthony, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4810)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. McAFEE.) CASE NO. 1041

January 17, 1933

S T A T E M E N T

By the Commission:

An order was made by the Commission on September 28, 1932, requiring the above named respondent to show cause why his motor vehicle private permit No. 61-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of May, June, July and August, 1932.

At the hearing the evidence showed that the respondent filed all his highway compensation tax reports, and paid all taxes.

After consideration of the record, the Commission is of the opinion, and so finds, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4811)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SAN ISABEL TRANSPORTATION COMPANY.) CASE NO. 1008

January 17, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring respondent, San Isabel Transportation Company, to show cause why its certificate of public convenience and necessity, heretofore issued to it in Application No. 1358, should not be suspended or revoked for failure to file highway compensation tax reports for the months of July and August, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although served with due notice of the time and place of said hearing. The evidence showed that the delinquent monthly reports due from respondent company have been filed, and it further appears that said respondent conducts what is known as a seasonal operation and is permitted by its certificate to discontinue business except during the sightseeing summer period. It is, therefore, only necessary that respondent have insurance on file during that season of the year in which operations are conducted.

After a careful consideration of all the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed, with the understanding, however, that proper insurance will be filed by respondent before again commencing operations under its certificate.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same

is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4812)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MAKE NO COPY

RE MOTOR VEHICLE OPERATIONS OF)
W. W. BANTA AND JOHN SAMPSON.) CASE NO. 1044

January 17, 1933

S T A T E M E N T

By the Commission:

An order was made on September 28, 1932, requiring the respondents, W. W. Banta and John Sampson, to show cause why their motor vehicle private permit No. 56-A heretofore issued to them by the Commission should not be suspended or revoked for failure to file highway compensation tax reports for the months of April, May, June and July, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondents did not appear, although they were given due notice of the time and place of the said hearing. The evidence showed that the respondents failed to file the reports for the months in question and that they have filed no insurance policy or surety bond.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle permit heretofore issued to W. W. Banta and John Sampson should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondents will file all highway compensation tax reports due, pay all such taxes, file such insurance or surety bond as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that they have not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

ORDER

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 56-A heretofore issued to W. W. Banta and John Sampson be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4813)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. R. BENDER.)

CASE NO. 1009

January 17, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring respondent, C. R. Bender, to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1017, should not be suspended or revoked for his failure to file highway compensation tax report for the month of August, 1932, pay highway compensation taxes due for the month of June, 1932, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

At the hearing, the evidence disclosed that respondent had filed his report for the month in question, paid highway compensation taxes due for the month of June, 1932, and had filed the necessary insurance.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 17th day of January, 1933.

Commissioners.

(Decision No. 4814)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER ADAMS.) CASE NO. 1010

January 17, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring respondent, Walter Adams, to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1265, should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the month of August, pay highway compensation taxes for the month of July, 1932, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence disclosed that respondent had filed his report for the month of August, 1932, and had paid his delinquent highway compensation taxes, but had failed to file the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is

appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Walter Adams in Application No. 1265 should merely be suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file such insurance as is required by the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Walter Adams in Application No. 1265, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 17th day of January, 1933.

Commissioners.

(Decision No. 4815)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BEN F. AND JESSE A. SCOTT, DOING) CASE NO. 1011
BUSINESS AS SCOTT BROTHERS.)

January 17, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission;
Mr. Jesse A. Scott, Fort Collins, Colorado,
for respondents.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring the above named respondents to show cause why their certificate of public convenience and necessity, heretofore issued to them in Application No. 1450, should not be suspended or revoked for their failure to pay highway compensation taxes for the month of July, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was duly had, at which it was disclosed that respondents had paid the highway compensation taxes for the month in question, but had failed to file the necessary insurance. However, subsequent to the hearing respondents filed a satisfactory surety bond.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4816)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED MATZ.) CASE NO. 1012

January 17, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring respondent, Fred Matz, to show cause why his certificate of public convenience and necessity should not be revoked for his failure to pay highway compensation taxes for the month of July, 1932, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had paid his highway compensation taxes for the month in question, but had failed to file the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating

under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Fred Matz in Application No. 1085 should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Fred Matz in Application No. 1085, be, and the same is hereby, suspended for a period of six months from the date hereof.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 17th day of January, 1933.

Commissioners.

(Decision No. 4817)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. MACK.) CASE NO. 1042

January 17, 1933

S T A T E M E N T

By the Commission:

An order was made on September 28, 1932, requiring the respondent, John W. Mack to show cause why his motor vehicle private permit No. 84-A, heretofore issued to him should not be suspended or revoked for failure to pay highway compensation tax for the months of May, June and July, 1932, and for failure to file an imsurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent paid all highway compensation taxes due, but has failed to file any insurance. Moreover, no report has been received for the month of September, 1932.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated

that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 84-A, heretofore issued to John W. Mack, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 84-A, heretofore issued to John W. Mack, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4818)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WESLEY J. HERTER.)

CASE NO. 1045

January 17, 1933

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, Wesley J. Herter, to show cause why motor vehicle private permit No. 98-A, heretofore issued to him by the Commission, should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of May, June, July and August, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the monthly highway compensation tax reports for the months in question. However, the evidence further showed that the respondent did file the required insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle permit heretofore issued to Wesley J. Herter should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 98-A, heretofore issued to Wesley J. Herter, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1933.

(Decision No. 4819)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF H. E. BUTLER AND SON.) CASE NO. 1046

January 18, 1933

STATEMENT

By the Commission:

An order was made on October 3, 1932, requiring the respondents, H. E. Butler and Son, to show cause why their motor vehicle private permit No. 100-A heretofore issued to them by the Commission should not be suspended or revoked for failure to file monthly reports for the months of October, 1931 to July, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondents did not appear, although they were given due notice of the time and place of the said hearing. The evidence showed that the respondents failed to file the monthly highway compensation tax reports for the months in question and that they have no effective insurance policy on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit heretofore issued to H. E. Butler and son should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondents will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that they have not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 100-A heretofore issued to H. E. Butler and son, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of January, 1933.

(Decision No. 4820)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. M. WOODWARD, DOING BUSINESS) CASE NO. 988
AS WOODWARD TRUCK LINE.)

January 18, 1933.

S T A T E M E N T

By the Commission:

An order was made by the Commission on September 15, 1932, requiring the above named respondent to show cause why his certificate of public convenience and necessity, heretofore issued to him in Application No. 1260, should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of May, June and July, 1932, and for his failure to pay highway compensation tax for the month of April, 1932.

At the hearing it developed that respondent had filed all his highway compensation tax reports and had paid all taxes.

After careful consideration of the record, the Commission is of the opinion, and so finds, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 18th day of January, 1933.

Commissioners.

(Decision No. 4821)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL O. HART.) CASE NO. 987

February 3, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

STATEMENT

By the Commission:

An order was made on September 16, 1932, requiring the respondent, Carl O. Hart, to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1596 should not be suspended or revoked for his failure to file monthly reports for the months of May, June and July, 1932, and pay highway compensation taxes for the months of March and April, 1932, and also for his failure to file the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had filed the delinquent monthly reports in question and paid highway compensation taxes for the months of March and April, 1932, but has failed to file the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums

would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Carl O. Hart in Application No. 1596 should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file such insurance as is required by law and the Rules and Regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Carl O. Hart in Application No. 1596, be, and the same is hereby, suspended for a period of six months from the date hereof.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 3rd day of February, 1933.

Commissioners.

(Decision No. 4822)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN BRINKMAN.)

CASE NO. 1047

January 18, 1933

S T A T E M E N T

By the Commission:

An order was made on October 3, 1932, requiring the respondent, John Brinkman, to show cause why his motor vehicle private permit No. 109-A, heretofore issued to him by this Commission, should not be suspended or revoked for failure to file monthly reports for the months of June, July and August, 1932, and to pay highway compensation tax for the month of May, 1932.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent has failed to file the reports and pay the tax for the months in question.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit heretofore issued to John Brinkman should be merely sus-

pended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, have on file an effective insurance policy, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 109-A, heretofore issued to John Brinkman, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of January, 1933.

Form No. 2.

(Decision No. 4823)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM SHUPE.) CASE NO. 1087
)

January 18, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under 82-A the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, September, October, November and December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and **has failed to file an insurance policy or surety bond as required by law.**

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4824)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE HILL.) CASE NO. 1088
)

January 18, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. 150-A

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

July, August, September, October, November and December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4825)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. E. KAYS.) CASE NO. 1089

January 19, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. 187-A

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

August, September, October, November and December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises. 187-A

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4826)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1090
YOUNG BROS.)

January 19, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 55-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

August, September, October, November and December, 1932.

Highway Compensation Tax unpaid

Month	Year	Tax	Penalty	Total
July	1932	$4.04	.24	$ 4.28

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, **and has failed to file an insurance policy or surety bond as required by law.**

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 55-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4827)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN E. THOMPSON.) CASE NO. 1094

January 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/~~under~~ 242-A the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, September, October, November and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	July	.21		.21

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
~~OF THE STATE~~ OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4828)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLIFF BURNHAM AND O. L. DEARDORF) CASE NO. 1095
DOING BUSINESS AS MIDWEST PRODUCE
COMPANY.

January 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a permit/under 248-A the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing them to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, September, October, November and December, 1932.

The records of the Commission also disclose that respondents have failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. D. FILSON.) CASE NO. 1096

January 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 291-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

September, October, November and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	May	$9.98	.90	$10.88
	June	9.64	.72	10.36
		$19.62	1.62	$21.24

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Form No. 2.

(Decision No. 4830)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE ZOBEL.)
CASE NO. 1097.

January 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 292-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

September, October, November and December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, **and has failed to file an insurance policy or surety bond as required by law.**

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4831)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. W. BOLDT.)
CASE NO. 1091

A-151

January 20, 1933

STATEMENT

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 151-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

September, October, November and December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 151-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4832)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ELMER DEFENBAUGH.)

CASE NO. 1092

January 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. 191-A

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

September, November and December, 1932.

		Highway Compensation tax unpaid		
Year	Month	Tax	Penalty	Total
1932	June	$0.99	$ .07	$ 1.06
"	July	3.01	.18	3.19
"	August	2.05	.09	2.14
"	October	4.78	.07	4.85
				$11.24

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle., and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises. 191-A

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4833)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST WESTLAKE.) CASE NO. 1093

January 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 223-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

January, June, July, November and December, 1932

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	August	$ .60	$ .03	$ .63
"	September	3.83	.11	3.94
"	October	3.90	.06	3.96
				$ 8.53

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 223-A heretofore issued to said respondent on acccunt of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4834)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1098
T. J. WEDDELL.)

January 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 313-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

November and December, 1932.

Rec'd

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	August	$17.29	.78	$18.07
	Sept.	17.47	.52	17.99
	October	14.12	.21	14.33
		$48.88	$1.51	$50.39

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file and insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on February 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4835)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1099
LEVI VAN VALKENBURG.)

January 21, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under 327-A the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

January, February, October, November and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	May		.05	.05
	June		.16	.16
	July	5.11	.30	5.41
	August	2.40	.12	2.52
	September	4.85	.15	5.00
		$12.36	$ .78	$13.14

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. E. POWELL.) CASE NO. 1100

January 21, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 534-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	September	$10.12	.30	$10.42
	October	12.97	.19	13.16
	November	27.00		27.00
		$50.09	.49	$50.58

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4837)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LLOYD T. MOUNTS.) CASE NO. 1101.

January 21, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/~~under~~ 341-A the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

April, May, June, July, August, Sept., October, November & December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4838)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1102.
J. N. TURLEY.)

January 21, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. 352-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, September, October, November & December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Form No. 2.

(Decision No. 4839)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. McCULLOUGH.) CASE NO. 1103
)

January 21, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under No. 342-A provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

July, August, September, October, November & December, 1932.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Form No. 2.

(Decision No. 4840)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL E. ORGAN.) CASE NO. 1104

January 21, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 359-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

May to December, 1932, inclusive.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 359-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1105
B. R. GERARD.)

January 21, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 372-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

June, July, September, October, November and December, 1932.

	Highway Compensation tax unpaid		
Month	Tax	Penalty	Total
October, 1931, to May, 1932, Inc.	$116.72	$10.50	$ 127.22

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 372-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4842)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD AND RIDGWAY.) CASE NO. 1106

January 21, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a permit No. 358-A, under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing them to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July, August, September, October, November and December, 1932.

		Highway Compensation tax unpaid		
Year	Month	Tax	Penalty	Total
1932	June	$3.14	.05	$3.19

The records of the Commission also disclose that respondents have failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit No. 358-A, heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 P. M. o'clock, on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1933.

(Decision No. 4843)

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office at Denver, Colorado, January 23, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 194

IT APPEARING, That on January 12,1933, the City of Glenwood Springs filed with the Commission a copy of a notice to the Cardiff Light and Water Company and the Grizzly Water Company of its intention to establish certain new water rates to said companies as set out in the notice in lieu of the present rates charged to said companies or its customers, effective date not given.

IT APPEARING FURTHER, That on January 20, 1933, the Commission received a communication from Mr. C. W. Darrow, attorney for the aforesaid companies, protesting the new water rate schedule proposed by the City of Glenwood Springs for the Cardiff Light and Water Company and the Grizzly Water Company and requesting an investigation of the matter by the Commission, and

IT APPEARING FURTHER, That the Commission finds that the proposed water rate schedule for the aforesaid companies might injuriously affect the rights and interests of the water customers of said companies,

IT IS THEREFORE ORDERED, That the effective date of the proposed water schedule for the Cardiff Light and Water Company and the Grizzly Water Company, by the City of Glenwood Springs, Colorado, be suspended one hundred twenty days from January 12, 1933, or until May 12, 1933, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed new water rate schedule of the City of Glenwood Springs, Colorado, for the Cardiff Light and Water Company and the Grizzly Water Company be made a subject of investigation and determination by the Commission within the said period of time or such further time as the same might be lawfully suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid notice of the proposed new schedule for the said companies, and copies hereof be forthwith served on the City of Glenwood Springs, Colorado, the applicant, and C. W. Darrow, Esq., attorney for the Cardiff Light and Water Company and the Grizzly Water Company, the protestants.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado, this
23rd day of January, A. D. 1933.

Form No. 2.

(Decision No. 4844)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY C. FLANDERS.) CASE NO. 1107

January 23, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 397-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

September, October, November and December, 1932.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 397-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4845)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. M. NOVAK.) CASE NO. 1108

January 23, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 357-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July to December, 1932, inclusive.

	Highway Compensation tax unpaid			
Year	Month	Tax	Penalty	Total
1932	June	--	$1.02	$ 1.02

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 357-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4846)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. S. BOWERS.) CASE NO. 1109
)

January 23, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 406-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

		Highway Compensation tax unpaid		
Year	Month	Tax	Penalty	Total
1932	September	$7.90	$ .24	$ 8.14
"	October	16.77	.25	17.02
"	November	7.67	-	7.67
"	December	6.67	-	6.67
				$39.50

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 406-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P.M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 2.

(Decision No. 4847)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. H. BEVAN.) CASE NO. 1110

January 23, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit 301-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received
November and December, 1932.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	June	$ .82	$ .06	$ .88
"	July	4.89	.29	5.18
"	August	.93	.04	.97
"	September	9.30	.28	9.58
"	October	5.23	.08	5.31
				$21.92

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit 301-A heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on February 3, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. Lewis

Commissioners.

(Decision No. 4848)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

a-129

* * *

RE MOTOR VEHICIE OPERATIONS OF)
STANLEY AND ORVILLE OVERBAUGH,) PERMIT NO. 129-A
DOING BUSINESS AS SEE BEN TRANS-)
FER.)

January 23, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Stanley and Orville Overbaugh, doing business as See Ben Transfer, advising us that they have discontinued their interstate hauling between Casper, Wyoming and Denver, Colorado and desire to have their permit No. 129-A, suspended until such time as they again resume operations.

After careful consideration of said request the Commission is of the opinion, and so finds, that said permit No. 129-A, heretofore issued to Stanley and Orville Overbaugh, doing business as See Ben Transfer, should be suspended indefinitely, said suspension to date from September 1, 1932, provided, however, that the said Stanley and Orville Overbaugh, doing business as See Ben Transfer, may again resume operations under said permit when and if all delinquent reports are filed, and all delinquent highway compensation tax payments are made, and the proper and necessary insurance is on file with the Commission.

O R D E R

IT IS THEREFORE ORDERED, That said motor vehicle private permit No. 129-A, heretofore issued to Stanley and Orville Overbaugh, doing business as See Ben Transfer, be, and the same is hereby, suspended indefinitely, said suspension to date from September 1, 1932, provided, however, that said permittees may again resume operations under said permit when and if all delinquent reports are filed, and all delinquent highway compensation tax

payments are made, and the proper and necessary insurance is on file with the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1933.

A-218

(Decision No. 4849)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. W. MORSE.) PERMIT NO. 218-A

January 23, 1933

S T A T E M E N T

By the Commission:

R. W. Morse, to whom we issued private motor vehicle permit No. 218-A, has written to the Commission returning the permit and stating to us that he does not longer care to do any hauling for hire.

The Commission is of the opinion, and so finds, that the said private motor vehicle permit No. 218-A, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 218-A, heretofore issued to R. W. Morse, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1933.

(Decision No. 4850)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. H. SCHAEFER.) CASE NO. 1055

January 24, 1933

S T A T E M E N T

By the Commission:

An order was made by the Commission on October 3, 1932, requiring the respondent, E. H. Schaefer to show cause why his motor vehicle private permit No. 238-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of June, July and August, 1932, and pay highway compensation tax for the month of May, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports for the months in question. However, respondent paid his highway compensation tax for the month of May, 1932, and has filed the necessary and proper insurance. Moreover, no reports have been received for the months of October, November and December, 1932, and respondent owes highway compensation tax for the month of September, 1932, in the amount of $2.48.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 238-A, heretofore issued to E. H. Schaefer, should be

merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 238-A, heretofore issued to E. H. Schaefer, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1933.

(Decision No. 4852)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CECIL FRY.) CASE NO. 1056

January 24, 1933

S T A T E M E N T

By the Commission:

On October 3, 1932, the Commission entered its order requiring the above named respondent to show cause why private permit No. 267-A, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports and pay highway compensation taxes.

The evidence disclosed that no reports had been received from respondent for the months of April, May, June, and July, 1932, and that highway compensation taxes for the months of February and March, 1932, in the sum of $4.86 are unpaid. Moreover, no reports have been received for the months of September to December, 1932, inclusive.

The Commission is in receipt of a letter from Babe Fry advising us that respondent is no longer in the hauling or trucking business and that he has moved out of the State.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. 267-A, heretofore issued to respondent, Cecil Fry, should be cancelled and revoked on account of the aforementioned delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 267-A, heretofore issued to respondent, Cecil Fry, be, and the same is hereby,

cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1933.

(Decision No. 4853)

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - -

IN THE MATTER OF AN INVESTIGATION BY THE COMMISSION, UPON ITS OWN MOTION, INTO THE REASONABLENESS OF ALL THE RATES ON GRAIN AND GRAIN PRODUCTS, INTRASTATE, IN THE STATE OF COLORADO.

CASE NO. 314

- - - - - - - -
January 25, 1933.
- - - - - - - -

Appearances: Mr. G. H. Work, Denver, Colorado, for Denver Grain Exchange; Colorado Milling & Elevator Company; Ralston Purina Company; Ady & Crowe Mercantile Company and Grain Industry generally represented by Denver Grain Exchange;
Mr. E. G. Knowles, Denver, Colorado, Attorney for Union Pacific Railroad Company;
Mr. Gentry Waldo, Omaha, Nebraska, Assistant Freight Traffic Manager, Union Pacific Railroad Company;
Mr. B. W. Robbins, Denver, Colorado, General Freight Agent, The Denver and Rio Grande Western Railroad Company;
Mr. J. A. Gallaher, Denver, Colorado, Attorney for The Denver and Rio Grande Western Railroad Company;
Mr. E. L. Brock, Denver, Colorado, Attorney for The Denver and Salt Lake Railway Company;
Mr. F. J. Toner, Denver, Colorado, Traffic Manager, The Denver and Salt Lake Railway Company;
Mr. F. W. Myers, Denver, Colorado, Division Freight Agent, The Atchison, Topeka and Santa Fe Railway Company;
Mr. J. Q. Dier, Denver, Colorado, Attorney for The Colorado and Southern Railway Company;
Mr. J. E. Buckingham, Denver, Colorado, Traffic Manager, The Colorado and Southern Railway Company;
Mr. Paul P. Prosser, Denver, Colorado, Attorney General;
Mr. Richard E. Conour, Denver, Colorado, Assistant Attorney General;
Mr. J. B. Driggs, Omaha, Nebraska, Assistant General Freight Agent, Chicago, Burlington & Quincy Railroad Company;
Mr. F. J. Shubert, Kansas City, Missouri, General Freight Agent, The Chicago, Rock Island and Pacific Railway Company;
Mr. C. H. Payne, Denver, Colorado, Chief Clerk to General Manager, The Great Western Railway Company;
Mr. T. S. Wood, Denver, Colorado, Rate Expert, The Public Utilities Commission of The State of Colorado.

S T A T E M E N T

By the Commission:

The Commission instituted, on its own motion, an investigation of the intrastate rates on grain and grain products for the purpose of determining

to what extent and in what manner, if any, such rates were unjust, unreasonable, unjustly discriminatory, prejudicial, disadvantageous or otherwise unlawful, and all rail carriers in the State of Colorado were made respondents to the proceeding. This case relating to intrastate traffic might be termed a companion case to the one instituted by the Interstate Commerce Commission (hereinafter referred to as the I. C. C.), in the latter's Docket 17,000, Part 7, "Grain and Grain Products within Western District and for Export".

On July 1, 1930, the I. C. C. issued its report, findings and order in its said investigation. The carriers voluntarily agreed to publish on Colorado intrastate traffic the same scale of rates as was prescribed by the I. C. C. for application to interstate traffic, with the understanding that in the event the interstate order subsequently should be enjoined or set aside by a court order, they would be permitted to re-establish in Colorado the rates in effect immediately prior to those established pursuant to the order in 17000, Part 7. The so-called 17000, Part 7, rates on both state and interstate traffic were made effective on August 1, 1931. Subsequently the interstate rates were enjoined by a court order, and we authorized the carriers to re-establish the rates in effect as of July 31, 1931, which rates were re-established, effective February 20, 1932.

By petition dated October 19, 1932, the Denver Grain Exchange Association, on behalf of all its members and also the members of the Colorado Grain Dealers' Association, requested the Commission to immediately proceed with its grain rate investigation in Case No. 314, to the end that just and reasonable rates for application on grain and grain products, intrastate, be established at the earliest possible date. A hearing was held and testimony submitted by all concerned on January 16 and 17, 1933.

Primarily the grains here under consideration are wheat and coarse grains. The coarse grains are mainly corn, oats and barley. The grain products are chiefly flour and mill feeds, although the investigation included all the grain and grain products contained in the carriers' comprehensive tariff lists of grain and grain products. Rates on coarse grains are generally the same as on wheat moving west of the Rocky Mountains and 90% of the rates on wheat moving east of the Rocky Mountains. Throughout the state there is a general practice permitting both wheat and coarse grains moving on through rates to be stopped for milling and other treatment in transit.

A very large proportion of the grain produced in Colorado is produced in that portion of the state lying between and east of the Colorado common points. An exhibit of record shows a five year average, viz., 1927 to 1931, inclusive, as follows:

	Bushels
Five year average wheat production in eastern Colorado counties - - - -	17,456,322
Five year average wheat production for State of Colorado - - - - - - -	19,686,600
Five year average corn production in eastern Colorado counties - - - -	23,253,250
Five year average corn production for State of Colorado - - - - - - -	24,397,200
Three year average oat production for eastern Colorado counties- - - -	2,741,770
Three year average oat production for State of Colorado- - - - - - - -	5,112,000

(The witness introducing this exhibit testified that the figures for a five year average on oats are not available).

Five year average barley production for eastern Colorado counties- - -	8,784,818
Five year average barley production for State of Colorado- - - - - - -	10,700,200.

In other words, approximately 87% of all grain produced in the State of Colorado is produced in eastern Colorado counties.

Since the re-establishment of the old rates, or since February 20, 1932, there has been a very rapidly increasing movement of grain by trucks. During the last six months of 1932, there was shipped to Denver and Pueblo by trucks 58,673,180 pounds, or, expressed in carloads, 773 cars of 80,000 pounds capacity. This truck movement is for maximum distances of approximately three hundred miles.

Witnesses for the grain people testified that the present relationship between rail and truck transportation costs tends to destroy the value of investment in grain handling facilities. They further testified that the movement of corn by truck is not as satisfactory as that by rail, due to the fact that the truck corn is not inspected and, therefore, not graded, and that it is not as satisfactory for feeding purposes as corn which has been inspected and graded; that the feeders are willing to pay a cent to a cent and one-half per bushel more for a graded corn than that which is ungraded.

In many instances there are no through joint line rates in effect in Colorado on grain and grain products, except by the use of the combination of locals, that is, the local rate, origin to junction point, plus the local rate from junction point to destination, which naturally tends to create a high level of rates. For example, the rates from points in northern Colorado, located on the

Colorado and Southern, to points on the lines east of Denver and Pueblo are computed on the combination basis over Denver or Pueblo, observing the Missouri River rate as a maximum, and to points on the lines of The Denver and Rio Grande Western Railroad west of the Colorado common points they are computed on the straight combination of locals with Utah common point rates as maxima. From points in northern and eastern Colorado on the other lines, joint rates are computed on the combination basis over whichever base point the through rate will be the lowest. The following rates taken from an exhibit of record are illustrative of the present mileage scales on wheat and corn in Colorado:

SHOWING COMPARISON OF MILEAGE RATES
INTERSTATE AND INTRASTATE
as
INDICATED FOR STATES NAMED

MILES	Col. 1 Colo. U.P. Tariff 3050-G CB&Q Tariff 5600-H		Col. 2 Colo. D&RGW Tariff 6797		Col. 3 Wyo. U.P. Tariff 3157 CB&Q Tariff 16984		Col. 4 Nebr. U.P.Tariff 3050-G CB&Q Tariff 5400		Col. 5 Kansas Sgl. Line U.P. Tariff 3050-G		Col. 6 Kansas Jnt. Line WTL Tariff 146-D		Col. 7 Kans-Nebr. Interstate U.P. Tariff 3050-G		Col. 8 Colo-Kans. Wyo-Nebr. Interstate U.P. Tariff 3050-G	
	Wht.	Corn	Wht.	Corn	Wht.	Corn	Wht.	Corn	Wht.	Corn	Wht.	Corn	Wht.	Corn	Wht.	Corn
25	14½	13	21½	19½	7½	6½	7½	7	7½	7	10½	9½	10½	9½	12½	11½
50	20½	18½	28½	25½	9½	8½	10½	9½	10½	9½	13½	12	13½	12	16½	15
75	25½	23	39½	35½	12	11	13½	12	10½	9½	13½	12	14	12½	20	18
100	28	25	52	47	13½	12	16½	15	13½	12	16½	15	17	15½	25½	23
120	29½	26½	57½	52	15	13	17½	16	14½	13	17½	16	18	16	29	26
140	31	28	60	54	16	14	19	17	16½	15	19½	17½	21	19	31	28
160	33	29½	62	56	17	15	20	18	17½	16	20½	18½	22½	20½	33	29½
180	34½	31	65½	58½	18	16	21	19	18	16	21	19	22½	20½	34½	31
200	36½	33	75½	68	19	17	22½	20½	19	17	21½	19½	23	20½	36½	33

While this comparison may not show the actual going rates to specific designated points, it is indicative of the levels of the rates.

The grain people submitted a scale of proposed rates which is based on the Wyoming scale prescribed by that commission in Docket No. 546 on February 7, 1930. It is illustrated by column 3 of the preceding statement of comparisons, with the addition of a two cents per one hundred pounds arbitrary on joint line hauls, such arbitrary not to apply to lines under one ownership or control, and the further addition of arbitraries authorized by the I. C. C. to short or weak lines in its docket 17000, Part 9,

Petitioners herein contend that the Commission should prescribe a uniform list of grain products and that it should also prescribe a uniform mixed carload rule for application in connection with the rates which it finds to be reasonable. They have submitted a proposed list of such articles and such rule.

The defendants apparently are more or less satisfied with the said proposed list. They contend, however, that we have no authority to prescribe, in this proceeding, rates on commodities other than grain or grain products.

The eastern Colorado carriers, viz., The Atchison, Topeka and Santa Fe Railway Company; Chicago, Burlington & Quincy Railroad Company; The Chicago, Rock Island and Pacific Railway Company; The Colorado and Southern Railway Company; The Great Western Railway Company and Union Pacific Railroad Company, speaking through one witness, submitted a proposed scale of rates for application on and east of the Colorado common points. The witness stated that he was not authorized to speak for Missouri Pacific Railroad Company, but that it was his opinion that the said proposal would be agreeable to said carrier.

The scale of rates proposed by the above named carriers is based on the proposal of the Western Trunk Line carriers in the re-hearing now being conducted by the I. C. C. in 17000, Part 7. The said proposal is 110% of the W. T. L. scale of rates prescribed by the I. C. C. in its original opinion in Docket 17000, Part 7, 164 I.C.C. 619-822. The proposed scale is for application to single line rates. For joint-line hauls a two cent arbitrary would be added in computing the through rate. They propose the same scale for wheat, coarse grains and the products thereof, relying on the findings of the I. C. C. in its decision wherein it prescribed one general level of rates on all grains and grain products. In the application of the proposed two-cent arbitrary on joint-line hauls they testified

that such arbitrary should not be applied where it is necessary to establish rates on a competitive basis. This testimony was principally in connection with rates from and to points on The Great Western Railway, which railway is located principally between the Union Pacific on the east and The Colorado and Southern on the west. Practically all points served by The Great Western Railway are either directly competitive or are cross-country points as to one or the other of the above mentioned carriers. Therefore, an arbitrary added on a joint line haul in connection with The Great Western Railway would tend to exclude that carrier from participation in the traffic.

The Denver and Rio Grande Western Railroad Company, hereinafter referred to as the Rio Grande, submitted a proposal for application on its standard gauge lines west of the Colorado common points on the basis of 110% of the intermountain scale prescribed in Docket 17000, Part 7, plus the arbitraries authorized by the I. C. C. in 17000, Part 9, Livestock, the said arbitraries to apply only on that part of the haul west of the common points. On traffic originating at Colorado common points, located on the Rio Grande, destined to points west of the common points, the 110% of the intermountain scale, plus the arbitrary for the haul in the arbitrary territory would apply. On traffic originating at and destined to Colorado common points on the Rio Grande, the scale proposed by the prairie lines would apply.

The Rio Grande requested that its narrow gauge lines be excluded from any findings in this proceeding.

In connection with joint-line hauls participated in by the Rio Grande, it proposes to apply 110% of the 17000, Part 7, intermountain scale for the through distance, plus the arbitrary for the distance west of the common points, plus a two cent arbitrary for the joint line haul, except where such joint line hauls are competitive. An illustration of a competitive situation is the movement from Greeley to Pueblo. The Colorado and Southern, being a single line serving the two points, would be the rate making line. The same thing is true on a haul from Fort Morgan to Pueblo. The Burlington and The Colorado and Southern being under one ownership or control, would be considered as a single line, and the joint-line arbitrary would not be applicable. On traffic of this nature the Rio Grande desires to meet the rates of its competitor.

The Denver and Salt Lake Railway Company proposes two scales of rates, one for local application and one for joint-line application. The basis proposed for joint-line hauls is 110% of the intermountain scale in Docket 17000, Part 7, plus the arbitraries shown in "Appendix A" for that portion of the haul on the Denver and Salt Lake, plus a two cent arbitrary for the joint-line haul. For local application on its line it proposes a scale 115% of the scale proposed by it for joint-line hauls without the addition of any arbitraries. The arbitraries proposed on joint-line hauls represent the difference between the two proposed scales.

The Denver and Salt Lake Railway Company objects to the establishment of joint-line rates on wheat with transit privileges at Denver, pointing out that it is highly imperative that its millers located at Craig and Steamboat Springs continue in operation, and that if wheat is milled in transit at Denver and flour shipped out to points on its line at the balance of the through rate its millers will be unable to compete. They further stated that the continuation of the operation of these mills is very important to the communities located on this line, and essential to the wheat-growing industry in northwestern Colorado.

All interested parties of record appeared to agree that we should refrain from prescribing at this time through rates on wheat, wheat flour and wheat food preparations, to and from points on the Denver and Salt Lake.

The witness for the Denver and Salt Lake testified that he was authorized by the Colorado and Southern to propose for application on the latter's narrow-gauge lines the same basis of rates proposed for ~~local~~ application on the Denver and Salt Lake.

The grain people entered no objection to the proposals of the carriers as set forth in the record.

We find that reasonable maximum rates for the transportation of grain and grain products in carloads between all points in the State of Colorado will be those set forth in "Appendix A". That rates in excess of those so determined are and for the future will be unreasonable; that the rate between any two points shall be determined by the shortest route over which carload traffic can be moved without transfer of lading, except that respondents may, in publishing the rates herein found reasonable, establish rate groups where they may be required in meeting competitive situations.

We further find that the narrow-gauge lines of The Denver and Rio

Grande Western Railroad Company and class two and class three carriers, except The Great Western Railway Company, should be exempted from these findings, but that any of such carriers may, if they so desire, establish the rates herein found reasonable for application in the territory in which they are operating. Class two and class three carriers located entirely in the territory west of the Colorado common points may add the arbitraries herein authorized for the Rio Grande.

We further find that a uniform list of grains and grain products should be established and that said list should include the grains and grain products set forth in "Appendix B", and that a uniform rule covering mixed carload shipments for application in connection with the rates hereinbefore outlined should be as follows:

> "Mixed carloads: Grain, Grain Products, and/or seeds and articles taking same rates.
>
> "On mixed carload shipments of any or all of the following commodities, viz., grain, grain products, and articles taking grain or grain product rates, or seeds, from one consignor to one consignee, provided all or but one of the different kinds of commodities are sacked, except that on mixed carloads of coarse grains, viz., corn, wheat, oats, kafir corn, milo maize, rye, or barley, bulkheads may be used to separate the grain, provided shipments are made at owners risk of mixing, and the partitions are provided by or at the expense of the shipper, the following basis will apply:
>
> "(a) Apply to each commodity in the car the actual weight of the commodity at its straight carload rate, subject to the minimum weight prescribed for the mixed carload.
>
> "Minimum weights under the above rule to be as prescribed in uniform items of carriers' tariffs covering minimum weight of such mixed carload shipments".

We further find that on joint-line traffic to or from points on The Great Western Railway no arbitrary shall be added to the rate unless such arbitrary is authorized on like traffic to or from the point of interchange with The Great Western Railway.

We further find that the present rules and regulations governing minimum carload weights on interstate traffic which are generally applied throughout all western territory are not unreasonable for Colorado intrastate traffic and it will be expected that the rates published as a result of the order herein shall be subject to such uniform minimum carload weights.

We further find that rates established as a result of the order herein shall be subject to the transit privileges now in effect generally on Colorado intrastate traffic, except as to wheat and wheat flour, and

food preparations containing 50% or more of wheat, moving to and from points on the Denver and Salt Lake from and to points on other lines.

Since the companion interstate case is still pending, and since it is desirable, if not necessary in many cases, to cooperate with the Interstate Commerce Commission in the fixing of rates, the Commission is of the opinion, and so finds, that jurisdiction over this case should be retained for such further hearings and orders as may be appropriate.

O R D E R

IT APPEARING, That a full investigation of the matters and things involved in this proceeding has been had, and that the Commission has on the date hereof entered its statement containing its findings of fact and conclusions thereon which said statement is hereby referred to and made a part hereof,

IT IS ORDERED, That the common carriers by railroad operating as such within the State of Colorado, respondents in Case No. 314, according as they participate in the transportation be, and they are hereby, notified and required to cease and desist on or before March 1, 1933, and thereafter to abstain from publishing, demanding, collecting or applying for or in connection with the intrastate transportation of grain and grain products, in straight or mixed carloads, within the State of Colorado rates, rules, regulations, minimum weights and practices, which exceed or are more burdensome to shippers than those prescribed in the succeeding paragraph hereof.

IT IS FURTHER ORDERED, That said respondents, according as they participate in the transportation be, and they are hereby, notified and required to establish on or before March 1, 1933, upon notice to this Commission and to the general public, by not less than ten days filing and posting in the manner prescribed in Section 16 of the Public Utilities Act, and thereafter to maintain and apply to the intrastate transportation of grain and grain products in straight or mixed carloads between points in the State of Colorado rates, rules, regulations, minimum weights and practices, which shall not exceed those prescribed in Appendices A and B and with the findings in said statement. Provided, however, that respondent, The Denver and Rio Grande Western Railroad Company is hereby exempted from making applicable on its narrow gauge lines, and respondents classed as class two amd class three carriers, except The Great Western Railway Company, are

hereby exempted from making applicable on their lines the scales of rates set forth in Appendices A and B and the findings of the said statement.

IT IS FURTHER ORDERED, That jurisdiction of this case be, and the same is hereby, retained to the end that such further hearings may be had and orders made as shall appear proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
25th day of January, 1933.

Appendix A

STATEMENT OF PRESCRIBED RATES

(In cents per one hundred pounds)

Miles	For application on lines operating on or east of the Colorado common points. #	For application on D. & R.G.W. & on joint line hauls on D. & S.L. & Colo. & Sou. narrow gauge lines #	For local application on The D. & S.L. Ry. & narrow gauge lines of The Colo. & Sou. Ry.	D. & S.L. & Colo. & Sou. narrow gauge arbitraries for application on joint line hauls	D.& R. G.W. arbitraries.
	Wheat, coarse grains & the products thereof.	Wheat, coarse grains & the products thereof.	Wheat, coarse grains & the products thereof.	##	###
Up to 5	6.5	7.5	8.5	1	1.5
Over 5 to 10	6.5	7.5	8.5	1	1.5
" 10 " 15	7.5	9.5	11	1.5	1.5
" 15 " 20	7.5	9.5	11	1.5	1.5
" 20 " 25	8.5	10.5	12	1.5	1.5
" 25 " 30	8.5	10.5	12	1.5	1.5
" 30 " 35	9	11	12.5	1.5	1.5
" 35 " 40	9	11	12.5	1.5	1.5
" 40 " 45	9.5	11.5	13	1.5	1.5
" 45 " 50	9.5	11.5	13	1.5	1.5
" 50 " 60	10.5	12.5	14.5	2	2
" 60 " 70	11	13	15	2	2
" 70 " 80	12	14.5	16.5	2	2
" 80 " 90	12.5	15.5	18	2.5	2
" 90 " 100	13.5	16.5	19	2.5	2
"100 " 110	14	17	19.5	2.5	3
"110 " 120	14.5	17.5	20	2.5	3
"120 " 130	14.5	17.5	20	2.5	3
"130 " 140	15	18	20.5	2.5	3
"140 " 150	15.5	18.5	21.5	3	3
"150 " 160	16.5	20	23	3	3
"160 " 170	17	20.5	23.5	3	3
"170 " 180	17	20.5	23.5	3	3
"180 " 190	17.5	21.5	24.5	3	3
"190 " 200	18	22	25.5	3.5	3
"200 " 210	19	23	26.5	3.5	4
"210 " 220	19	23	26.5	3.5	4
"220 " 230	19.5	23.5	27	3.5	4
"230 " 240	20	24	27.5	3.5	4
"240 " 250	20	24			4
"250 " 260	20.5	25			4
"260 " 270	21	25.5			4
"270 " 280	22	26.5			4
"280 " 290	22	26.5			4
"290 " 300	22.5	27.5			4
"300 " 310	23	28			4.5
"310 " 320	23	28			4.5
"320 " 330	23.5	28.5			4.5
"330 " 340	23.5	28.5			4.5
"340 " 350	24	29			4.5
"350 " 360	25	30.5			4.5

Appendix A (Continued)

STATEMENT OF PRESCRIBED RATES

(In cents per one hundred pounds)

Miles	For application on lines operating on or east of the Colorado common points. #	For application on D. & R.G.W. & on joint line hauls on D. & S.L. & Colo. & Sou. narrow gauge lines #	For local application on The D. & S.L. Ry. & narrow gauge lines of The Colo. & Sou. Ry.	D. & S.L. & Colo. & Sou. narrow gauge arbitraries for application on joint line hauls	D. & R. G. W. arbitraries.
	Wheat, coarse grains & the products thereof.	Wheat, coarse grains & the products thereof.	Wheat, coarse grains & the products thereof.		###
Over 360 to 370	25	30.5			4.5
" 370 " 380	25.5	31			4.5
" 380 " 390	25.5	31			4.5
" 390 " 400	26	31.5			4.5
" 400 " 410	26.5	32			5.5
" 410 " 420	26.5	32			5.5
" 420 " 430	27	32.5			5.5
" 430 " 440	27	32.5			5.5
" 440 " 450	28	34			5.5
" 450 " 460	28.5	34.5			5.5
" 460 " 470	28.5	34.5			5.5
" 470 " 480	29	35			5.5
" 480 " 490	29	35			5.5
" 490 " 500	29.5	36			5.5
" 500 " 510	30.5	37			6
" 510 " 520	30.5	37			6
" 520 " 530	31	37.5			6
" 530 " 540	31	37.5			6
" 540 " 550	31.5	38			6
" 550 " 560	32	38.5			6
" 560 " 570	32	38.5			6
" 570 " 580	32.5	39.5			6
" 580 " 590	32.5	39.5			6
" 590 " 600	33.5	40.5			6
" 600 " 610	34	41.5			6
" 610 " 620	34	41.5			6
" 620 " 630	34.5	42			6
" 630 " 640	34.5	42			6
" 640 " 650	35	42.5			6
" 650 " 660	36	43			
" 660 " 670	36	43			
" 670 " 680	36.5	44			
" 680 " 690	36.5	44			
" 690 " 700	37.5	44.5			
" 700 " 710	37.5	45.5			
" 710 " 720	37.5	45.5			
" 720 " 730	38	46			
" 730 " 740	38	46			
" 740 " 750	38.5	47			
" 750 " 760	39.5	48			
" 760 " 770	39.5	48			
" 770 " 780	40	48.5			
" 780 " 790	40	48.5			
" 790 " 800	40.5	49			

An arbitrary of two cents per one hundred pounds should be added on joint line hauls subject to the qualification hereinbefore set forth in our findings in connection with The Great Western Railway.

Applies only on joint line hauls for the mileage on the haul via The Denver and Salt Lake Railway, and on the narrow gauge lines of the Colorado and Southern Railway.

In the application of these arbitraries, they shall be applied only to that portion of the distance west of Pueblo and Walsenburg.

Note: In computing thru rates between the two territories the higher scale will apply for the thru distance, plus the arbitrary applicable as hereinbefore set forth, plus the two cent arbitrary on joint hauls where joint hauls are involved.

Appendix B

The following list of commodities is taken from exhibit number four, introduced in this proceeding and purports to be the list of articles now taking grain and grain products rates under D. & R. G. W. Freight Tariff No. 6797, Colo. P.U.C. No. 219.

Because of the limited scope of the order of investigation herein, our order runs only to grain and grain products listed below. Other related articles are listed because they generally take grain and grain products rates on Colorado intrastate traffic and respondents at the hearing indicated a willingness to continue the present commodity description.

Description of commodities taking the same rates set forth in "Appendix A".

Alfalfa, ground
Barley
Barley, cracked
Barley, roasted
Barley, rolled
Barley, sprouts
Beans, velvet
Bran, cottonseed hull
Bran, (except flax bran)
Bran, rice
Brewers' cerealine
" corn flakes
" flakes
" grits
" refined grits
" meal
" refuse
Buckwheat
Cake, copra
" cottonseed
" linseed
" oil
" palm kernal
" peanut
" seasame seed
" soya bean
" velvet bean
Calcite, crushed or ground
Chaff, barley
Cerealine
Emmer
Farina
Feed, chopped
" corn, ground
" glucose
" gluten
Feed, hominy
" mill
" molasses
" oats
" animal, poultry of pigeon, prepared or unprepared, not medicated, medicinal or condimental, as described under the heading of "Feed, animal or poultry" in Western Classification No. 62, Agent R. C. Fyfe's Colo. P.U.C. No. 11 Supplements thereto or reissues thereof.
Feed, rolled
" sugar
Feterita
Flakes, cottonseed, hull
Flour, barley
" bean
" buckwheat
" corn
" feterita
" mixed grains
" oat
" pancake
" potato
" prepared
" rice
" Rye
" Sorghum grain (Kaffir corn or milo maize)
Flour, spelt
" wheat
Food preparations, cereal and grain products, as described under that heading in Western Classification No. 62, Agent R. C. Fyfe's Colo. P.U.C. No. 11, Supplements thereto or reissues thereof.
Grape nuts
Grits
Grits, corn
*Millet seed
Oats, mill, containing more than 30% of wheat.
Postum
Screenings, other than flax seed (unground) containing more than 30% wheat.
Shredded wheat biscuits
Rye, rolled
Vites
Wheat
" cracked
" crushed
" flaked
" granulated
" pearl
" rolled
Chops, grain
" feterita
Clips, oat
Corn

Description of commodities taking the same rates set forth in Appendix A.

Corn, cobs, ground
" cob meal
" cracked
" germs
" germ meal
" ground
Dust, elevator
" grain
" oat
Feed, alfalfa
" barley (ground or rolled)
Meal, sorghum grain (Kaffir or milo maize)
Meal, velvet bean
" alfalfa
" barley
" corn
" copra
" cottonseed
" gluten
" hominy
" linseed
" oat
" oil
" palm kernel
" peanut
" seasame seed
" sorghum
" soya bean
" sugar beet
Middlings
Mill stuffs
Needles, barley
Sprouts, malt
" rye
Groats
" oat
Hominy
" flaked
" pearl
Hulls, barley
" buckwheat
" corn
" cottonseed
" " ground
" oats
Limestone, crushed or ground
Maizea
Malt
Malt, flaked
Matters' refuse
Oats
Oat feed (ground or rolled)
Oat flakes
Oats, mill, containing not more than 30% of wheat
Pulp, dried beet
Rye
" , crushed
Screenings, other than flax screenings, unground, containing not more than 30% of wheat.
Seed, cane
" sorghum
" sudan
" wild mustard
Shells, crushed or ground
Shipstuff
Shorts
Sorghum grain (Kaffir or milo maize)
Speltz
Sprouts, barley

*Millet seed 112% of the rates herein prescribed.

(Decision No. 4854)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD DODGE.)

CASE NO. 1081

January 26, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

An order was made on January 3, 1933, requiring the respondent, Harold Dodge, to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1218 should not be suspended or revoked for failure to file monthly reports for the months of July to November, 1932, and to pay highway compensation tax for the month of August 1930 and 1931 and the months of April, May and June, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports for the months of July to December, 1932, inclusive, that he has paid no highway compensation taxes for August, 1930 and 1931, nor for the months of April, May and June, 1932, and that he has no effective surety bond or insurance policy on file with the Commission.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance

which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate of public convenience and necessity. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to the respondent should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of this Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Harold Dodge in Application No. 1218, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1933.

544

Form No. 4. (Decision No. 4855.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK O. EHMAN.) CASE NO. 1111.
)

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier, (Application No. 1591-A).

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received.

April, May, June, July, August, September, October, November and December, 1932.

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 154, Session Laws of Colorado, 1927, and by Rule 53 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4856)

438

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOS. M. WEST.)
) CASE NO. 1112

Pucc 438

January 27, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Appl. No. 1433)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

January, June to December, 1932, inclusive.

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM CRAIG.)
) CASE NO. 1113

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1019)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July to December, 1932, inclusive.

The records of the Commission also disclose that said respondent has failed to file a Cargo Insurance policy as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file a Cargo Insurance policy as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4.

(Decision No. 4858)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHAS. A. & LAWRENCE CLYDE.) CASE NO. 1114

January 27, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents, in Application No. 1890, authorizing their operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

May to December, 1932, inclusive.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	April	$9.93	$ 1.04	$ 10.97

The records of the Commission also disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents in Application No. 1890, on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4859)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KNIEVEL TRUCK LINE.) CASE NO. 1115
)

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1985-I)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

April, 1932, to December, 1932, both inclusive.

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No.4860)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1116
SEVERIN PEDERSEN.)

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1827)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

July, 1932, to December, 1932, both inclusive.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 4861)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY G. MARTIN.) CASE NO. 1085

January 27, 1933

Appearances: Henry G. Martin, Greeley, Colorado,
pro se.

S T A T E M E N T

By the Commission:

The Commission issued its order requiring the respondent herein to show cause why he should not be required to cease and desist from operating as a motor vehicle carrier as defined in Section 1 (d) of Chapter 134, Session Laws 1927, without a certificate of public convenience and necessity and/or a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws 1931, without a permit.

At the hearing respondent admitted that in a very few instances and for only one individual he had been operating for hire, but stated that he would discontinue such operations if same was in violation of the law. Most of the respondent's operations consist of the transportation of his own property.

After a careful consideration of the evidence and record we find that insofar as respondent was transporting freight for others for hire, he is engaged in operating as a motor vehicle carrier between points within the State of Colorado without a certificate of public convenience and necessity or a private permit.

O R D E R

IT IS THEREFORE ORDERED, That the above named respondent forthwith cease and desist from operating as a motor vehicle carrier as defined in Section 1 (d) of Chapter 134, Session Laws 1927, unless and until he

procures a certificate of public convenience and necessity therefore, and/or as a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws of 1931, unless and until he procures a private permit therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1933.

Form No. 4. (Decision No. 4862.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD O. STOCKTON.) CASE NO. 1117.

January 27, 1953.

STATEMENT

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier, (Application No. 1955).

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received.

June, November and December, 1952.

Highway Compensation Tax Unpaid.

	Month	Tax	Penalty	Total
1952	July	4.81	.29	5.10
	Aug.	7.44	.33	7.77
	Sept.	10.16	.30	10.46
	Oct.	9.27	.14	9.41
		$51.68	$1.06	$52.74

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 17, 1953, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 6.

(Decision No. 4863)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. J. PALMER, J. J. PALMER AND) CASE NO. 1118.
W. B. TAYLOR, DOING BUSINESS AS)
DENVER-OMAHA MOTOR EXPRESS.)

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing them to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 35 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether their certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on February 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4864.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1119.
ROY POOLE.)

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier, (Application No. 1702).

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

March, April, May, June, July, August, September, October, November and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	January	.35	.05	.40
	February	.19	.02	.21
				.61
			Less overremittance - - - -	.17
				$ .44

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 53 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4865)

524.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. H. BURKDOLL.) CASE NO. 1120

January 27, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1590)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received
October, November and December, 1932.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	April	$ 2.27	$ .24	$ 2.51
"	May	4.26	.38	4.64
"	June	2.38	.18	2.56
"	July	2.18	.13	2.31
"	August	2.94	.13	3.07
"	September	2.94	.08	3.02
				$ 18.11

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurence policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4866)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF NELLIE M. IDOL, LOREN IDOL AND IRIS I. IDOL, DOING BUSINESS AS MEEKER TRANSFER COMPANY.

CASE NO. 1121

January 27, 1953

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents, authorizing their operations as a motor vehicle carrier, (Application No. 1691).

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

February to December, 1932, inclusive.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1951	December	.53	.09	.62

The records of the Commission also disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 15, 1953, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4867)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY IVY.) CASE NO. 1122.
)

January 27, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier, (Application No. 1791).

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

April, July, August, September, October, November and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	June	$1.79	$.13	$1.92

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 15, 1933., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1123
HARRY H. HUDSON.)

January 27, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1688)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, September, October, November and December, 1932.

Highway Compensation Taxes Unpaid

	Month	Tax	Penalty	Total
1932	April	.09		.09
	June	2.81	.21	3.02
	July	.38	.02	.40
		$3.28	$ .23	$3.51

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 4869)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAKE WEILER AND FRED HAUF, DOING)
BUSINESS AS MINERS TRANSPORTATION) CASE NO. 1124
COMPANY.)

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents in Application No. 1038, authorizing their operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

September, October and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	February	$4.52	.61	$5.13
	March	2.37	.28	2.65
	November	1.91		1.91
		$8.80	.89	$9.69

The records of the Commission also disclose that respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes, and have failed to file an insurance policy or surety bond as above set forth, in violation of law and of the Rules and Regulations of the Commission governing

motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M. on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1933.

Form No. 4. (Decision No. 4870)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILDON BEACH.) CASE NO. 1125
)

January 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 962)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

July, 1932, to December, 1932, both inclusive.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	June	$4.17	.31	$4.48

The records of the Commission also disclose that respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4871)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES H. O'BRIEN, DOING BUSINESS)
As PARKER-DENVER TRUCK LINE.) CASE NO. 1126

January 28, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

November and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	October	$27.10	.40	$27.50

The records of the Commission further disclosed that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicles.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 4872)

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

RE MOTOR VEHICLE OPERATIONS OF)
H. S. HARP AND THAD S. HARP,) CASE NO. 1127
DOING BUSINESS AS HARP BROTHERS.)

January 28, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents, authorizing their operations as a motor vehicle carrier, (Application No. 632).

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

May to December, 1932, inclusive.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	February	- -	.53	.53
	March	12.88	1.55	14.43
	April	9.92	1.04	10.96
		$22.80	$3.12	$25.92

The records of the Commission also disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M. on February 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4875)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1128
M. W. JAMES.)

January 28, 1955

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier, (Application No. 849-A).

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, September, October, November and December, 1952. Recd

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1952	June	2.76	.21	2.97
	July	3.76	.23	3.99
		$6.52	$.44	$6.96

NOT PAID

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 17, 1955, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

202

(Decision No. 4874)

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

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN MIKELSON, ALBERT MIKELSON) CASE NO. 1129.
AND ROY E. WOODWORTH.)

January 28, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents, authorizing their operations as a motor vehicle carrier,(Application No.727-A).

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

November and December, 1932.

Highway Compensation Tax Unpaid

	Month	Tax	Penalty	Total
1932	July	11.22	.67	11.89
	August	10.98	.49	11.47
	September	10.00	.30	10.30
	October	10.20	.15	10.35
		$42.40	$1.61	$44.01

The records of the Commission also disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 154, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M. on February 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 4875)

a-362

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE CASEY TRUCK LINE COMPANY.)

PRIVATE PERMIT NO. A-362

January 30, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter dated January 26, 1933, written by The Casey Truck Line Company advising us that it has not operated under the private permit heretofore issued to it since August, 1932, that it is now operating under a certificate of public convenience and necessity and requesting that said permit be cancelled.

After careful consideration of said request the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 362-A, heretofore issued to The CaseyTruck Line Company, be, and the same is hereby cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1933.

(Decision No. 4876)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL CAIN.) CASE NO. 886

RE MOTOR VEHICLE OPERATIONS OF)
W. J. DuRAY.) CASE NO. 887

RE MOTOR VEHICLE OPERATIONS OF)
EDGAR BATCHELOR.) CASE NO. 888

January 30, 1933

S T A T E M E N T

By the Commission:

A number of orders heretofore have been made herein staying the order of the Commission made on May 14, 1932, the last order having been made on December 8, 1932. The latter order provided that the said order of May 14, 1932, be stayed until ten days after the date the Commission shall have made a decision in the matter of the application of A. M. DuRay. The Commission has now made a decision in that case but a petition for rehearing has been filed, and remains undecided.

Therefore, we have concluded and find that the said order of May 14, 1932, should be stayed until twenty days after final action is taken by the Commission with respect to the said application of A. M. DuRay in Application No. 2067.

O R D E R

IT IS THEREFORE ORDERED, That the order made in the above entitled cases on May 14, 1932, be, and the same is hereby, as of January 14, 1932, nunc pro tunc, stayed until twenty days after the date of the final order of the Commission in the matter of the application of A. M. DuRay in Application No. 2067.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1933.

(Decision No. 4877)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM SHUPE.) CASE NO. 1087

February 2, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 18, 1933, requiring respondent to show cause why his private permit No. 82-A should not be revoked for his failure to file monthly highway compensation tax reports for the months of August, 1932, to December, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that the reports in question had not been filed and that no insurance had been filed by respondent.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers

operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that private permit No. 82-A, heretofore issued to Sam Shupe, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file the delinquent reports in question, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 82-A, heretofore issued to Sam Shupe, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1933.

(Decision No. 4879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. E. KAYS.) CASE NO. 1089

February 2, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 19, 1932, requiring the above named respondent to show cause why his private permit No. 187-A should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of August, 1932, to December, 1932, both inclusive, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

The Commission is in receipt of a letter under date of January 26, 1933, from said respondent, stating that he has ceased all operations under his permit and requesting that same be unconditionally cancelled and revoked.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. 187-A, heretofore issued to L. E. Kays, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 187-A, heretofore issued to L. E. Kays, be, and the same is hereby revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commiccioners.

Dated at Denver, Colorado,
this 2nd day of February, 1933.

(Decision No. 4880)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
YOUNG BROTHERS.) CASE NO. 1090

- - - - - - - - - -

February 2, 1933.

- - - - - - - - - -

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 19, 1933, requiring the above named respondents to show cause why their private permit No. 55-A should not be suspended or revoked for their failure to file monthly reports for the months of August, 1932, to December, 1932, both inclusive, pay highway compensation taxes for the month of July, 1932, in the amount of $4.28, and also for their failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondents did not appear, although they were given notice of the time and place of said hearing. The evidence showed that the delinquent reports had not been filed, the highway compensation tax for the month of July, 1932, had not been paid and no satisfactory insurance had been filed by respondents.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums

would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that private permit No. 55-A, heretofore issued to Young Brothers, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondents will file the delinquent reports in question, pay the highway compensation tax due for the month of July, and file such insurance as is required by law and the rules and regulations of the Commission, and also file a written statement to the effect that they have not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 55-A, heretofore issued to Young Brothers, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1933.

(Decision No. 4880)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
YOUNG BROTHERS.) CASE NO. 1090

- - - - - - - - - -

February 2, 1933.

- - - - - - - - - -

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 19, 1933, requiring the above named respondents to show cause why their private permit No. 55-A should not be suspended or revoked for their failure to file monthly reports for the months of August, 1932, to December, 1932, both inclusive, pay highway compensation taxes for the month of July, 1932, in the amount of $4.28, and also for their failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondents did not appear, although they were given notice of the time and place of said hearing. The evidence showed that the delinquent reports had not been filed, the highway compensation tax for the month of July, 1932, had not been paid and no satisfactory insurance had been filed by respondents.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums

would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that private permit No. 55-A, heretofore issued to Young Brothers, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondents will file the delinquent reports in question, pay the highway compensation tax due for the month of July, and file such insurance as is required by law and the rules and regulations of the Commission, and also file a written statement to the effect that they have not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 55-A, heretofore issued to Young Brothers, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1933.

(Decision No. 4881)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ELMER DEFENBAUGH.) CASE NO. 1092

February 2, 1933

Appearance: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 20, 1933, requiring the above named respondent to show cause why his private permit No. 191-A should not be suspended or revoked for his failure to file monthly reports for the months of September, November and December, 1932, pay highway compensation taxes for the months of June, July, August and October, 1932, in the total amount of $11.24, and also for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence showed that the delinquent reports had not been filed, the highway compensation tax for the months in question had not been paid, and no satisfactory insurance had been filed by respondent.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums

would remain the same, Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that private motor vehicle permit No. 191-A, heretofore issued to Elmer Defenbaugh, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 191-A, heretofore issued to Elmer Defenbaugh, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1933.

(Decision No. 4882)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. H. BEVAN.) CASE NO. 1110

February 3, 1933

Appearance: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made by the Commission on January 23, 1933, requiring the respondent, R. H. Bevan, to show cause why his motor vehicle private permit No. 301-A, heretofore issued to him should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of November and December, 1932, and for failure to pay highway compensation tax for the months of June to October, 1932, both inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports for the months in question, and also failed to pay highway compensation tax for the months of June to October, 1932, both inclusive, and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the

amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 301-A, heretofore issued to R. H. Bevan, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 301-A, heretofore issued to R. H. Bevan, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1933.

(Decision No. 4883)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD AND RIDGWAY.) CASE NO. 1106

February 3, 1933

Appearance: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 21, 1933, requiring the respondents, Richard and Ridgway, to show cause why their motor vehicle private permit No. 358-A, heretofore issued to them should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of July to December, 1932, both inclusive, and for failure to pay highway compensation tax for the month of June, 1932, in the amount of $3.19, and also for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondents did not appear, although they were given due notice of the time and place of the said hearing. The evidence showed that the respondents failed to file the reports and pay highway compensation tax for the months in question, and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be

lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 358-A, heretofore issued to Richard and Ridgway, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondents will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that they have not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 358-A, heretofore issued to Richard and Ridgway, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1933.

(Decision No. 4884)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. S. BOWERS.) CASE NO. 1109

February 3, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 23, 1933, requiring the respondent, L. S. Bowers, to show cause why his private permit No. 406-A should not be suspended or revoked for his failure to pay highway compensation taxes for the months of September, October, November and December, 1932, in the amount of $39.50.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had paid all delinquent taxes prior to said hearing.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 3rd day of February, 1933.

Commissioners.

(Decision No. 4885)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY J. SEEREY.) CASE NO. 1151

February 4, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that an interstate permit was issued on April 5, 1932, to the above named respondent, in Application No. 1971, Decision No. 4139, authorizing his operations as a motor vehicle carrier in interstate commerce only between Denver, Colorado and a point on U. S. Highway No. 85, where such highway crosses the Colorado-Wyoming state line.

The records of the Commission further disclose that said respondent has failed to pay the fee of $5.00 for issuance of said interstate permit as provided by law and the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to pay the fee of $5.00 for issuance of said interstate permit as above set forth, as provided by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the interstate permit heretofore issued to said respondent in Application No. 1971, on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1933.

(Decision No. 4886)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. M. NOVAK.) CASE NO. 1108

February 3, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 23, 1932, requiring the respondent, J. M. Novak, to show cause why his private permit No. 357-A should not be suspended or revoked for his failure to file monthly reports for the months of July, 1932, to December, 1932, inclusive, pay highway compensation tax for the month of June, 1932, in the amount of $1.02, and for his failure to file the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent has failed to file the delinquent monthly reports in question and has no effective insurance on file. It was further disclosed that respondent owes no highway compensation taxes, the item in show cause order having been an error.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts

of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to J. M. Novak should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the delinquent monthly reports in question , file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice,

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 357-A, heretofore issued to J. M. Novak, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 3rd day of February, 1933.

Commissioners.

(Decision No. 4887)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO COPY

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID J. BUCHANAN, DOING BUSINESS) CASE NO. 1132
AS SOUTH DENVER MOVING & STORAGE)
COMPANY.)

February 4, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that an interstate permit was issued on November 18, 1931, to the above named respondent, in Application No. 1885, Decision No. 3765, authorizing his operations as a motor vehicle carrier in interstate commerce only from Denver to points outside the State of Colorado.

The records of the Commission further disclose that said respondent has failed to pay the fee of $5.00 for issuance of said interstate permit as provided by law and the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to pay the fee of $5.00 for issuance of said interstate permit as above set forth, as provided by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the interstate permit heretofore issued to said respondent in Application No. 1885, on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 A. M. o'clock, on February 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1933.

(Decision No. 4888)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KURLAND-DENVER AUTO SALES, INC.) APPLICATION NO. 1934-I

644-9

February 4, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from the above named respondent under date of September 28, 1932, in which it is stated that it has been forced out of business and is no longer operating any trucks or equipment.

In view of this communication, the Commission is of the opinion, and so finds, that the interstate permit heretofore issued to Kurland-Denver Auto Sales, Inc., a corporation, in Application No. 1934-I, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit, heretofore issued to Kurland-Denver Auto Sales, Inc., a corporation, in Application No. 1934-I, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1933.

(Decision No 4889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY C. FLANDERS.)

CASE NO. 1107

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 23, 1933, requiring the above named respondent to show cause why his private permit No. 397-A should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of September, October, November and December, 1932,

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had filed all delinquent tax reports and paid the tax due thereon.

After careful consideration of the record the Commission is of the opinion, and so finds, that the case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1933.

(Decision No. 4890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL E. ORGAN.) CASE NO. 1104

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 21, 1933, requiring the above named respondent to show cause why his private permit No. 359-A should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of May, 1932, to December, 1932, inclusive, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had not filed the delinquent monthly reports in question and has no effective insurance on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to Carl E. Organ should be merely suspended for a period of six months from this date.

If, in the meantione, the respondent will file the delinquent monthly reports in question, file such insurance as is required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 359-A, heretofore issued to Carl E. Organ, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of February, 1933.

Commissioners.

(Decision No. 4891)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. R. GERARD.)

CASE NO. 1105

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado, for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 21, 1933, requiring the above named respondent to show cause why his private permit No. 372-A should not be suspended or revoked for his failure to file monthly reports for the months of June, 1932, to December, 1932, both inclusive, pay highway compensation taxes for the months of October, 1931, to May, 1932, inclusive, in the amount of $127.22, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent has failed to file the delinquent monthly reports in question, has failed to pay the highway compensation taxes due, and has no effective insurance on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts

of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to B. R. Gerard should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the delinquent monthly reports, pay the highway compensation taxes due and file such insurance as is required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 372-A, heretofore issued to B. R. Gerard, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of February, 1933.

Commissioners.

Form No. 4. (Decision No. 4893)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
N. P. PETERSON, President,) CASE NO. 1133
~~COLORADO-UTAH MOTOR WAY.~~)

February 6, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1181)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

		Highway Compensation tax unpaid		
Year	Month	Tax	Penalty	Total
1932	July	$ 2.70	$ .16	$ 2.86
"	August	1.74	.08	1.82
"	September	1.78	.05	1.83
"	October	1.40	.02	1.42
"	November	.73	--	.73
"	December	.93	--	.93
				$ 9.59

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. COURTRIGHT.) CASE NO. 1134
)

February 6, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1037)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

		Highway Compensation tax unpaid		
Year	Month	Tax	Penalty	Total
1932	May	$ 32.22	$ 2.90	$ 35.12
"	June	33.49	2.50	35.99
"	July	27.32	1.64	28.96
"	August	24.86	1.12	25.98
"	September	24.74	.74	25.48
"	October	22.49	.33	22.82
"	November	19.10	--	19.10
"	December	18.49	--	18.49
				$211.94

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on February 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 4895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO COPY

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. B. FAUS.) CASE NO. 1135

February 6, 1933

S T A T E M E N T

By the Commission:

On December 30, 1929, in Application No. 1419, a certificate of public convenience and necessity was issued to said respondent, E. B. Faus, authorizing the transportation of freight generally between points situated within a radius of twenty miles of Monte Vista, Colorado, and any and all other points within the State of Colorado, subject to the terms and conditions stated in the order of the Commission, being Decision No. 2669. The conditions imposed in the order granting said certificate are as follows:

> "For the transportation of any and all commodities except household goods and the products of agriculture, including live stock, between points served singly or in combination by scheduled carriers, the applicant shall charge rates at least 20% higher than those charged by scheduled carriers.
>
> "The applicant shall not operate on schedule between any points.
>
> "The applicant shall not be permitted without further authority from this Commission to establish a branch office or to have an agent employed in any other town or city than Monte Vista for the purpose of developing business."

The applicant was required to file tariffs of rates, rules and regulations and to operate such motor vehicle carrier system according to the tariff of rates, rules and regulations which he filed.

Information has come to the Commission that said respondent has been transporting shipments from Pueblo and Alamosa to various points in the San Luis Valley at rates which do not conform to respondent's tariff, and which rates are not higher than rates charged by scheduled carriers.

The points to which such shipments have been transported are as follows:

Alamosa to Mosca
" " Hooper
" " Moffat
" " Mineral Hot Springs
" " Villa Grove
" " Saguache
" " Center
" " Monte Vista
" " Del Norte
" " Blanca
" " Ft. Garland
" " San Acacio
" " San Luis
" " La Jara
" " Romeo
" " Antonito
" " Capulin
" " Sanford
" " Manassa

and from Pueblo to Alamosa and above points.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether E. B. Faus, respondent herein, has violated the terms and conditions of his certificate of public convenience and necessity by transporting shipments from Pueblo and Alamosa to the above mentioned points in the San Luis Valley at rates other than his published tariff rates, or has otherwise violated said certificate.

IT IS FURTHER ORDERED, That said respondent show cause by written statement filed with the Commission within ten days from this date, why the Commission should not enter an order suspending or revoking the certificate of public convenience and necessity heretofore issued to said respondent, or any other order or orders that may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on February 18, 1933, at 10:00 A. M. o'clock thereof, at which time and place such evidence may be introduced

and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1933.

(Decision No. 4896)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. B. FAUS.) CASE NO. 1136

February 6, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that private permit No. A-401, was issued to the above named respondent on October 15, 1932, for operations between Pueblo and towns in the San Luis Valley, with equipment specified in said application.

The records of the Commission further show that on the 30th day of December, 1929, in Application No. 1419, there was issued to the said E. B. Faus, a certificate of public convenience and necessity authorizing him to transport freight generally between points situated within a radius of twenty miles of Monte Vista, Colorado, and any and all other points within the State of Colorado.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine whether or not the said respondent, E. B. Faus, may lawfully transport freight in intrastate commerce in Colorado as a private carrier in view of the said certificate of public convenience and necessity which was heretofore issued to him.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not said E. B. Faus, may lawfully transport freight in intrastate commerce in Colorado as a private carrier in view of the said certificate of public convenience and necessity which was heretofore issued to him.

IT IS FURTHER ORDERED, That said respondent show cause by written statement filed with the Commission within ten days from this date, why the Commission should not revoke Permit No. A-401, so far as it applies to intra-state operations in Colorado, or such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on February 18, 1933, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1933.

(Decision No. 4897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. McCULLOUGH.) CASE NO. 1103

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 21, 1933, requiring the above named respondent to show cause why his private permit No. 342-A should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of July, August, September, October, November and December, 1932, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had failed to file the monthly reports in question and had no effective insurance on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating

under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to C. D. McCullough should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the delinquent monthly reports in question, file such insurance as is required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 342-A, heretofore issued to C. D. McCullough, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of February, 1933.

Commissioners.

(Decision No. 4898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LLOYD T. MOUNTS.) CASE NO. 1101

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 21, 1933, requiring the above named respondent to show cause why his private permit No. 341-A should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months April, 1932, to December, 1932, both inclusive, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had failed to file the delinquent monthly reports in question and that he had no effective insurance on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating

under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to Lloyd T. Mounts should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the delinquent monthly reports in question and such insurance as is required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 341-A, heretofore issued to Lloyd T. Mounts, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of February, 1933.

Commissioners.

(Decision No. 4899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. E. POWELL.) CASE NO. 1100

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 21, 1933, requiring the above named respondent to show cause why his private permit No. 334-A should not be suspended or revoked for his failure to pay highway compensation taxes for the months of September, October and November, 1932, in the amount of $50.58, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent has failed to pay the highway compensation taxes due and has no effective insurance on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating

under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to L. E. Powell should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will pay the highway compensation taxes due, file the necessary insurance required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 334-A, heretofore issued to L. E. Powell, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of February, 1933.

Commissioners.

(Decision No. 4900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. W. BANTA AND JOHN SAMPSON.)

CASE NO. 1044

February 11, 1933.

S T A T E M E N T

By the Commission:

On January 17, 1933, the Commission made an order suspending for a period of six months motor vehicle private permit No. 56-A, heretofore issued to W. W. Banta and John Sampson. We are now advised by W. W. Banta, one of the said permittees, that the permit should have been revoked.

We are, therefore, of the opinion, and so find, that the said permit should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 56-A, heretofore issued to W. W. Banta and John Sampson, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1933.

(Decision No. 4901)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN E. THOMPSON.) CASE NO. 1094

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 20, 1933, requiring the above named respondent to show cause why his private permit No. 242-A should not be suspended or revoked for his failure to file monthly reports for the months of August, September, October, November and December, 1932, pay highway compensation tax for the month of July, 1932, in the amount of $0.21, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had failed to file the delinquent monthly reports in question and pay highway compensation tax due for the month of July, 1932, and had no effective insurance on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the

premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to John E. Thompson, should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the delinquent monthly reports, pay the highway compensation taxes due, file the necessary insurance required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 242-A, heretofore issued to John E. Thompson, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6 th day of February, 1933.

Commissioners.

(Decision No. 4902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLIFF BURNHAM AND O. L. DEARDORFF,) CASE NO. 1095
DOING BUSINESS AS MIDWEST PRODUCE)
COMPANY.)

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 20, 1933, requiring the above named respondents to show cause why their private permit No. 248-A should not be suspended or revoked for their failure to file monthly highway compensation tax reports for the months of August, September, October, November, and December, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

From our records it now appears that O. L. Deardorff withdrew from the above partnership in March, 1932, and is no longer connected with the Midwest Produce Company.

At the hearing it was disclosed that respondent had filed all delinquent reports, but had no effective insurance on file.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is

appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find that the private permit heretofore issued to Cliff Burnham and O. L. Deardoff, doing business as Midwest Produce Company, should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during the said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 248-A, heretofore issued to Cliff Burnham and O. L. Deardorff, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1933.

(Decision No. 4903)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE ZOBEL.)

CASE NO. 1097

February 6, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 20, 1933, requiring the above named respondent to show cause why his private permit No. 292-A should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of September, October, November and December, 1932, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had filed all delinquent monthly reports, but had not filed the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers

operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to George Zobel should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the necessary insurance required by law and the rules and regulations of the Commission, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 292-A, heretofore issued to George Zobel, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1933.

(Decision No. 4904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. D. FILSON.)

CASE NO. 1096

February 6, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 20, requiring the above named respondent to show cause why his private permit No. 291-A should not be suspended or revoked for his failure to file monthly reports for the months of September, October, November and December, 1932, pay highway compensation taxes for the months of May and June, 1932, in the amount of $21.24, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that prior to the date of said hearing respondent had filed all delinquent monthly reports and paid all taxes due, but had not filed the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though

the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the private permit heretofore issued to H. D. Filson should be merely suspended for a period of six months from this date.

If, in the meantime, the respondent will file the necessary insurance required by law and the rules and regulations of the Commission and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 291-A, heretofore issued to H. D. Filson, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of February, 1933.

Commissioners.

(Decision No. 4905)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. O. DEARDOFF AND C. L. STEVENS,) CASE NO. 1137
DOING BUSINESS AS WESTERN FILM)
DELIVERY.)

February 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that an interstate permit was heretofore issued to the above named respondents, in Application No. 2011-I, authorizing their operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

May to December, 1932, both inclusive.

The records of the Commission also disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the interstate

permit heretofore issued to said respondents in Application No. 2011-I, on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 24, 1933 , at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1933.

(Decision No. 4906)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. N. TURLEY.) CASE NO. 1102

February 9, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 21, 1933, requiring the above named respondent to show cause why his private permit No. 352-A should not be suspended or revoked for his failure to file monthly reports and the necessary insurance policy or surety bond required by law.

At the hearing it was disclosed that respondent had advised the Commission last July that his truck had been destroyed by fire and requesting us to cancel his permit. In view of the said letter, it now appears that the issuance of the show cause order herein was an error and that respondent's permit should be cancelled as of July 19, 1932. The Commission is of the opinion that an order in conformity with the above findings should be entered.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 352-A, heretofore issued to J. N. Turley, be, and the same is hereby, revoked and cancelled as of July 19, 1932.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1933.

a 402

(Decision No. 4907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
N. N. PINKERTON AND A. E. BUGEN-) PERMIT NO. A-402
HAGEN, DOING BUSINESS AS WESTERN)
FILM DELIVERY COMPANY.)

February 10, 1933

S T A T E M E N T

By the Commission:

A motor vehicle private permit No. A-402, was issued to N. N. Pinkerton and A. E. Bugenhagen, doing business as Western Film Delivery Company. The Commission is in receipt of a letter dated January 12, 1933, signed by A. E. Bugenhagen, stating that he and Pinkerton are no longer operating.

The Commission is of the opinion, and so finds, that the said private motor vehicle permit should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the private motor vehicle permit, No. A-402, heretofore issued to N. N. Pinkerton and A. E. Bugenhagen, doing business as Western Film Delivery Company, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1933.

a 376

(Decision No. 4908)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE G. WARRICK.) PERMIT NO. 376-A

February 11, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. G. Warrick, advising us that he has quit the private carrier business and requesting that his private motor vehicle permit No. 376-A, be cancelled.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the said private motor vehicle permit should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the private motor vehicle permit, No. 376-A, heretofore issued to Lawrence G. Warrick, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1933.

(Decision No. 4910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - -

IN THE MATTER OF AN INVESTIGATION BY)
THE COMMISSION, UPON ITS OWN MOTION,)
INTO THE REASONABLENESS OF ALL THE) CASE NO. 314
RATES ON GRAIN AND GRAIN PRODUCTS,)
INTRASTATE, IN THE STATE OF COLORADO.)
- - - - - - - - - - - - - - - - - - - -)

- - - - - - - - -
February 14, 1933.
- - - - - - - - -

Appearances: Mr. G. H. Work, Denver, Colorado, for Denver Grain Exchange; Colorado Milling & Elevator Company; Ralston Purina Company; Ady & Crowe Mercantile Company and Grain Industry generally represented by Denver Grain Exchange;
Mr. E. G. Knowles, Denver, Colorado, Attorney for Union Pacific Railroad Company;
Mr. Gentry Waldo, Omaha, Nebraska, Assistant Freight Traffic Manager, Union Pacific Railroad Company;
Mr. B. W. Robbins, Denver, Colorado, General Freight Agent, The Denver and Rio Grande Western Railroad Company;
Mr. J. A. Gallagher, Denver, Colorado, Attorney for The Denver and Rio Grande Western Railroad Company;
Mr. E. L. Brock, Denver, Colorado, Attorney for The Denver and Salt Lake Railway Company;
Mr. F. J. Toner, Denver, Colorado, Traffic Manager, The Denver and Salt Lake Railway Company;
Mr. F. W. Myers, Denver, Colorado, Division Freight Agent, The Atchison, Topeka and Santa Fe Railway Company;
Mr. J. Q. Dier, Denver, Colorado, Attorney for The Colorado and Southern Railway Company;
Mr. J. E. Buckingham, Denver, Colorado, Traffic Manager, The Colorado and Southern Railway Company;
Mr. Paul P. Prosser, Denver, Colorado, Attorney General;
Mr. Richard E. Conour, Denver, Colorado, Assistant Attorney General;
Mr. J. B. Driggs, Omaha, Nebraska, Assistant General Freight Agent, Chicago, Burlington & Quincy Railroad Company;
Mr. F. J. Shubert, Kansas City, Missouri, General Freight Agent, The Chicago, Rock, Island and Pacific Railway Company;
Mr. C. H. Payne, Denver, Colorado, Chief Clerk to General Manager, The Great Western Railway Company;
Mr. T. S. Wood, Denver, Colorado, Rate Expert, The Public Utilities Commission of The State of Colorado.

S U P P L E M E N T A L S T A T E M E N T

By the Commission:

In the original statement and order (Decision No. 4853, dated January 25, 1933), we prescribed for application to the intrastate transportation of

grain and grain products in straight or mixed carloads between points in the State of Colorado maximum scales of rates, also rules, regulations, minimum weights and practices in connection therewith.

Upon further consideration of the record, and for the purpose of better effectuating the intent of the original statement and order, findings in the original report are hereby clarified in some instances and corrected and modified in others.

We find that reasonable maximum rates for the transportation of grain and grain products in carloads between all points in the State of Colorado are and will be those set forth in "Appendix A", except that we make no findings applicable to the transportation of wheat, wheat flour or food preparations containing fifty per cent or more of wheat when moving from, to or via stations on the Denver and Salt Lake.

We further find that rates in excess of those so determined are and for the future will be unreasonable; that the rate between any two points or groups shall be determined by the shortest route over which carload traffic can be moved without transfer of lading, provided, however, if the rate computed between any two given points or groups via a single line route is lower than the rate computed via a joint line route, plus the two cent arbitrary applicable on joint line hauls, the lower rate will apply.

We further find that respondents should be permitted, in publishing the rates herein found reasonable, to establish reasonable groupings for competitive purposes or otherwise, with the understanding that rates established thru the medium of such groupings will effect substantial compliance with the scales set forth in "Appendix A".

We further find that rates established as a result of the order herein shall be subject to the transit privileges now in effect generally on Colorado intrastate traffic.

O R D E R

IT APPEARING, That the Commission having on January 25, 1933, made and filed its original statement, containing its findings of fact and conclusions thereon, and having on that date entered its original order, effective upon notice to this Commission and to the general public by not less than ten days filing and posting in the manner prescribed in Section 16 of the Public Utilities

Act, in which the said original statement was referred to and made a part thereof, and the Commission having on the date hereof made a supplemental statement on further consideration, intended to correct, modify and supplement its original statement and order, which said original statement and order and the supplemental statement on further consideration are hereby referred to and made a part hereof,

IT IS THEREFORE ORDERED, That the said original statement and order be, and they are hereby, corrected, modified and supplemented according to the findings contained in the said supplemental statement.

IT IS FURTHER ORDERED, That in all other respects our original statement and order shall be and remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 14th day of February, 1933.

Commissioners.

a-306

(Decision No. 4912)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MAX POPPER.)

PERMIT NO. 306-A

February 11, 1933

S T A T E M E N T

By the Commission:

Max Popper, to whom we issued private motor vehicle permit No. 306-A, has written the Commission that he has discontinued operations under said permit and requesting the Commission to "take notice of this".

We, therefore, are of the opinion, and so find, that private motor vehicle permit No. 306-A should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 306-A, heretofore issued to Max Popper, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1933.

(Decision No. 4913)

73

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE BUS TRANSPORTATION COMPANY FOR AUTHORITY TO DISCONTINUE OPERATION.

APPLICATION NO. 2087

February 15, 1933

Appearances: W. A. Alexander, Esq., Denver, Colorado, attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by The Bus Transportation Company, a corporation, for authority to discontinue its operations, which consist of the transportation of passengers by motor bus between the town of Englewood and Fort Logan, Colorado, and the transportation in like manner of school children residing in School District No. 15 in Arapahoe County, Colorado.

The Company has been operating under a certificate of public convenience and necessity, as amended, granted by this Commission. The evidence showed that it has sustained a net loss every year it has operated, if depreciation and supervision charges are included, and that even if such charges are excluded, it sustained losses in the years 1927, 1929, 1931 and 1932.

The service was instituted principally to afford transportation to and from the military reservation in question. Thereafter, largely as a matter of accommodation to School District No. 15, it made a contract for the transportation of the children in said district. The officers at the reservation have not been able to curb transportation of soldiers there quartered by other soldiers having automobiles. While the officers at the Fort were notified, nobody appeared in opposition to the application.

The Company offers to transport the school children for some reasonable period of from two weeks to thirty days, within which time arrangements may be made for another mode of transportation.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to The Bus Transportation Company to discontinue its operations, those between Englewood and Fort Logan at the end of operating hours on Saturday, February 18, 1933, those for the transportation of school children as soon as arrangements can be made for their transportation in some other manner, but not sooner than two weeks and not later than thirty days from this date.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Bus Transportation Company to discontinue its operations, those between Englewood and Fort Logan, Colorado, at the end of operating hours on Saturday, February 18, 1933, and those for the transportation of school children as soon as arrangements can be made for their transportation in some other manner, but not sooner than two weeks and not later than thirty days from this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 15th day of February, 1933.

(Decision No. 4914)

87

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARTHUR BAWDEN, DOING BUSINESS AS THE ARTHUR TAXI AND SIGHTSEEING SERVICE, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 1515
IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN MOTOR COMPANY, THE ROCKY MOUNTAIN PARKS TRANSPORTATION COMPANY, THE COLORADO MOTOR WAY, INC., AND THE DENVER CAB COMPANY, ALL CORPORATIONS, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICAB AND BUS SERVICE FOR THE TRANSPORTATION OF PASSENGERS FROM AND BETWEEN DENVER, GREELEY, FORT COLLINS, LOVELAND, LONGMONT, BOULDER, ESTES PARK, LYONS AND IDAHO SPRINGS, COLORADO, TO AND FROM ANY AND ALL OTHER POINTS WITHIN THE STATE OF COLORADO.	APPLICATION NO. 1606
IN THE MATTER OF THE APPLICATION OF THE BURKE TAXICAB LINE, INC., A CORPORATION; DAVIS SIGHTSEEING SERVICE; THE COLORADO CAB COMPANY, A CORPORATION; MASTERSON AUTO SERVICE; PREMIER SIGHTSEEING COMPANY, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS AND BUS SERVICE FOR THE TRANSPORTATION OF PASSENGERS FROM AND BETWEEN DENVER AND ESTES PARK AND TO AND FROM ANY AND ALL OTHER POINTS WITHIN THE STATE OF COLORADO.	APPLICATIONS NOS. 1621, 1634, 1635, 1636 AND 1649.
IN THE MATTER OF THE APPLICATION OF THE DENVER TRAMWAY CORPORATION AND ITS ALLIED COMPANIES, THE BUS TRANSPORTATION COMPANY, THE FITZSIMONS BUS AND TAXI COMPANY, AND THE DENVER AND INTERMOUNTAIN RAILROAD COMPANY, ALL CORPORATIONS, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE BUS SERVICE FOR THE TRANSPORTATION OF PASSENGERS FROM DENVER, AURORA, FITZSIMONS GENERAL HOSPITAL, ENGLEWOOD, FORT LOGAN, GOLDEN, ARVADA AND LEYDEN, COLORADO, TO AND FROM ANY AND ALL OTHER POINTS WITHIN THE STATE OF COLORADO.	APPLICATION NO. 1626

IN THE MATTER OF THE APPLICATION OF PICKWICK-GREYHOUND LINES, INC., A CORPORATION, AND THE INTERSTATE TRANSIT LINES, A CORPORATION OF THE STATE OF NEBRASKA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE OPERATION OF OCCASIONAL MOTOR COACH SERVICE BY SPECIAL CHARTER FOR THE TRANSPORTATION OF PASSENGERS FROM POINT TO POINT WITHIN THE STATE OF COLORADO.

APPLICATIONS NOS. 1717 and 1757

IN THE MATTER OF THE APPLICATION OF THE GREELEY TRANSPORTATION COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE OPERATION OF OCCASIONAL MOTOR COACH SERVICE BY SPECIAL CHARTER FOR THE TRANSPORTATION OF PASSENGERS FROM POINT TO POINT WITHIN THE STATE OF COLORADO.

APPLICATION NO. 1748

February 15, 1933.

S T A T E M E N T

By the Commission:

On May 19, 1932, the Commission issued its order authorizing the motor vehicle operation of the applicant, Arthur Bawden, doing business as The Arthur Taxi and Sightseeing Company, for the transportation of passengers and personal baggage from and to Denver to and from other points in the State of Colorado, subject to certain conditions set forth in the said order, among which was the following:

> "(a) The scheduled tariffs to be maintained by the applicant shall be not less than those in amended 'Exhibit B' introduced in Application No. 1606, which said exhibit is by reference hereby made a part of this order."

On May 20, 1932, it issued its order authorizing the motor vehicle operation of applicants as heretofore outlined in Applications numbers 1606, 1621, 1626, 1634, 1635, 1636, 1649, 1717, 1748 and 1757, subject to certain terms and conditions set forth in the said order, among which were the following:

> "First, in Applications Nos. 1606, 1621, 1626, 1634, 1635, 1636 and 1649, the scheduled tariffs to be maintained shall be not less than those set forth in 'Amended Exhibit A' introduced in Application No. 1606.

"Second, in Application No. 1748, the application will be denied unless applicant within thirty days from the date of this order shall advise the Commission in writing of its willingness to abide by the tariff provided for in said 'Exhibit A' in Application No. 1606.

"Third, in Applications Nos. 1717 and 1757, the authority granted shall be limited to the extent that where the transportation is made over a line served by a certificate holder, the said certificate holder shall have the first opportunity of rendering the service in the manner and form desired by the passengers and if unable to comply with the necessary requirements, then and in that event applicants in said applications shall have the right and authority to render the said service, and not otherwise."

The tariffs proposed to be charged by the applicants in Applications Nos. 1717 and 1757 set forth in "Exhibit A" of Application No. 1717, are lower than those proposed in "Amended Exhibit A" filed in Application No. 1606.

Since the orders were entered in the above named applications, the Commission has given its serious consideration to the question of the reasonableness of the rates which it therein prescribed, more particularly as to those rates set forth in "Amended Exhibit A" in Application No. 1606.

Inasmuch as the rates involved were at the time of the hearing agreed to among the applicants as representing fair and reasonable rates, no substantial evidence was introduced relating to the general level of same.

It now appears that all of these applications should be reopened for the purpose of receiving further evidence and testimony on the subject of the general rate level only.

Applicants should be prepared to furnish the Commission with any and all available information justifying the present scale, or in lieu thereof any proposed scale which may be offered, bearing in mind that the Public Utilities Act requires that all rates and charges must be reasonable ones.

O R D E R

IT IS THEREFORE ORDERED, That applications Nos. 1515, 1606, 1621, 1634, 1635, 1636, 1649, 1626, 1717, 1748 and 1757 be, and they are hereby, reopened for the sole purpose of determining to what extent, if any, the

rates set forth in "Amended Exhibit A" in Application No. 1606 are unjust, unreasonable or otherwise unlawful.

IT IS FURTHER ORDERED, That the same be, and they are hereby, assigned for hearing before the Public Utilities Commission of the State of Colorado in its Hearing Room, 330 State Office Building, Denver, Colorado, on March 2, 1933, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of February, 1933.

(Decision No. 4915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST WESTLAKE.) CASE NO. 1093.

February 17, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 20, 1933, requiring the above named respondent to show cause why his private permit No. 223-A, heretofore issued to him by the Commission, should not be suspended or revoked for his failure to file monthly reports for the months of January, June, July, November and December, 1932, pay highway compensation taxes for the months of August, September and October, 1932, in the amount of $8.53, and also for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that no insurance had been filed, but that respondent had paid his delinquent highway compensation taxes and had also filed reports for the months of January, June and July. November and December reports are still outstanding.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated

that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 223-A, heretofore issued to Ernest Westlake, should be merely suspended for a period of six months from the date of this order.

If, in the meantime, the respondent will file all highway compensation tax reports due, file such insurance as is necessary, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit No. 223-A, heretofore issued to Ernest Westlake, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1933.

(Decision No. 4916)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK O. EHMAN.) CASE NO. 1111

February 18, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1391-A, should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of April to December, 1932, both inclusive, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of said hearing. The exidence showed that the respondent failed to file reports for the months in question, and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry

should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Frank O. Ehman in Application No. 1391-A, should be suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file all delinquent monthly reports and such insurance as is necessary, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Frank O. Ehman in Application No. 1391-A, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Dated at Denver, Colorado,
this 18th day of February, 1933.

Commissioners.

626-I

(Decision No. 4918)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. & LAWRENCE CLYDE.) CASE NO. 1114

February 21, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring respondents, Charles A. and Lawrence Clyde, to show cause why their interstate permit No. 626-I, heretofore issued to them in Application No. 1980-I, should not be suspended or revoked for their failure to file monthly reports for the months May to December, 1932, both inclusive, pay highway compensation taxes for the month of April, 1932, in the amount of $10.97, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondents did not appear, although given due notice of the time and place of said hearing. The evidence disclosed that respondents had not filed the delinquent reports in question or paid the tax due for the month of April, 1932, and that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even

though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the interstate permit heretofore issued to Charles A. and Lawrence Clyde in Application No. 1980-I should be suspended for a period of six months from the date hereof.

If, in the meantime, the respondents will file all delinquent monthly reports, pay the highway compensation taxes due, and file such insurance as is necessary, and also file a written statement to the effect that they have not operated for hire during said period of suspension, the said interstate permit shall automatically become effective again. If the above requirements are not complied with, the said interstate permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit, heretofore issued to Charles A. and Lawrence Clyde in Application No. 1980-I, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said interstate permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of February, 1933.

(Decision No. 4919)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS M. WEST.) CASE NO. 1112

February 21, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring respondent, Thomas M. West, to show cause why his certificate of public convenience and necessity, heretofore issued to him in Application No. 1433, should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of January, 1932, and June to December, 1932, inclusive, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent filed all delinquent reports except the January, 1932, report, but had failed to file the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry

should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Thomas M. West in Application No. 1433 should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file his report for the month of January, 1932, and such insurance as is necessary, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Thomas M. West in Application No. 1433, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements bereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ [illegible]

Dan S. Jones

Edward E. Wade

Commissioners.

Dated at Denver, Colorado,
this 21st day of February, 1933.

(Decision No. 4920)

593

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDYTH M. ADAMS AND M. E. WAGNER FOR AUTHORITY TO TRANSFER AND ASSIGN CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1261-AAAA

February 24, 1933.

Appearances: A. B. Bouton, Esq., Denver, Colorado, attorney for applicant M. E. Wagner.

S T A T E M E N T

By the Commission:

The Commission issued a certificate of public convenience and necessity in Application No. 1261 to D. A. Derby. Thereafter a portion of said certificate by authorizations granted by the Commission came into the hands of and is now held by Edyth M. Adams. That portion thereof held by her which was read in detail to the applicant M. E. Wagner, in order that he might fully understand the extent thereof, is now sought by said Edyth M. Adams to be transferred and assigned to said M. E. Wagner.

The said Wagner is engaged in the produce business. His financial responsibility is reasonably satisfactory. So far as the Commission is able to learn he bears a good reputation. The consideration for the transfer is the payment by said Wagner of all highway compensation taxes due the State and the payment to the said Edyth M. Adams of $100.00.

Mrs. Adams has filed with the Commission an affidavit showing that the indebtedness which she owes arising out of her trucking operations amounts to $79.50. The said Wagner informed the Commission that he knows of one other small debt which probably Mrs. Adams had overlooked.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that said authority should be granted to Edyth M. Adams to transfer to M. E. Wagner that portion of the certificate

of public convenience and necessity heretofore issued by the Commission in Application No. 1261-A which is now held by Mrs. Adams, subject to the conditions hereinafter stated, which in the opinion of the Commission the public convenience and necessity require.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Edyth M. Adams to transfer to M. E. Wagner that portion of the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1261-A which is now held by Mrs. Adams, subject to the following conditions.

IT IS FURTHER ORDERED, That $100.00 of the amount due from said Edyth M. Adams on account of said highway compensation tax shall be paid immediately and that the balance now due or which will hereafter become due on her said operations shall be paid by the said Wagner within one month from this date.

IT IS FURTHER ORDERED, That the said M. E. Wagner shall immediately pay the bills listed in the affidavit of Mrs. Adams filed with the Commission as Exhibit No. 1, and that he shall hold the balance remaining of the $100.00 to be paid Mrs. Adams for a period of two weeks, and that if within that time he finds that there are other debts which she owes arising out of her motor vehicle operations which have not been listed in said affidavit, the balance shall be used towards the payment of said debts.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations of the transferor herein shall become and remain those of the transferee until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of February, 1933.

Commissioners.

(Decision No. 4921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE COLORADO RAPID TRANSIT COMPANY, A CORPORATION, AND THE COLORADO RAPID TRANSFER COMPANY, A CORPORATION, FOR AUTHORITY TO LEASE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1244-A

February 23, 1933

S T A T E M E N T

By the Commission:

On December 13 of last year the Commission made an order in consolidated Applications Nos. 291-AA, 681-AA and 1382-A, in and by which authority was granted to the applicants to make a lease of a certificate of public convenience and necessity theretofore granted by the Commission in Application No. 291. An application has now been filed by said applicants, the present application being No. 1244-A. In Application No. 1244 authority was granted by the Commission to The Colorado Rapid Transit Company to extend its motor vehicle operations. It further appears that the applicants in the original applications referred to inadvertently overlooked the certificate granted in said Application No. 1244.

The instant application asks that the order of December 13, 1932, be reopened and amended by granting authority to The Colorado Rapid Transit Company to lease to The Colorado Rapid Transfer Company the said certificate of public convenience and necessity issued in said Application No. 1244.

As we understand, the lease is to be for a term of ten years, and the annual rental of $600.00 referred to in said order of December 13 is on account also of the lease herein sought to be made.

After careful consideration of the application the Commission is of the opinion, and so finds, that the record in the consolidated applica-

tions is broad enough to warrant the granting of the authority herein sought, and that, therefore, said order of December 13, 1932, should be reopened and amended by the granting of authority to make the lease now sought to be made.

O R D E R

IT IS THEREFORE ORDERED, That the order made by the Commission on December 13, 1932, being Decision No. 4737, in the said consolidated applications be, and the same is hereby reopened.

IT IS FURTHER ORDERED, That said order of December 13, 1932, be, and the same is hereby, amended by granting authority, and the same is hereby granted, to The Colorado Rapid Transit Company to lease to The Colorado Rapid Transfer Company the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1244.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations heretofore filed by The Colorado Rapid Transit Company shall become and remain those of The Colorado Rapid Transfer Company until and unless the same shall be lawfully changed.

IT IS FURTHER ORDERED, That except as herein amended the original order of December 13, 1932 be, and the same shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1933.

(Decision No. 4922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
KNIEVEL TRUCK LINE.)

CASE NO. 1115

February 24, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the respondent, Knievel Truck Line, to show cause why the common carrier interstate permit, heretofore issued to it in Application No. 1985-I, should not be suspended or revoked for its failure to file monthly highway compensation tax reports for the months of April, 1932, to December, 1932, both inclusive, and for its failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although it was given due notice of the time and place of said hearing. The evidence disclosed that respondent had not filed the delinquent reports in question and had failed to file the necessary insurance. The evidence further disclosed that respondent has gone out of business and is no longer operating under its permit.

After careful consideration of the record the Commission is of the opinion, and so finds, that the common carrier interstate permit, heretofore issued to Knievel Truck Line in Application No. 1985-I, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the common carrier insterstate permit, heretofore issued to Knievel Truck Line in Application No. 1985-I,

be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1933.

(Decision No. 4923)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SEVERIN PEDERSEN.) CASE NO. 1116

February 24, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1827, should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of July, 1932, to December, 1932, both inclusive.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence showed that respondent had not filed the delinquent reports in question.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Severin Pedersen in Application No. 1827, should be merely suspended for six months from the date hereof.

If, in the meantime, the respondent will file all delinquent reports and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Severin Pedersen in Application No. 1827, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1933.

(Decision No. 4924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOFFAT COAL COMPANY.) CASE NO. 1070
)

February 25, 1933.

Appearances: Hughes & Dorsey, Esqs., Berrien Hughes, Esq., and Myles P. Tallmadge, Esq., Denver, Colorado, attorneys for Moffat Coal Company;
Grant, Ellis, Shafroth and Toll, Esqs., Morrison Shafroth, Esq., and J. G. Holland, Esq., Denver, Colorado, attorneys for Colorado Utilities Corporation.

S T A T E M E N T

By the Commission:

The Commission made an order, on its own motion, providing for an investigation to determine whether or not Moffat Coal Company, a corporation, hereinafter referred to as the "Company", is engaged as a public utility in the generation and sale of electric energy in the Town of Oak Creek, Colorado, and the vicinity thereof, and whether, if it is such a utility, it has a certificate of public convenience and necessity, and if not, whether it should have such a certificate as a condition of its continued operation as such a utility. The Company was required to show cause why an order should not be made requiring it to cease and desist from operating as such a utility.

Thereafter a pleading entitled "Motion to Dismiss" was filed by the Company. Therein it alleged that it has not been, is not now and does not intend to become a public utility within the meaning of the laws of the State of Colorado.

In October of last year, the Company made a contract with the Town of Oak Creek, hereinafter referred to as the "Town", reciting that the Company had a surplus of electric energy over and above its needs in operating its coal mines and other properties which it was willing to sell

and dispose of to the Town; that the Town was about to contract for the erection and maintenance of transmission and distribution systems in the Town and in territory adjacent thereto. The contract provided that the Company should supply and furnish to the Town electric energy out of its surplus.

The contract provided further, inter alia:

> "The Company is not a public utility or service company and by entering into this contract is not holding itself out or undertaking to furnish electrical power or energy to the public or to the individual residents and inhabitants of the Town or other territory in the proximity of said Town * * *."

The contract contains a number of details, but we believe we have stated enough of the contents thereof for our purpose.

Colorado Utilities Corporation, which had been supplying electric energy direct to the consumers in Oak Creek prior to the time the performance of said contract began, filed its petition in intervention. The Company takes the position that it is not a public utility, Colorado Utilities Corporation taking the position that it is such a utility.

A hearing was had at which it appeared that the Company and its predecessor, The Moffat Coal Company, had been engaged for years in the mining of coal near Oak Creek; that neither of said companies had ever sold energy, even to their employes; that one of the transmission lines of the Company crosses certain government land as a result of an easement right granted by the Government at a rental of a certain amount per year, and that a transmission line crosses a highway at one or two places; that certain oral arrangements were made by and between the Company and Colorado Utilities Corporation, pursuant to which there had been more or less exchange of energy between them without any charge being made by either.

Section 2921, C. L. 1921, reads:

> "The term 'public utility', when used in this act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, a person or municipality operating for the purpose of supplying the public for domestic, mechanical or public uses, and every corporation, or person now or hereafter declared by law to be affected with a public interest, and each thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the Commission and to the provisions of this act; Provided, that nothing in this

act shall be construed to apply to irrigation systems, the chief or principal business of which is to supply water for the purpose of irrigation."

If the generation and sale of electric energy to the Town for distribution by the latter brings the Company within the definition of the term "public utility", it seems to be assumed that the Company has no lawful right to continue with the performance of the contract. In passing, we might say that Sec. 2946 of the statutes requires a certificate of public convenience and necessity only for "the construction of a new facility, plant or system, or of any extension of its facility, plant or system" and the exercise of "any right or privilege under any franchise, permit, ordinance, vote or other authority hereafter granted, or under any franchise, permit, ordinance, vote or other authority heretofore granted, but not heretofore actually exercised," etc.

We might observe further, as is recognized by the Company and the Utilities Corporation, that we have no jurisdiction over the operation by the Town of its own electric distribution system. Holyoke v. Smith et al., 75 Colo. 286. Apparently the Town built its own transmission line by which the energy is brought into the local distribution system. This it undoubtedly had the right to do without any authority from this Commission, as it was held in People ex rel. Public Utilities Commission, v. Loveland, 76 Colo. 188, that the Town of Loveland needed no authority from this Commission to construct its generating plant some distance from Loveland and its transmission line leading from said plant to the town. It might, therefore, be questioned whether, even if the Company is a public utility, it has done anything, authority for which should have been procured from the Commission, since its electric plant was built originally for the sole purpose of generating energy for its own use. However, we shall consider the broad question whether or not the Company is a public utility.

We are not concerned with the question whether, if it is not such a utility, it could be made such by legislative fiat.

The Articles of Incorporation of the Company as amended contain, inter alia, the following:

"The objects and purposes for which our said corporation is formed are: * * * to construct or establish the necessary plant or plants with all necessary equipment, rights and privileges for the manufacture and production of electricity, and to use, furnish, sell and supply the same."

Assuming that under this language the Company has the power to become a public utility, the mere power to become such does not make it such.

The exercise of a claimed power of eminent domain undoubtedly would be some evidence that the one exercising the claimed power is a public utility, but as in the case of the power to sell to the public, the mere charter or statutory power to exercise the power of eminent domain would not make the corporation a public utility. Likewise the fact that a corporation lacks such power of eminent domain would not be conclusive that it is not a public utility. We quote as follows from 51 C. J. 5-6:

"Charter Powers of Corporation - (1) In General. While the power possessed by a corporation under its charter or general statutes may be inquired into to determine whether it is authorized to perform a public service, the question whether it is or is not a public utility depends not upon its powers, but upon its acts; and so, on the one hand, the fact that it has power to engage in the business of a public utility does not ipso facto make it such, nor, on the other hand, is the fact that it may not have been given such power conclusive that it is not in fact acting as a public utility and to be treated as such.

"(2) Power of Eminent Domain. The mere fact that a corporation is given by statute or its charter the power of eminent domain does not make it a public utility; and, on the other hand, the fact that it lacks such power is not conclusive that it is not a public utility."

The following is taken from the language of the court in State, ex rel. v. Baker, 9 S. W. (2d) (Mo.) 589:

"Charter authority to serve the public, a franchise, and the right of eminent domain, if possessed, are to be considered in determining if a corporation is a public utility. However, the absence of charter authority to serve the public is not determinative of the question. In State, ex rel. Danciger v. Public Service Commission, 275 Mo. 483, 493, 205 S. W. 36, 39 (180 A.L.R.754), we said: 'In determining whether a corporation is or is not a public utility, the important thing is, not what its charter says it may do, but what it actually does.' Terminal Taxicab Co. v. Kutz, 241 U. S. 252 (36 S. Ct. 583, 60 L. Ed. 984).

"Also the absence of a franchise, or the absence of the right of eminent domain, are not determinative of the question."

There is no evidence in the case that the Company in making the one or two crossings of the public highway, even purported to exercise the right of eminent domain. We can draw no inference as to status from the

mere fact that the public highway was thus crossed. Moreover, we attach no significance to said crossing of the public domain under the easement right given or purporting to have been given.

We shall now discuss some of the cases relied upon by the intervener. In Southern Oklahoma Power Company v. Corporation Commission, 220 Pac. 370, it appeared that the company was engaged in the business of manufacturing electric power and selling it to a public utility at wholesale for distribution to consumers in certain towns. The Oklahoma statute defines a public utility, as is stated in the case, as follows:

> "The term 'public utility', as used in this act, shall be taken to mean and include every corporation, * * * that now or hereafter may own, operate or manage any plant * * * directly or indirectly for public use, or may supply any commodity to be furnished to the public, * * * for the production, transmission, delivery or furnishing electric current for light, heat or power."

The Court held:

> "It is our opinion that the statutory definition of a public utility is sufficiently broad to include a plant operated as the plant of the plaintiff in error, where it generates electricity and furnishes same under a contract to a public utility for distribution to the public. This corporation operates a plant which furnishes and supplies a commodity (electric energy) to be furnished to the public for the production of electric current for light, heat, and power. The statute does not require that the corporation furnish the commodity to the public, but, if it furnishes a commodity for the purpose of that commodity being delivered to the public for the production of light, heat or power, it comes within the statutory definition. It is our opinion that the statute impresses the service rendered by this corporation with a public use." * * *

It will be noted that while our statute uses the language, "for the purpose of supplying the public", the Oklahoma statute, after using the language as to ownership, operation and management of a plant "directly or indirectly for public use", continues "or may supply any commodity to be furnished to the public".

State ex rel., v. Baker, 9 S. W. (2d) (Mo.) 589, was a tax case. The question was as to the location of the authority to assess the property of the company in question. The Court said:

> "If it is a public utility, the tax commission has authority to assess it. If it is not a public utility, we are to determine with whom the authority is lodged."

The statutory provisions deemed pertinent by the Supreme Court of Missouri are as follows:

> "Section 10425, R. S. 1919. The jurisdiction, supervision, powers and duties of the public service commission herein created and established shall extend under this chapter:
>
> * * * * *
>
> "5. To the manufacture, sale or distribution of * * * electricity for light, heat and power, within the state, and to persons or corporations owning, leasing, operating or controlling the same; and to * * * electric plants, and to persons or corporations owning, leasing, operating or controlling the same.
>
> * * * * *
>
> "9. To all public utility corporations and persons whatsoever subject to the provisions of this chapter as herein defined. And to such other and further extent, and to all such other and additional matters and things, and in such further respects as may herein appear, either expressly or impliedly."
>
> "Section 10411, R. S. 1919:
>
> * * * * *
>
> "12. The term 'electric plant', when used in this chapter, includes all real estate, fixtures and personal property operated, controlled, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat or power; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.
>
> "13. The term 'electrical corporation', when used in this chapter, includes every corporation, company, association, joint stock company, or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad corporation generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others) owning, operating, controlling or managing any electric plant except where electricity is generated or distributed by the producer solely on or through private property for railroad or street railroad purposes or for its own use or the use of its tenants and not for sale to others. * * *
>
> "25. The term 'public utility', when used in this chapter, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation and heat or refrigerating corporation, as these terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this chapter."

The company there was engaged in transmitting power to St. Joseph Railway, Light, Heat and Power Company. The Court said that the mere

purchase, transmission and sale of electric energy, without more, contains no implication of public service, and that, on the showing made, it must be held that the relator is not a public utility. However, the Court did say:

> "If the record disclosed that the St. Joseph Railway, Light, Heat & Power Company sells and distributes, as a public utility, the electric energy it purchases from relator, and that relator is 'an important link' in such sale and distribution, we would have a different question for solution."

It will be noted that under the Missouri statute the term "electric plant" is broad enough to include property used "to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat or power".

In Acquackanonk Water Company et al. v. Board of Public Utility Commissioners, 118 Atl. (N.J.) 535, and in East Jersey Water Company v. Board of Public Utility Commissioners, et al., 119 Atl. (N.J.) 679, the question was as to the status of East Jersey Water Company. That company was engaged generally in supplying water at wholesale to a number of municipalities and water companies, which distributed the water to the public generally. It is elementary that a public utility does not need to serve all of the public. It may serve only a class thereof. In Re Exhibitors Film Delivery and Service Co., 7 Colo. P.U.C. 1035, 1039, we said:

> "It is generally conceded * * * that in order for an operator to be a common carrier he does not need to haul all sorts of freight or express. Some operators confine themselves to the moving of furniture, others to livestock, still others to milk and cream. As is stated in Campbell v. A. B. C. Storage and Van Company, 187 Mo. App. 565, 174 S. W. 140: 'It is not necessary that he (a common carrier) carry all kinds of goods. If he professes to carry only a certain kind, this does not take from him his status as a common carrier * * *.'"

In the case quoted from we found that a trucking concern transporting only motion picture films and advertising matter was a common carrier.

A utility professing to serve water distributing companies only undoubtedly is offering to serve a class of the public.

In North Carolina Public Service Company v. Southern Power Company, 282 Fed. 837, and in Salisbury and S. R. Co. v. Southern Power Company, 179 N. C. 18, 101 S. E. 593, the question was as to the status of Southern Power

Company. It appeared that the Southern Company was organized to sell energy at wholesale. The Southern Company sold energy to its own subsidiary for distribution to the public generally and had sold power to the plaintiffs in the cases cited. It then took the position that it owed no duty to continue to sell such power. The Federal court said in the course of its opinion:

> "The corporation asked and received of the public the right of eminent domain, and the right to sell its current to independent vendors, which in turn furnish many towns and cities and thousands of homes and places of business in the state. It has used these rights, and is still using them."

In the Salisbury case, the Court said:

> "The defendant asserts that it has a right to select customers to whom it will sell current and power, and to discriminate at will as to prices. To this it may be said: First: The general assembly declares 'all water power, hydro-electric power and water power companies * * * shall be deemed to be public service companies, and subject to the laws of this state regulating public service companies.' * * *
>
> "Third: It has expressly devoted its property to the public use over a period of ten years by connecting its lines with and furnishing electric current and power to other public service corporations as well as to plaintiff (a public service corporation) and to municipalities, with a knowledge that the current so purchased was being resold for the benefit of the inhabitants of the various cities, and its property has therefore become affected with a public use."

It thus appears that the Southern Company had dedicated itself to the sale of energy generally to distributing companies. It had thus voluntarily created its status as a public utility. It thereby became subject to regulation as to service and prices.

In Gainesville v. Gainesville Gas Company, 62 So. (Fla.) 919, 46 L. R. A. (N.S.) 1119, the fact appeared that the utility constructed its power plant from which "with the permission of said city", it distributed throughout the town electric energy to the consumers. It obviously was a public utility.

Lamar v. Wiley, 80 Colo. 18, and the Holyoke case, supra, are other cases cited by the intervener. We have already pointed out the reason for the decision in the Holyoke case. In the Lamar case, the City of Lamar

was operating in its proprietary capacity as a public utility. Its operation within the city limits fixed its status as such utility, although because of the constitutional provision in question, its rates and service therein were not subject to the jurisdiction of this Commission. However, as to any customers outside, it had the same status as a public utility even though the customers should be limited to one.

There is no question that the intervener's contention that a company may be a public utility, although in acting as such its business is a mere incident to its main business which is not that of a public utility, is sound. Hence, the decision in Wingrove v. Public Utilities Commission, 74 W. Va. 190, 81 S. E. 734, that the coal mining company selling its surplus energy to the inhabitants of the town is, as to such business, a public utility. Public Service Company v. J. & J. Rogers Company, 172 N. Y. S. 498, is a case that falls in the same category.

Many other cases are cited by the intervener. However, we have referred to those which are most nearly in point.

State, ex rel. Public Service Commission of Washington v. Spokane & I. E. R. Co., 154 Pac. 1110, was a mandamus case brought by the State on the relation of the Public Service Commission of Washington, against the Spokane & Inland Empire Railroad Company. The respondent was a traction company operating a street railway system in the city of Spokane, and some interurban lines running out of Spokane into the surrounding country. It maintained a power plant which developed a surplus of energy which it sold to others, "its customers being a land company, one or two farmers, who use the power for irrigation purposes, two manufacturing plants, a grain elevator, an irrigation company, and three or four individual owners of electric light plants in towns and villages in the vicinity of Spokane". The purpose of the suit was to compel the respondent to submit its private contracts to the Public Service Commission, it being the contention of the Commission that as to the sale of its surplus energy the company was a public utility.

The Supreme Court of Washington said:

> "The character of such companies and their relation to the public has been frequently considered by this court. We find no departure from our first holding that a sale of electrical energy or power for private enterprises is not an engaging in a public business and gives such companies no right to assert the sovereignty of the state." (Citing cases)

The statute was not quoted, but the attorney for the State argued:

> "If it is within the legislative power to make public a business conducted as defendant's power business is, undoubtedly the Legislature has done so, and the case was rightfully decided. It is an electrical company, and owns an electric plant within the definitions of the statute. Session Laws 1911, pp. 543, 544. The act makes no distinction between an electrical company selling its product for public purposes and one selling for private purposes. All such companies selling 'electricity for light, heat, or power for hire' are declared to be public service companies, subject to regulation by the public, and under the jurisdiction of the Public Service Commission."

The Court held:

> "Until the Legislature brings a business within the police power by clear intent courts will not do so. Courts have assumed to say whether an act of the Legislature falls within the police power, but primarily the assertion of police power is for the Legislature. They are not disposed to hold that a things should be done by an individual or by the whole public because the public welfare demands it. They have acted only after the Legislature has defined the object of the power.' In other words, the courts have never said primarily that the police power should be applied in any given case. Their only inquiry has been whether a legislative act is reasonably within the legislative power and the thing sought to be done is fairly within the terms of the act. And it is well that it is so, for the legislative body can extend the domain of the police power with sufficient rapidity. There is no reason why the courts should engage in a rivalry with it."

Also:

> "At the time the act of 1911 was passed the law was well defined and certain in its terms. The sale of power to individuals or companies, to be in turn sold, was not a public use. The rule and the cases declaring it must have been well understood by the Legislature. Yet the act nowhere attempts to cover any use theretofore deemed to be private. Its whole context seems to compel the thought that it had in mind only such uses as the public might compel. There is nothing to indicate a legislative intent to declare that the sale of surplus or secondary power pending a future use by a company in the performance of its public functions is a thing that affects the general welfare, the health, peace, or happiness of the citizen, or that it is in any way necessary to sustain the right of the state to govern."

Of course, the Spokane Company was serving a much larger percentage of the public than is the coal company herein.

In Southern Ohio Power Co. v. Public Utilities Commission of Ohio, 143 N. E. 700, the fact was brought out that in an earlier case the Southern Ohio Power Company was held to be a public utility because of its stock ownership in two other corporations which were furnishing power to the public. In other words, the court in the earlier case had disregarded the corporate fictions or entities, and because of the identity of interests, regarded the subsidiary corporations as the parent company. Thereafter, instead of filing a schedule of rates with the Commission, the Southern company disposed of its stock in the other corporations, the stockholders of the two former subsidiaries thereafter not being identical with those of the Southern company. Laying aside the question of the power of a utility, once found to be a public one, to terminate its status as such, we may say that the question in the second case was whether the sale of energy by the one power company to two other companies which were engaged in distributing energy to the public, constituted the wholesale company a public utility. The Ohio Supreme Court said:

> "The divorcement of the power company's activities would still leave the two subsidiary companies as public utilities subject to the control of the state Commission. Since the dedication by the power company was unintentional but so decreed by this court simply because of the adventitious circumstances of stock control, we think that a divestment of such stock control by the power company, under the facts as they now exist, would deprive the power company of its public utility character and leave the two subsidiary companies, as they were intended to be, public utilities within the terms of the statute."

The Court concluded with this language:

> "We have therefore reached the conclusion that upon the undisputed facts as they now appear in this record the Southern Ohio Power Company is not now a public utility, and that the Commission erred in ordering it to file a schedule of rates and charges."

However, the language of the Ohio statute with respect to a public utility is as follows:

> "Any person or persons, firm or firms, co-partnership or voluntary association, joint stock association, company or corporation, wherever organized or incorporated: * * * when engaged in the business of supplying electricity for light, heat or power purposes to consumers within this state, is an electric light company."

Of course, the term "to consumers" is somewhat narrower than the language "supplying the public".

In Re International Power Company, P.U.C. 1931E, 65, the facts were that International Power Company generated energy at a certain water power station in Maine; that it owned undeveloped water power sites at two other points, and that the power generated -

> "* * * has been used by the Calais Street Railway Company for the operation of a street railway, and by said Calais Street Railway Company and the St. Croix Gas Light Company for electric current which is sold to the public, both said corporations being public utility companies operating in said Calais.
>
> "Said International Power Company has never engaged in the sale of electrical energy to the public, nor has it either secured authority to compete in the electric field in said territory under the terms of § 3 of Chap. 68 of the Revised Statutes, or filed with this Commission any rates for such service, nor has it made any profession of public service or been required by this Commission to file reports as a public utility, although in one or more instances reports have been forwarded to the Commission."

The Maine statutory provision defining a public utility was not set out in the decision.

The Maine Public Utilities Commission found that the power company was not "a public utility within the meaning of Section 15 of Chapter 62 of the Revised Statutes of Maine."

We shall refer to one other case, Nowata County Gas Co. v. Henry Oil Co., 269 Fed. 742, decided by the Circuit Court of Appeals of the Eighth Circuit. In 1906, a contract was made between the pipe line company and the distributing company for the supply of gas for a period of thirteen years. In 1916 the defendant ceased supplying the plaintiff with gas because the plaintiff would not agree to pay an increased price which the Corporation Commission of Oklahoma had authorized. Thereupon, the plaintiff procured its supply of gas elsewhere, and brought this action for damages. The District Court entered judgment for the defendant. The Circuit Court of Appeals reversed. The Court said in the course of its opinion:

> "Our attention has not been called to any decision by any court which holds that under the police power the state may create an administrative body or commission with authority to fix or establish prices to be paid by a public utility for things purchased and used by it, or, as in this case, for a commodity furnished by it to the public.
>
> "It is unnecessary to consider the question above suggested, as the law of the state of Oklahoma conferring jurisdiction on

the Corporation Commission over public utilities does not attempt to confer such authority. The statute (section 2, chapter 93, Session Laws 1913) reads as follows:

"'The Commission shall have general supervision over all public utilities, with power to fix and establish rates and to prescribe rules, requirements and regulations, affecting their services, operation, and the management and conduct of their business.'

"Taken in connection with the other provisions of the statute creating the commission and defining its powers, it seems clear that the Legislature conferred, and only intended to confer, authority to fix the rates to be charged by a public utility and paid by its patrons for the thing furnished or the service rendered by it to the public.

"The order of the Commission fixing, or attempting to fix, the price to be paid by the plaintiff for gas thereafter to be supplied by the defendant to the plaintiff, and by it furnished to the public, cannot be upheld on the ground that the plaintiff was a public service corporation or public utility. If the order of the commission cannot be sustained upon some other ground, it is null and void, and constitutes no defense to the suit of the plaintiff for damages for breach of the contract."

As was held in Allen v. Railroad Commission of California, 175 Pac. 466, "To hold that a property has been dedicated to a public use is not a trivial thing * * * and such dedication is never presumed without evidence of unequivocal intention."

After careful consideration of the evidence and the questions raised, we are unable to conclude that respondent, in selling electrical energy to the Town of Oak Creek, brings itself within the statutory language "operating for the purpose of supplying the public". We are of the opinion, therefore, and so find, that the respondent is not a public utility as defined by the statute of the State of Colorado.

We are further of the opinion that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 25th day of February, 1933.

Commissioners.

(Decision No. 4925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GRANDIC STAGES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 2073

February 25, 1933

Appearances: Otto Bock, Esq., Denver, Colorado, attorney for applicant;
C. J. Rohwitz, Omaha, Nebraska, for Chicago, Burlington & Quincy Railroad Company.

S T A T E M E N T

By the Commission:

This is an application by Grandic Stages, Inc., for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers, baggage and light freight "originating east of Brush, Colorado, destined to points west of Brush, Colorado, to Denver, and for any passengers, baggage or light freight originating from Denver and points west of Brush destined to any points east of Brush, and for the transportation of passengers, baggage and light freight between all points east of Brush and the Colorado-Nebraska state line."

Objections and answers were filed by Union Pacific Railroad Company, Interstate Transit Lines, Inc., L. B. Willson, doing business as The Platte Valley Transportation Company, Chicago, Burlington & Quincy Railroad Company and Railway Express Agency, Inc.

However, at the hearing the only appearance made in opposition to the application was that of the Chicago, Burlington & Quincy Railroad Company. The appearance of said protestant was pro forma, there being no attorney-at-law representing it. It gave testimony merely as to its service.

At the hearing there was filed an agreement which had been made the day before by said Willson and the applicant, a copy of said agreement marked

"Exhibit No. 1" being attached hereto and by reference made a part hereof. The evidence showed that the applicant is a subsidiary of Iowa Electric Light & Power Company, and is affiliated with and possibly remotely controlled by the Nevins Lines, which have been conducting some rather extensive operations in the eastern part of the United States, and which, according to the evidence, are in a strong financial condition.

The applicant is already conducting an interstate operation. However, as we have pointed out, the mere fact that it is operating in interstate commerce, does not mean that it should receive a certificate of public convenience and necessity for intrastate operations. In re O. W. Townsend, doing business as The Cornhusker Stage Lines, 7 Colo. P.U.C. 844, 850, we quoted with approval the test stated by the Maryland Commission as follows:

> "If the interstate line asking for intrastate privileges on routes over which it is operating, were not in existence, would such privileges be granted by the Commission to an intrastate line, entirely within the Commission's jurisdiction, on the ground that the granting of them is necessary to the public welfare and convenience?"

It appears very clear that there is a substantial need for more passenger service between Greeley and points east of Brush. This is particularly true as to the students attending the Teachers' College in Greeley and to some extent as to the students attending the University of Colorado in Boulder, and the Agricultural College in Fort Collins.

Moreover, as to points intermediate to Greeley and Denver and to Greeley and Brush under the present service it is necessary to make a transfer at Brush and another one at Greeley if the passengers are bound beyond the latter point.

The applicant is now running a schedule each way daily. There was more or less testimony about putting on an additional schedule, particularly for local service. However, the testimony as to such local or so-called "intrastate run" was to the effect that it would be given if business warranted. In the present economic situation, it is doubtful whether business conditions would so warrant.

The question which has given the Commission the most concern is whether or not the applicant should be permitted to duplicate railroad

service, practically on the same schedule. The Burlington has a train, its Aristocrat, passing through Akron at 10:33 in the morning and arriving in Denver at 1:15 P.M. The applicant's westbound bus passes through Akron at 9:40 A. M. and arrives in Denver at 2:40 P. M. The time of the train is much better. However, the bus fare is somewhat less. According to the evidence, the rail fare from Akron to Denver is $4.02, while that of the bus is $3.55. The applicant has a bus leaving Denver at 7:30 in the evening, arriving in Akron at 12:30. The Burlington has a train leaving Denver at 4:30 P.M. arriving in Akron at 7:10. It is quite possible that the passengers leaving Denver would reasonably prefer to have more time in Denver and to leave after dinner in the evening instead of at 4:30 in the afternoon.

We have considered denying the applicant the right to transport passengers into Denver on its westbound schedule because of the fact that the train service appears to be adequate. However, in addition to the fact that the bus fare is some ten per cent cheaper, schedules of both trains and busses have a way of changing. We doubt whether it is practical to attempt to change certificates of public convenience and necessity every time schedules are changed.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle system of the applicant, Crandic Stages, Inc., for the transportation of passengers and baggage in intrastate commerce from point to point between Brush and the Colorado-Nebraska state line, and from and to all points west of Brush, including Denver and points intermediate thereto and Greeley, to and from all points east of Brush, subject to the terms and conditions of said Exhibit No. 1.

We further find that the public convenience and necessity require the transportation in passenger busses of express and light freight between all of the points described in the foregoing paragraph, between which the Burlington does not render direct service. As an example, direct service is rendered by the Burlington between Akron and Fort Morgan.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicant, Grandie Stages, Inc., for the transportation of passengers and baggage in intrastate commerce from point to point between Brush and the Colorado-Nebraska state line, and from and to all points west of Brush, including Denver and points intermediate thereto and Greeley, to and from all points east of Brush, subject to the terms and conditions of said Exhibit No. 1.

IT IS FURTHER ORDERED, That the public convenience and necessity require the motor vehicle system of the applicant, for the transportation in passenger busses of express and light freight between all of the points described in the foregoing paragraph, between which the Burlington does not render direct service, and this order shall be taken deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariff of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 25th day of February, 1933.

(Decision No. 4926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. H. BURKDOLL.) CASE NO. 1120

February 25, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1590, should not be suspended or revoked for his failure to file reports for the months of October, November and December, 1932, pay highway compensation taxes for the months of April, 1932, to September, 1932, both inclusive, and for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had not filed the reports in question nor paid the highway compensation taxes for the months April to September, 1932, in the amount of $18.11, and that the necessary insurance had not been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even

though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to R. H. Burkdoll should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file the delinquent reports in question, pay the highway compensation taxes due for the months April to September, 1932, inclusive, in the amount of $18.11, and file such insurance as is necessary, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to R. H. Burkdoll in Application No. 1590, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 25th day of February, 1933.

Commissioners.

(Decision No. 4927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF CANCELLATION OF RATES ON CEMENT FROM DENVER TO STATIONS PARKDALE, COLORADO, TO UTALINE, COLORADO-UTAH AND INTERMEDIATE STATIONS ON THE STANDARD GAUGE LINES OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY.	INVESTIGATION AND SUSPENSION DOCKET NO. 184.

February 24, 1933

Appearances: Mr. J. A. Gallaher, Denver, Colorado, for The Denver and Rio Grande Western Railroad Company;
Mr. T. K. Earley, Denver, Colorado, for The Denver and Rio Grande Western Railroad Company;
Mr. Waldo D. Gillette, Los Angeles, California, for the Monolith-Portland Midwest Company;
Mr. Thos. S. Wood, Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

STATEMENT

By the Commission:

By schedules filed to become effective May 6, 1932, respondent, The Denver and Rio Grande Western Railroad Company, proposed to cancel rates on cement in carloads, minimum weight 50,000 pounds, from Denver to Parkdale, Colorado to Utaline, Colorado-Utah, and intermediate points on its standard gauge line.

Upon protest of the Monolith-Portland Midwest Company operation of the schedules was suspended until March 3, 1933. Respondent testified that the purpose of the proposed cancellation was to eliminate the rates from its tariffs, due to the fact that there was no movement of cement from Denver proper under the rates and that they were, therefore, nothing more than paper rates. It further stated that they were perfectly willing to continue these rates in effect if there was any movement of traffic to be had under same.

Protestant took the position that it would use these rates in shipping from its warehouse in Denver, stating that it had a rate of six cents per

one hundred pounds on cement, Laramie to Denver, in 100,000 pound minimum cars and that they could ship 100,000 pounds of cement into Denver and re-ship it to points on the 50,000 pound minimum and in that way use the rates here under consideration.

On the record as made we find that the suspended schedules have not been justified and an order will be entered requiring their cancellation and discontinuing this proceeding.

O R D E R

IT APPEARING, That by orders dated May 3, 1932 and August 27, 1932, the Commission entered upon a hearing concerning the lawfulness of the rates, charges, regulations and practices stated in the schedules enumerated and described in said orders and suspended the operation of said schedules until March 3, 1933;

IT FURTHER APPEARING, That a full investigation of the matters and things involved has been had and that the Commission on the date hereof has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

IT IS THEREFORE ORDERED, That the respondent herein be, and it is hereby, notified and required to cancel said schedules on or before March 3, 1933, upon notice to this Commission and to the general public, by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act, and that this proceeding be discontinued.

This order is without prejudice to the cancellation of the said rates in the event that there are no subsequent movements of cement traffic from Denver to the territory involved in this proceeding.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1933.

(Decision No. 4928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NELLIE M. IDOL, LOREN IDOL AND)
IRIS I. IDOL, DOING BUSINESS AS) CASE NO. 1121.
MEEKER TRANSFER COMPANY.)

February 25, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1932, requiring the above named respondents to show cause why the certificate of public convenience and necessity, heretofore issued to them in Application No. 1691, should not be suspended or revoked for their failure to file monthly reports for the months of February, 1932, to December, 1932, both inclusive, pay highway compensation tax for the month of December, 1931, in the amount of $.62, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondents did not appear, although given due notice of the time and place of said hearing. The evidence disclosed that respondents had not filed the delinquent reports in question or paid the highway compensation tax for the month of December, 1931, in the amount of $ .62, and had not filed the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We have considered recently lowering the amounts of liability and property damage insurance which motor vehicle carriers would be required to carry. However, we were met with the statement by the insurance companies that the

premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Nellie M. Idol, Loren Idol and Iris I. Idol, doing business as Meeker Transfer Company, in Application No. 1691, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondents will file the delinquent reports in question, pay the highway compensation tax due for the month of December, 1931, in the amount of $.62, file the necessary insurance policy or surety bond, and file a written statement to the effect that they have not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Nellie M. Idol, Loren Idol and Iris I. Idol, doing business as Meeker Transfer Company, in Application No. 1691, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 25th day of February, 1933.

Commissioners.

592

(Decision No. 4929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY IVY.) CASE NO. 1122

February 25, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1791, should not be suspended or revoked for his failure to file monthly reports for the months of April, 1932, to December, 1932, both inclusive, and for his failure to pay highway compensation taxes for the month of June, 1932, in the amount of $1.92.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had not filed the delinquent reports in question nor paid the tax due for the month of June, 1932, in the amount of $1.92.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Guy Ivy in Application No. 1791, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file all delinquent monthly reports, pay all highway compensation taxes due, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are

not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Guy Ivy in Application No. 1791, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of February, 1933.

(Decision No. 4930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE MOTOR VEHICLE OPERATIONS OF L. O. DEARDORF AND C. L. STEVENS, DOING BUSINESS AS WESTERN FILM DELIVERY.

CASE NO. 1137

February 28, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado, for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring above named respondents to show cause why their interstate permit issued in Application No. 2011-I, should not be revoked for failure to make monthly highway compensation tax reports and to file with the Commission such insurance as is required by the rules and regulations of the Commission from interstate carriers.

No answer was filed nor appearance made at the hearing. The evidence showed that they had not made their monthly highway compensation tax reports for the months of May to December, 1932, both inclusive, and that at the time the order was made on February 9th, and at all times since, no insurance was on file with the Commission as required by its rules and regulations.

The Commission is of the opinion, and so finds, that the said interstate permit heretofore issued to the respondents should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit heretofore issued by the Commission to the above named respondents be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 28th day of February, 1933.

(Decision No. 4951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE COLORADO INTERSTATE GAS)
) CASE NO. 940
COMPANY, A CORPORATION.)

February 28, 1935

Appearances: Milton Smith, Jr., and Elmer L. Brock, Esqs., Denver, Colorado, for Colorado Interstate Gas Company;
Colin A. Smith, Esq., Denver, Colorado, Assistant Attorney General;
Byron G. Rogers, Esq., Las Animas, Colorado, for the City of Las Animas;
James D. Parriott, Esq., and Frederick P. Cranston, Esq., Denver, Colorado, for the City and County of Denver;
Albert L. Vogl, Esq., Denver, Colorado, for Colorado-New Mexico Coal Operators' Association.

S T A T E M E N T

By the Commission:

The Commission made an order on its own motion providing for an investigation of,

> "the acts, doings and conduct in the State of Colorado of the Colorado Interstate Gas Company for the purpose of determining whether or not said company is engaged in distributing and selling gas in intrastate commerce in this state, and whether or not it has done or is doing anything which is unlawful by reason of its failure to procure a certificate of public convenience and necessity."

It further provided:

> " * * * That said Colorado Interstate Gas Company be, and the same is hereby, required to show cause by written answer to be filed with this Commission within twenty days from this date why an order should not be made requiring it to cease and desist from distributing and selling gas in intrastate commerce in this State until and unless it shall have procured a certificate of public convenience and necessity therefor, and why the Commission should not make any other appropriate orders with respect to said company as a result of said company doing or having done any acts in this State, the doing of which is unlawful without a certificate of public convenience and necessity."

Respondent filed its answer denying that it is a public utility or common carrier or that it is amenable to the Public Utilities Act or subject to the jurisdiction of the Commission, and claiming that any order of the Commission based upon an assumption to the contrary would be unconstitutional and void as violating the due process and commerce clauses of the Constitution of the United States. The answer further alleged considerable matter of detailed fact.

The Colorado and New Mexico Coal Operators Association, the Attorney General of the State of Colorado, the City of Las Animas and the City and County of Denver intervened.

The case was heard and briefs were filed by the respondent and all interveners except the City of Las Animas. The briefs are very exhaustive and cover a total of some 150 pages.

The stock in respondent is owned as follows: 42-1/2 per cent by Standard Oil Company of New Jersey, 42-1/2 per cent by Southwestern Development Company and 15 per cent by Cities Service Company.

Respondent owns and operates a pipeline extending from a point near Clayton, New Mexico, in a northerly direction to a point or points on or near the boundary of the City of Denver, where gas is delivered to Public Service Company of Colorado for distribution in Denver, and to Colorado-Wyoming Gas Company for transmission and sale by it to various customers serving towns in northern Colorado and Cheyenne, Wyoming. A number of branch lines are used to carry gas to the City of Colorado Springs and various corporations distributing gas in local distribution systems. Other branch lines are used to carry gas directly to private industries which purchase from respondent itself. As we understand the evidence, the industrial consumers are Helium Corporation of America, whose plant is situated at Thatcher, United States Veterans Bureau Hospital No. 80 at Fort Lyon, Colorado Fuel and Iron Company at Pueblo, Atchison, Topeka and Santa Fe Railway shops at La Junta, American Beet Sugar Company at Rocky Ford, and Colorado Portland Cement Company at Portland.

Respondent is willing to take on as many more industrial customers, served directly by it, as the capacity of its pipe line will permit, provided, however, the amount of gas desired by the new customers, the load factor, the price to be agreed upon, etc., are all satisfactory to the respondent.

The contracts by which the gas is sold to companies distributing in different municipalities provide for a gateway price of forty cents for all gas used for domestic purposes. However, with respect to gas furnished by the local distributing companies to industrial concerns, the contracts contain provisions substantially the same as the following taken from one of the contracts:

> "The Vendor agrees to sell and deliver, and the Vendee agrees to purchase, take and pay for:
>
> "(b) Such amounts of natural gas as may be requisite to fulfill contracts made with the consent and approval of the Vendor by the Vendee for the sale of natural gas to consumers other than domestic consumers; provided, however, that the Vendor shall not be obligated to sell and deliver natural gas in excess of the amount it has currently available for delivery, as defined in Articles Tenth and Eleventh hereof."
>
> "(c) Such amounts of natural gas as the Vendee may desire to use in its power plant or plants, which amounts if desired upon terms and conditions other than those applying to natural gas for domestic use hereunder, are deliverable only with the consent and approval of the Vendor."
>
> "The prices to be paid by the Vendee to the Vendor for natural gas hereunder shall be as follows:
>
> "(b) For natural gas for re-sale under commercial or industrial contracts, which contracts shall have been submitted to and approved by the Vendor, the price payable to the Vendor shall be eighty-five per cent (85%) of the price chargeable by the Vendee to such commercial or industrial consumers under such approved contracts; provided, however, that the price to be paid by the Vendee to the Vendor shall not be more than the city gate price effective under sub-paragraph (a) of this Article Sixth."

In justification of the provisions just quoted, it is stated that the main business of the distributing companies is that of supplying the domestic demands; that the capacity of the pipe line of respondent is limited; that it "is obviously necessary, for the protection of the domestic supply,

in some way to limit the industrial use to such amounts and times that these industrial uses, coupled with the domestic uses, will not exceed the fixed capacity of the pipe line"; and that to accomplish that end "there must be concerted, intelligent action, based upon full knowledge of the combined volume and load factor characteristics of the demand at all points supplied, and the pipe line company is the only one having available the necessary information to act in the matter."

There are two compressor stations on the main line, one being called the Canyon Compressor Station, located at a point near the crossing of the Purgatoire River, the other Devine Compressor Station, located at a point near Devine, a few miles east of Pueblo. These stations are used to pump the gas through the line.

All lateral lines are open at the points where they connect with the main line, the pressure in the laterals being, therefore, the same as that in the main line. In other words, the pressure remains constant throughout the main line and all laterals until gas is delivered at the points of delivery. Respondent has no pipe lines carrying the gas after reduction in pressure is made.

The evidence further showed that three men whose names are Hill, Benson and Smith, are stockholders and directors of The Arkansas Valley Natural Gas Company, one of the companies purchasing gas at wholesale from respondent and distributing same; that an engineering firm, Ford, Bacon and Davis, acquired the right of way and constructed, and now manages and controls, the pipe line for respondent; that Benson was at one time on the pay roll of respondent; that Hill is vice-president of Ford, Bacon and Davis; that the attorneys for respondent are also more or less affiliated with The Arkansas Valley Natural Gas Company.

The brief for Colorado and New Mexico Coal Operators Association states that two questions are raised, namely:

1. Is the respondent engaged in intrastate business?

2. Is the respondent a public utility?

The brief of the respondent states that the only question before

the Commission is whether or not the respondent is required under the laws of the State of Colorado, and particularly the Public Utilities Act, to obtain a certificate of public convenience and necessity from the Commission. However, one of the attorneys for respondent, as is shown in his brief, stated at the hearing:

> "I assume, Mr. Chairman, that the order is intended to and does raise the issue as to whether we are a public utility and subject to the jurisdiction of the Commission with respect to the matter of construction, and as to whether we need a certificate."

The Public Utilities Act requires a certificate of public convenience and necessity in two cases only. One is for the "construction of a new facility, plant or system or of any extension of its facility, plant or system". The other is for the exercise of "any right or privilege under any franchise, permit, ordinance, vote or other authority hereafter granted, or under any franchise, permit, ordinance, vote or other authority heretofore granted, but not heretofore actually exercised * * * ." Sec. 2946, C. L. 1921. There is no contention made, as we understand, that the respondent has procured any franchise or any permit, ordinance or vote, which it needs authority from this Commission to exercise. It may be added, however, that the order provides for an investigation to determine "whether or not said company is engaged in distributing and selling gas in intrastate commerce in this state."

Even if it should be determined that respondent is engaged in the distribution of gas to industrial consumers in distribution systems located in Denver and other cities and towns, it has built no lines or facilities therefor. Neither has it secured any franchise rights of any kind. It would at most be using the pipe lines owned by local distributing utilities. In that event, while the respondent would need no certificate from this Commission, if in serving those consumers it is a public utility, the Commission would have jurisdiction, as appears later, over the rates charged by the respondent to industrial consumers in cities and towns other than home rule cities, although the scope of this particular case does not extend to rates. Moreover, if any of respondent's rates

are subject to the jurisdiction of the Commission they should be filed with the Commission.

If the respondent is engaged in intrastate business, then we are required to consider the question whether it is a public utility. If it is not so engaged and if its interstate business is direct and not "peculiarly one of local concern", it is immaterial whether it is a public utility or not, since it is elementary that we would have no jurisdiction over it.

We find that as to the customers served by respondent it is a public utility. Without going into the question at length, we may say that the respondent stands ready and willing to serve all customers it can procure, up to the extent of the supply of gas available, provided satisfactory terms can be agreed upon. We have repeatedly pointed out that the fact that the making of uniform terms and conditions to all customers is not the test for determining whether it is a public utility. The test is the extent of its service or proffer of service. If it is serving or offering to serve the public, a class, or sufficient portion of the public, it is a public utility. If the public utility is engaged in intrastate commerce, the State steps in and requires, inter alia, uniformity of rates and service. Re The Exhibitors Film Delivery & Service Co., 7 Colo. P.U.C. 1035, 1039.

It is stated in the January number of Illinois Law Review,554, that "The fact that the business is essentially one of personal contract does not preclude its being a utility." (Citing German Alliance Insurance Co. v. Lewis, 233 U.S. 389).

As was pointed out by our Supreme Court in Davis v. People ex rel., etc., 79 Colo. 642, 644, "the important thing is what it does, not what its charter says." (Citing Terminal Taxicab Co. v. Kutz, et al., 241 U.S.252.)

With respect to the matter of eminent domain, we quote as follows from 51 C. J. 5-6:

"The mere fact that a corporation is given by statute or its charter the power of eminent domain does not make it a public utility; and, on the other hand, the fact that it lacks such power is not conclusive that it is not a public utility."

We believe there is little doubt that respondent, in selling gas to local distributing companies who resell at their tariff rates to domestic consumers, is engaged in interstate commerce over which we have no control. However, it is contended that as to the gas delivered to the industrial consumers connected with the local systems, and as to the gas furnished directly to industrial concerns, the respondent is engaged in intrastate commerce. Before dealing separately with these three situations we shall cite and quote generally from some of the cases.

We shall first refer to a case decided by this Commission in the year 1929, Re Public Service Company of Colorado, 7 Colo. P.U.C. 1211. In that case it appeared that Public Service Company of Colorado was engaged in the distribution of electric energy in the towns of Ovid and Sedgwick. It had been procuring its energy at wholesale from the municipal plant in Julesburg. It concluded to buy the energy from a plant situated in Ogallala, Nebraska, and was about to connect its transmission line built from Ogallala to a point north of Julesburg with the line extending west from Julesburg to Ovid and Sedgwick. We made an order requiring Public Service Company, before making the connection, to show cause why it should not procure a certificate of public convenience and necessity therefor. The Commission found that the line in question would be used in interstate commerce, and that an order forbidding construction of said line or the necessary link therein would not only constitute a burden on interstate commerce, but "would wholly obstruct or prohibit it." We further stated:

"Here we are asked to pursue a laudable purpose in compliance with our local statutory law. We might conceivably pay no attention to the commerce clause of the Federal Constitution, and all of the cases decided by the Supreme Court of the United States defining the meaning of that provision. While this commission is an administrative body, whose duty does not extend to original determination of nice constitutional questions, we believe it is the practice, and in accord with a due regard for propriety, and a decent respect for established law, that we observe well settled principles of law in arriving at our conclusions, even though those principles be based on constitutional provisions."

The question there was one purely of law. As no review was sought we may infer that the town of Julesburg was convinced of the correctness of our decision.

In Public Utilities Commission v. Landon, 249 U. S. 236, the facts were that Kansas Natural Gas Company owned a system of pipe lines extending from Oklahoma and Kansas to some forty municipalities in Kansas and Missouri, and that "by separate agreements it undertook to supply many local companies with gas for ultimate sale to their consumers, and to accept therefor a definite proportion - generally two-thirds - of the gross amounts paid by such customers". As is the case here, Kansas Natural Gas Company, with "unimportant" exceptions, "had no local franchise permitting either distribution or sale of gas, nor did it own any interest in a defendant distributing company." The pipe line company, having gotten into financial difficulties, was placed in the hands of receivers. "Available gas diminished; pipe lines to new wells became necessary; operating costs increased; and the sums received from local distributing companies were inadequate for the receivers' demands." The receivers, therefore, petitioned the Kansas Public Utilities Commission to permit higher charges to customers by local companies. That Commission thereafter did authorize a certain schedule of rates which was much lower than was requested.

The Missouri Public Service Commission, claiming jurisdiction over distribution and sale of gas in that State and power to fix the rates which local companies both paid and charged therefor, "suspended some proposed advanced rates to consumers and threatened to enforce further appropriate orders if found necessary." Certain local companies, including the Kansas City Gas Company, insisted that the receivers should comply with the original supply contracts between them and the pipe line company.

The receivers thereupon began the proceeding against the two state commissions, some thirty-two local distributing companies and forty-seven cities and towns in the two States in question, asking for an "appropriate injunction restraining the commissions, municipalities and distri-

buting companies from interfering with the establishment of such reasonable and compensatory rates for selling gas to consumers".

The court below viewed the sale to the ultimate consumers served by the local distribution systems as a part of the business carried on by the receivers, and held that the business was interstate commerce. It accordingly enjoined the commissions, the municipalities and distributing companies from interfering with the establishment of such reasonable and compensatory rates as the court might approve. The Supreme Court reversed, saying in its opinion:

> "But we cannot agree with its conclusions that local companies in distributing and selling gas to their customers, acted as mere agents, immediate representatives or instrumentalities of the receivers, and as such carried on without interruption interstate commerce set in motion by them.
>
> "That the transportation of gas through pipe lines from one state to another is interstate commerce may not be doubted. Also it is clear that as part of such commerce the receivers might sell and deliver gas so transported to local distributing companies, free from unreasonable interference by the state. (Citing cases)
>
> "But in no proper sense can it be said under the facts here disclosed, that sale and delivery of gas to their customers at burner tips by the local companies operating under special franchises constituted any part of interstate commerce. The companies received supplies which had moved in such commerce, and then disposed thereof at retail in due course of their own local business. Payment to the receivers of sums amounting to two-thirds of the product of these sales did not make them integral parts of their interstate business. In fact, they lacked authority to engage by agent or otherwise in the retail transactions agreed on by the local companies. Interstate commerce is a practical conception and what falls within it must be determined upon consideration of established facts and known commercial methods. (Citing cases) The thing which the receivers actually did was to deliver supplies to local companies. Exercising franchise rights, the latter distributed and sold the commodity so obtained upon their own account, and paid the receivers what amounted to two-thirds of their receipts from customers. Interstate movement ended when the gas passed into local mains. The court below erroneously adopted the contrary view and upon it rested the conclusion that the Public Commissions were interfering with establishment of compensatory rates by the receivers in violation of their rights under the Fourteenth Amendment.
>
> "The challenged orders related directly to prices for gas at burner tips, and only indirectly to the receiver's business. They were under no compulsion to accept unremunerative prices; even the original supply contracts had not been adopted and were subject to rejection. (Citing cases) Our conclusion concerning

relationship between the receivers and the local companies renders it unnecessary to discuss the effect of rates prescribed for the latter. The receivers were in no position to complain of them."

It is interesting to note, particularly in view of subsequent shifts on the question, that the Supreme Court in that case held that the distribution of gas through local distribution systems is not interstate commerce at all, even though brought in interstate commerce to such systems.

In Pennsylvania Gas Co. v. Public Service Commission, et al., 252 U. S. 23, the pipe line company was not only piping the gas from the state of Pennsylvania to the state of New York, but was engaged in distributing it in municipalities in New York. The court held:

"Its transmission is direct, and without intervention of any sort between the seller and the buyer. The transmission is continuous and single and is, in our opinion, a transmission in interstate commerce and therefore subject to applicable constitutional limitations which govern the States in dealing with matters of the character of the one before us." (28-29)

However, the court, referring to the somewhat uncertain authority resting in the States which may be exercised in respect of interstate commerce which is "peculiarly . . . of local concern" or interest "until Congress had taken possession of the field," held that the Public Service Commission of the State of New York had power to regulate the rates to the consumers in the New York municipalities.

The Pennsylvania Gas Company case overruled the Landon case in respect of the question of the nature of the distribution in a local system of gas brought from another state. At least it refused to extend the rule to a case where the pipe line company is itself engaged in distribution of the gas in a municipal system.

In Missouri, ex rel. Barrett v. Kansas Natural Gas Co., 265 U.S. 298, there was raised "the single question whether the business of the Kansas Natural Gas Company . . . consisting of the transportation of natural gas from one State to another for sale . . . to distributing companies, is interstate commerce free from state interference?" What, if any, control the Gas Company had over the sale of gas by the local distributing companies

did not appear. The court held that the business of the Gas Company was "wholly interstate", saying:

> "There is no relation of agency between the Supply Company and the distributing companies, or other relation except that of seller and buyer, (citing the Landon case) and the interest of the former in the commodity ends with its delivery to the latter, to which title and control thereupon pass absolutely."

On pages 309 and 310 we find these statements which conclude the opinion:

> "The business of supplying, on demand, local consumers is a local business, even though the gas be brought from another State and drawn for distribution directly from interstate mains; and this is so whether the local distribution be made by the transporting company or by independent distributing companies. In such case the local interest is paramount, and the interference with interstate commerce, if any, indirect and of minor importance. But here the sale of gas is in wholesale quantities, not to consumers, but to distributing companies for resale to consumers in numerous cities and communities in different States. The transportation , sale and delivery constitute an unbroken chain, fundamentally interstate from beginning to end, and of such continuity as to amount to an established course of business. The paramount interest is not local but national, admitting of and requiring uniformity of regulation. Such uniformity, even though it be the uniformity of governmental nonaction, may be highly necessary to preserve equality of opportunity and treatment among the various communities and States concerned. See, for example: Welton v. Missouri, 91 U. S. 275, 282; Hall v. DeCuir, 95 U. S. 485, 490.
>
> "That some or all of the distributing companies are operating under state or municipal franchises cannot affect the question. It is enough to say that the Supply Company is not so operating and is not made a party to these franchises by merely doing business with the franchise holders."

The Barrett case clearly holds that as to gas brought from another State and sold to distributing companies the pipe line company is engaged in interstate commerce, and that such commerce is not subject to regulation by the State in which deliveries are made even though the national government has not acted. The case further held that the interstate movement ended with the sale to the distributing companies, and that the subsequent sale by the latter companies "is intrastate business and subject to state regulation."

In Peoples Natural Gas Company v. Public Service Commission, 270 U. S. 550, the court likewise held that gas transported from West Virginia to Pennsylvania, where it was sold to a local distributing company, was

moving in interstate commerce throughout, the court saying:

> "Prior decisions leave no room for discussion on this point, and show that the passing of custody and title at the state boundary line without arresting the movement to the destination intended, are minor details which do not affect the essential nature of the business."

In East Ohio Gas Co. v. Tax Commission of Ohio, 283 U. S. 465, there was involved the validity of an Ohio "tax for the privilege of carrying on intrastate business", or, in other words, an occupational tax on such business. The Gas Company was engaged as a public utility in the business of furnishing natural gas to consumers in more than fifty municipalities in that State. Twenty-five per cent of its gas originated in Ohio. It brought seventy-five per cent thereof in pipe lines from West Virginia and Pennsylvania. The gas from West Virginia (some seventy-two per cent of all sold),

> " . . . is gathered to a station in that state, there freed from gasoline vapors and pumped at a pressure of from 200 to 300 pounds per square inch into transmission lines which connect, at the boundary between the states, with appellant's high-pressure transmission lines. By means of these the gas is transmitted to a station in Stark county, whence it is taken by other lines to pressure reducing stations. The lines there connect with distribution lines in which is maintained pressure of from 30 to 50 pounds per square inch and which are a part of the distribution system in each municipality served. From the latter the gas enters the local supply mains wherein pressure is reduced to that necessary—a few ounces per square inch—to carry the gas through the service pipes extending to the premises of consumers and suitably to supply their burners." (468)

The tax was levied on the gross receipts. After following a contrary theory for some years, the tax commission concluded that the tax should be levied on all receipts and not merely those allocated to that portion of the gas originating in Ohio. The court overruled ("disapproved") Pennsylvania Gas Co. v. Pub. Serv. Comm. supra, followed the Landon case, and held that the distribution of gas in local distribution systems by the company bringing the gas from other States, is intrastate commerce, and that an occupational tax could be laid on the gross receipts therefrom.

We quote from the opinion (470-471):

"The transportation of gas from wells outside Ohio by the lines of the producing companies to the state line and thence by means of appellant's high pressure transmission lines to their connection with its local systems is essentially national—not local—in character and is interstate commerce within as well as without that state. The mere fact that the title or the custody of the gas passes while it is en route from state to state is not determinative of the question where interstate commerce ends. (Citing cases) But when the gas passes from the distribution lines into the supply mains, it necessarily is relieved of nearly all the pressure put upon it at the stations of the producing companies, its volume thereby is expanded to many times what it was while in the high pressure interstate transmission lines, and it is divided into the many thousand relatively tiny streams that enter the small service lines connecting such mains with the pipes on the consumers' premises. So segregated the gas in such service lines and pipes remains in readiness or moves forward to serve as needed. The treatment and division of the large compressed volume of gas is like the breaking of an original package, after shipment in interstate commerce, in order that its contents may be treated, prepared for sale, and sold at retail. (Citing cases) It follows that the furnishing of gas to consumers in Ohio municipalities by means of distribution plants to supply the gas suitably for the service for which it is intended is not interstate commerce, but a business of purely local concern exclusively within the jurisdiction of the state."

In State Tax Commission of Mississippi, et al. v. Interstate Natural Gas Company, 284 U. S. 41, the State of Mississippi attempted to exact a privilege tax from the company which transported in interstate commerce and sold natural gas to distributors. A three-judge statutory court enjoined the collection of the tax and the Supreme Court affirmed. The opinion of the latter is as follows:

"This is an appeal from a decree of three Judges sitting according to statute in the District Court, by which the Tax Commission of the State of Mississippi is permanently enjoined from enforcing a Privilege Tax Law of that State, being Chapter 88 of the laws of 1930, against the Interstate Natural Gas Company, the plaintiff in this suit.

"The facts are agreed. The plaintiff has a trunk line of pipe extending from gas fields in Louisiana through Mississippi and back to Louisiana; 72.42 miles having a diameter of 22 inches, 8.11 miles having a diameter of 12 inches and 4.99 miles a diameter of 10 inches. It sells daily to distributors in Louisiana about 70,000,000 cubic feet of natural gas in summer and about 75,000,000 feet in winter. In Mississippi it sells as will be explained from 204,000 to 520,000 feet according to the season. The gas flows continuously from the gas fields in Louisiana and obviously, for much the greater part at least, in interstate commerce. But the appellants rely upon business done under two similar contracts made in New York to show that there was intrastate commerce in Mississippi that may be taxed without burdening the main activity that the State cannot touch. Ozark Pipe Line Corp. v. Monier, 266 U. S. 555, 565, 69 L. Ed. 439, 442, 45 S. Ct. 184;

East Ohio Gas Co. v. Tax Commission, 283 U. S. 465, 470, 75 L. Ed. 1171, 1174, 51 S. Ct. 499. Distributing companies tap the plaintiff's pipes near Natchez and the town of Woodville. The gas withdrawn by the distributors is measured by a thermometer and a meter furnished by the plaintiff which is the only way in which it can be measured. The pressure of the gas is reduced by the plaintiff before it passes into the purchaser's hands. The work done by the plaintiff is done upon the flowing gas to help the delivery and seems to us plainly to be incident to the interstate commerce between Louisiana and Mississippi. The plaintiff simply transports the gas and delivers it wholesale not otherwise worked over than to make it ready for delivery to the independent parties that dispose of it by retail. Missouri ex rel. Barrett v. Kansas Natural Gas Co., 265 U. S. 298, 68 L. Ed. 1027, 44 S. Ct. 544; Public Utilities Commission v. Landon, 249 U. S. 236, 245, 63 L. Ed. 577, 586, P.U.R. 1919C, 834, 39 S. Ct. 268; Ozark Pipe Line Corp. v. Monier, 266 U. S. 555, 69 L. Ed. 439, 45 S. Ct. 184."

In view of the authorities cited, particularly the Barrett case, there is nothing left for us to do than to, and we do, find that as to the gas sold to distributing companies for resale to domestic consumers, the respondent is engaged in interstate commerce which is not subject to regulation by the State of Colorado.

The attorneys for Colorado and New Mexico Coal Operators Association appear to agree with this finding, as is shown by the following language found on page 9 of their reply brief: " . . . and we are agreed that where such a sale is made outright and the pipe line company retains no control over the contracts made by the distributing company for the resale of the gas, that such sales are not within the jurisdiction of this Commission, and that a company which sells only to distributing companies and retains no control over the contracts of the distributing companies, is not a public utility."

It will be noted that the cases decided by the Supreme Court of the United States which are controlling on us draw an analogy between gas originating in one State and moving to the point or points of sale in another at the same pressure which it is under at the time it enters the State and an original package brought into the State and sold in its original bulk and form. Here the gas moves continuously to the various industrial consumers who are served direct at the same pressure that it is under at the time it enters the State. According to the cases it clearly

does not "break bulk" at any point in the movement, even though part of the gas is sold to one customer and part to others. It is true that the pressure is reduced at the point of delivery. In this respect it is no different from the case of the sale to companies engaged in local distribution. In the Mississippi case, supra, the statement is made "The pressure of the gas is reduced by the plaintiff before it passes into the purchaser's hands."

However, it is argued that the piping of gas in laterals results in the breaking of bulk at the points where the gas leaves the main line extending to Denver. But we have the same situation in respect of the gas delivered to local distributing companies. Some of them receive their gas from laterals. Yet the cases unquestionably hold that bulk is not broken until the gas is delivered to the local distributing systems.

Something is said in one or two cases to the effect that the company engaged in interstate business was not delivering the gas direct to ultimate consumers. For instance, we find in the Barrett case this language:

> "The business of supplying, on demand, local consumers, is a local business, even though the gas be brought from another state, and drawn for distribution directly from interstate mains; and this is so whether the local distribution be made by the transporting company or by independent distributing companies."

The court had already said in its opinion:

> "But the sale and delivery here is an inseparable part of a transaction in interstate commerce, - not local but essentially national in character, - and enforcement of a selling price in such a transaction places a direct burden upon such commerce inconsistent with that freedom of interstate trade which it was the purpose of the commerce clause to secure and preserve."

The case the court had before it was the supplying of ultimate consumers by a company through a municipal system, a case in which bulk had been broken and the commodity sold at retail.

There are scores of cases holding that certain kinds of business are interstate even though the deliveries are made direct. For instance, in Wilcox v. The People, 46 Colo. 382, it appeared that buggies shipped from St. Louis were delivered by the vendor's agent direct to the purchasers

thereof in Colorado. Our Supreme Court held that it was a case of interstate commerce and that under the commerce clause ". . . the power to regulate commerce among the states is fixed in congress alone, and interstate commerce cannot be taxed by a state." It further held that the case did not come within the exception authorizing local action when the Congress had not occupied the field. To the same effect is International Trust Company v. Leschen & Sons Rope Co., et al., 41 Colo. 299.

A case cited and relied upon by one or more of the interveners is Re Cities Service Gas Co., et al., P.U.R. 1931E, 11. In that case there clearly was identity of interest, all the companies being subsidiaries of Cities Service Company. Complete control over ultimate prices might have been based on that fact alone. Western Distributing Company v. P. S. C. of Kansas, 285 U. S. 119. The pipe line company was making deliveries of gas directly to twelve industrial customers. The facts as to the method of making delivery, etc., were not very clear. Three of such customers were doing business in Joplin. In addition there were three inactive customers in Joplin, having contracts for gas but not then taking it. The Missouri Public Service Commission said:

> "It cannot come into this state with a monopoly of natural gas for industrial uses, hold itself out to furnish gas to industrial consumers generally for consumption by them, and by labeling each sale a 'wholesale' contract claim that each of these contracts is in interstate commerce, over which the state or its agencies have no control."

This, we say with all respect, is, in our opinion, begging the question.

The only two cases cited by the Missouri Commission in support of the statement that a State has jurisdiction over the sale of gas to industrial consumers which is brought directly to them from another State are the Pennsylvania Gas Co. case, supra, and the East Ohio Gas Co. case, supra. In the latter case there was only the usual sale to distributing companies, the business being held not subject to a state privilege tax. In the former case the pipe line company itself was making distribution through its local distribution system built in the streets of three municipalities. The court in that case said:

". . . nevertheless, the service rendered is essentially

> local, and the sale of gas is by the company to local consumers, who are reached by the use of the streets of the city in which the pipes are laid, and through which the gas is conducted to factories and residences as it is required for use. The service is similar to that of a local plant furnishing gas to consumers in a city."

Here, while sale is made to consumers, no municipal system is used, no city streets used, no breaking of bulk takes place until delivery is made to each of the industrial customers.

The attorneys for the City and County of Denver argue that as to The Arkansas Valley Natural Gas Company and respondent there is an identity of interest; that we may, therefore, in view of the decision in the Western Distributing Company case, supra, "regulate the rates charged by" respondent to the Arkansas Company, and that we "must, therefore, inquire as to the rates charged by the Colorado Interstate Gas Company to all of the distributing companies." We can find no facts in the record, which we attempted to develop fully on this point, which, in our opinion, warrant any finding of identity of interest between respondent and the Arkansas Company. Evidently the Attorney General and the attorneys for Colorado and New Mexico Coal Operators Association agree with our conclusion on this question, since they did not join in the contention made by the attorneys for Denver. There is no contention whatever in any of the briefs that there is any identity of interest or ultimate control as respects respondent and any other wholesale customer.

After careful consideration of the evidence we are of the opinion, and so find, that as to gas furnished directly by the respondent to industrial customers, which does not pass through a local distributing system, the respondent is engaged in interstate commerce, over which this Commission has no jurisdiction.

With respect to gas delivered to local companies for distribution to domestic consumers and that delivered directly to industrial consumers, it might be admitted that there ought to be public control. But in view of the commerce clause of the Federal Constitution, the argument is one to be addressed to the Congress. We quote on that point from the Kansas Gas Company case, supra, 308:

"The contention that, in the public interest, the business is one requiring regulation, need not be challenged. But Congress thus far has not seen fit to regulate it, and its silence, where it has sole power to speak, is equivalent to a declaration that the particular commerce shall be free from regulation."

We come now to the third aspect of the case, namely, the question whether as to gas delivered to industrial consumers through the local distribution systems, the respondent itself is engaged in distributing gas to such consumers? If it is we have jurisdiction over its rates and service, since, as we have seen, such business is intrastate commerce.

The Landon case, supra, undoubtedly holds that the mere fact that the pipe line company and the distributing company share on a percentage basis the compensation paid for such gas does not make the local company owning and operating a distribution system an agent of the pipe line company, the language being "But we cannot agree with its conclusions that local companies in distributing and selling gas to their customers acted as mere agents, immediate representatives or instrumentalities of the receivers," the receivers being engaged in the pipe line business. It is, therefore, necessary that we find something more in the facts in this case to warrant a different conclusion.

The cases have gone pretty far in holding that the parties may avoid, if they so desire, the relationship of principal and agent. Several cases dealing with the relationship existing between automobile manufacturing concerns and local dealers involve said question.

S. B. McMaster, Inc., vs. Chevrolet Motor Company, 3 Fed. (2d) 469, is one of such cases. There it appeared that the contract expressly provided that the local dealer was not thereby constituted "the agent or local representative of seller for any purpose whatsoever". However, the contract did at some length make some rather far-reaching provisions. It contained, inter alia, the following requirements, as is stated in the decision of the court: That all sales be made in accordance with the

agreement; "to maintain a place of business, a salesroom, a service station satisfactory to the seller, and the seller has the right to inspect all records and accounts of the dealer relating to the sale and servicing of automobiles and parts"; that the dealer, at his own expense, comply with all requirements of which he may be notified by the seller in writing, relating to the advertising, sale and servicing of automobiles and parts; that he sell new automobiles at certain prices and charges, including freight, handling charges and taxes paid.

The court stated that the question before it and before the Supreme Court of South Carolina in McNeill v. Electric Storage Battery Co. 109 S. C. 526, 96 S. E. 134, "is whether under the contract between the parties there has been created a relationship of agency or not."

After stating the facts and the question, the court said:

> "At the outset it is to be observed that it is simply a question of an ordinary contract between parties which they have a right to make; and whether they desire to establish simply the relationship of vendor and vendee, or to establish the relationship of principal and agent, there being no ground of public policy to interfere, they are entirely within their rights in so framing their contract as to carry out their intention. The intention of the parties in the absence of any ground of public policy must prevail, and their intention must be gathered from the terms of the contract itself."

The court further said:

> "The express declaration is not absolutely controlling, but it is to be duly considered in the determination of the question involved."

The court considered the proper definition of "agency", quoting from Corpus Juris and other authorities. The court then concluded that the relation of principal and agent did not exist and that in the absence of any such relationship, Chevrolet Motor Company was not doing business within the state of South Carolina.

The Federal District Court in deciding the McMaster case, disagreed with the Supreme Court of South Carolina which decided the McNeill case, supra. The decision in that case is found in the following paragraph:

"It will be seen that the appellant had absolute control of the Columbia business. It could fix the price from time to time without any reference to the price paid by its so-called purchaser; the codefendant could sell no other batteries; the purchaser so called must maintain a repair shop satisfactory to the appellant. It must promote, in every reasonable way, the interest of the appellant within and without its territory. It is true the contract provided that the relation of principal and agent should not exist, but when the provisions of a contract make a contract of agency then it is a contract of agency, and it makes no difference by what names the parties may call themselves. This contract gives the appellant complete control for the sale of its goods, and the business is the business of the appellant."

In Jeffrey-Nichols Motor Co. v. Hupp Motor Car Corporation, 41 Fed. (2d) 767, the Federal Court for the District of Massachusetts had before it a case brought under the anti-trust laws. The question was whether or not "the venue of this action is laid in a district wherein the defendant corporation may be found or transacts business." The court said that the contract in the McMaster case was "in all essential particulars identical with that between the defendant and the Boston company". Further quoting from the decision in the McMaster case, the Federal court stated that it concurred in the statement "that the agreement should be so construed as to give full effect to the intention of the parties. There is no ground of public policy which militates against a contract which is obviously designed to increase a manufacturer's interstate business without transacting business in every state into which its product goes."

The court further stated:

"In the case at bar, all the acts of the distributor were for its own account. Its purchases were made for itself. Resales were made by it to whomever it wished, and at such prices as it wished. In all respects it was the absolute owner, with all the rights incident to absolute ownership."

A contract of the same general nature as that described in the McMaster case was involved in Burkhalter v. Ford Motor Co., 116 S. E. (Ga.) 333. The Court of Appeals of Georgia held that no agency existed.

In the case of Wilcox & Gibbs Co. v. Ewing, 141 U. S. 627, it was held that one appointed as exclusive vendor of the defendant's machines in a certain territory, was an agent. However, it appeared in that case that the contract referred to the territory "of other agents" and to "all

sub-vendors or agents", and to the "appointment or agency".

The Supreme Court of the United States in Banker Brothers Company vs. Commonwealth of Pennsylvania, 222 U. S. 210, reached a different conclusion than that arrived at in the Wilcox and Gibbs Company case. However, the facts were somewhat different. The Banker Brothers Company, doing business in Pennsylvania "was charged, as retail venders, with a tax of 1 per cent on $351,000 on sales of automobiles to persons in Pennsylvania under a statute of that State. It denied liability on the ground that the sales were interstate transactions. A decision of that point involves the question as to whether Banker Brothers Company acted as principal or as agent of a New York manufacturer." In the course of the opinion the court stated:

> "This is one of the common cases in which parties find it to their interest to occupy the position of vendor and vendee for some purposes under a contract containing terms which, for the purpose of restricting sales and securing payment, come near to creating the relation of principal and agent."

The court held that there was no such relationship of principal and agent, saying:

> "The name of the Pierce Company was not mentioned in the order signed by the purchaser. Had there been a breach of its terms he would have had a cause of action against the Banker Brothers Company, with whom alone he dealt. If he had failed to complete the purchase the Pierce Company would have no right to sue him on the contract. The fact that he was liable for the freight by virtue of the agreement to 'pay the list price f.o.b. factory' did not convert it into a sale by the manufacturer at the factory; neither was that result accomplished because, with the machine, Banker Brothers Company also delivered to the buyer in Pittsburg a warranty from the manufacturer direct."

The question whether there exists an agency or an outright sale is sometimes difficult to determine. This uncertainty, as is stated in Mechem on Agency, Section 47, Volume 1, is due "more frequently to the conscious desire of one of the parties at least--usually the one from whom the goods are received--to have the transaction afterward take the form either of agency or sale as shall best suit his purposes." Professor Mechem continued with characteristic lucidity:

"These doubtful cases are to be determined, not by the name which the parties have seen fit to apply to their contract but by its true nature and effect. The essence of sale is the transfer of the title to the goods for a price paid or to be paid. Such a transfer puts the transferee, who has obtained the goods to sell again, in the attitude of one who is selling his own goods, and makes him liable to the person from whom he received them as a debtor for the price to be paid and not liable as an agent for the proceeds of the resale. The essence of agency to sell is the delivery of the goods to a person who is to sell them, not as his own property but as the property of the principal." (Sec. 48)

It might be said that the relation here is that of a factor whose business it is to receive and sell goods for a commission, the sale usually being in his own name. A factor selling upon a del credere commission guarantees the payment of debts arising through the agency.

The State obviously is not bound by mere forms and terminology. Getting to the heart of this situation the question after all is not necessarily whether the relationship of principal and agent exists or not, but whether in substance and indeed the sale of the gas to industrial consumers served from local distribution systems is the business of the distributing companies or that of the respondent, the pipe line company. We fully appreciate that some control is necessarily retained by the respondent for the reasons which it has clearly stated. We appreciate also that the mere fact it has exercised more control than might be deemed necessary does not necessarily dispose of the question before us. However, we think it has a bearing. The Commission is unable to find in the necessities of the situation any justification or any reason for the retention of full power to fix the price of such gas and all terms and conditions for any reason it might deem desirable in each and every contract, except that of exercising complete control over such business. In our opinion there is no reason why distributing companies, if the gas is really sold to them, should not be allowed to sell the gas at uniform rates to customers of various proper classes.

After very careful consideration of this question the Commission is of the opinion, and so finds, that the sale and distribution of the gas

in question to industrial consumers served from local distributing systems is the business of Colorado Interstate Gas Company and that the local distributing companies receive fifteen per cent of that price for guaranteeing payment (in substance), allowing the use of their distributing lines, collecting the charges and performing the necessary service incident to the delivery and sale of the gas through their lines.

Since this business of selling gas to industrial consumers from local systems is that of the respondent, it obviously should file with the Commission a tariff of rates, rules and regulations affecting such service in all cities and towns other than the home rule cities.

O R D E R

IT IS THEREFORE ORDERED, That Colorado Interstate Gas Company, respondent, within thirty days from this date file with this Commission a tariff of rates, rules and regulations applicable to the sale and distribution of gas to industrial consumers served from local distribution systems other than those in home rule cities.

IT IS FURTHER ORDERED, That except as to industrial consumers served from local distribution systems this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1933.

(Decision No. 4932)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY TO CLOSE ITS AGENCY STATION AT MOSCA, COLORADO.

INVESTIGATION AND SUSPENSION
DOCKET NO. 173

February 28, 1933.

S T A T E M E N T

By the Commission:

On February 14, 1933, The Denver and Rio Grande Western Railroad Company filed a petition to modify the decision heretofore rendered by the Commission in the instant case on February 23, 1932, wherein authority was granted to said company to close its agency station at Mosca, Colorado, during a portion of the year 1932. In the present petition, authority is sought to discontinue the said agency station until the further order of the Commission.

It appears from the record that the station agency at Mosca was closed March 1, 1932, and reopened on September 9, 1932, and is now being maintained as an agency station. It further appears from the petition for modification that the total revenue received at said Mosca station for the year 1932 amounted to $4,073.26 as compared with a total revenue for the year 1931 of $6,963.60.

It is also apparent that but very little carload or l.c.l. freight moved into or out of Mosca in 1932, and that in all probability but little business will be done at said agency station in the year 1933, at least until the fall movement of crops is under way.

Copies of the petition to modify our previous order were served upon the various parties interested and a statement of their position in the matter was requested by the Commission. Mr. Charles H. Woodard, attorney at law of Alamosa, who appeared for a number of protestants at the former

hearing, is again representing a number of the residents of Mosca. Hon. O. O. Smith of Alamosa also represents some of the interested parties. Both Mr. Woodard and Mr. Smith have advised the Commission that if the railroad company will maintain a custodian at the Mosca station and continue the telephone service now available at said station for the benefit of the shippers, it will be satisfactory with protestants to permit the railroad company to close its agency station at Mosca on March 1, 1933, and to set the matter for further hearing at Alamosa, Colorado, sometime during the month of August, 1933, at which time it is felt that the Commission will be in better position to judge when the public convenience and necessity will again require a station agent at Mosca. This proposition on the part of protestants is satisfactory to the railroad company.

After careful consideration of the record the Commission is of the opinion, and so finds, that the order entered by the Commission on February 23, 1932, should be modified to permit The Denver and Rio Grande Western Railroad Company to close its agency station at Mosca, Colorado, on March 1, 1933; provided, however, that said railroad company shall maintain a custodian at said Mosca station and shall also maintain for the benefit of the shippers of said territory the telephone service now available at said Mosca station.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Rio Grande Western Railroad Company to close its agency station at Mosca, Colorado, on March 1, 1933; provided, however, that said railroad company shall maintain a custodian at said Mosca station and shall also maintain the telephone service now available at said station for the benefit of the shippers of said territory.

IT IS FURTHER ORDERED, That a further hearing on this matter be held at Alamosa, Colorado, on August 15, 1933, at 9:30 A. M. o'clock for the purpose of determining when the public convenience and necessity will

require the re-establishment of the agency station at Mosca, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1933.

Form No. 4. (Decision No. 4933)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1139
DON P. TAYLOR.)

March 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application 1374)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received
August, 1932, and January, 1933.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	June	$ 7.35	.66	$ 8.01
"	July	10.95	.82	11.77
"	September	5.94	.27	6.21
"	October	7.61	.23	7.84
"	November	3.69	.06	3.75
"	December	8.93	--	8.93
				46.51

Respondent has failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, **and has failed to file an insurance policy or surety bond as required by law.**

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4934)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY MERCURE.) CASE NO. 1149
)

March 2, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1487)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

January, 1933.

		Highway compensation tax unpaid		
Year	Month	Tax	Penalty	Total
1932	August	$ 9.39	.56	$ 9.95
"	September	9.75	.44	10.19
"	October	5.81	.17	5.98
"	November	6.20	.09	6.29
"	December	5.66	--	5.66
				$38.07

pd.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4935)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
THOS. F. MULVANY.) CASE NO. 1141

March 2, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1615)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

October, November, December, 1932 and
January, 1933.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. 486. (Decision No. 4956)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 1142
H. D. FLOWERS AND W. E. TURNER.)

March 2, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents, authorizing their operations as a motor vehicle carrier. (Application No. 1516)

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

September, October, November, December, 1932, and January, 1933.

Respondents have also failed to file an insurance policy or surety bond covering public liability and property damage, as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond, covering public liability and property damage, as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4957)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN JOHNSON.)
) CASE NO. 1143

March 2, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1824)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received
December, 1932, and January, 1933

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	August	$ .10	-	.10
"	September	7.69	.35	8.04
				8.14

Respondent has failed also to file a cargo insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file a cargo insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter Walford

Dan S. Jones

Edward C. Dunn

Commissioners.

Form No. 4. (Decision No. 4958)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BEN TILLOTSON.)
) CASE NO. 1144

March 2, 1933.

STATEMENT

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1662)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

October, November, December, 1932, and January, 1933.

Respondent has failed also to file a cargo insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file a cargo insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4959)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. F. ANDERSON.) CASE NO. 1145
)

March 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1832)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

October, November, December, 1932, and January, 1933.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	September	$4.46	.20	$ 4.66

Respondent has failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4940)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD J. & HAROLD J. LAFFERTY) CASE NO. 1146
doing business as D & L TRANS-)
FER COMPANY.)

March 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents authorizing their operations as a motor vehicle carrier. (Application No. 1718)

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

November, December, 1932, and January, 1933.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	August	$2.69	.16	$ 2.85
"	October	1.71	.05	1.76
				4.61

Respondents have failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, **and have failed to file an insurance policy or surety bond as required by law.**

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4941)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EVERETT SCOTT.)
) CASE NO. 1147

March 2, 1933

STATEMENT

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 589)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

October, November, December, 1932 and January, 1933.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	June	$ 15.05	$ 1.35	$ 16.40
"	July	12.16	.91	13.07
"	August	11.62	.70	12.32
"	September	10.48	.47	10.95
				52.74

ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Form No. 4. (Decision No. 4942)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. A. CULVERSON, doing business) CASE NO. 1148
~~as WYOMING FAST EXPRESS.~~)

March 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 2029-I)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

December, 1932, and January, 1933.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1932	August	$ --	.44	$ .44
"	September	29.26	1.32	30.58
"	October	35.49	1.06	36.55
"	November	25.12	.38	25.50
				93.07

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on March 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

(Decision No. 4943)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY H. HUDSON.) CASE NO. 1123

March 2, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1688, should not be suspended or revoked for his failure to file monthly reports for the months of August, September, October, November and December, 1932, and for failure to pay highway compensation taxes for the months of April, June and July, 1932, in the amount of $3.51.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had not filed the delinquent reports in question and had not paid the tax due for the months of April, June and July, 1932, in the amount of $3.51.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Harry H. Hudson in Application No. 1688, should be merely suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file all delinquent monthly reports, pay all highway compensation taxes due, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically

become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Harry H. Hudson in Application No. 1688, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of March, 1933.

266

(Decision No. 4944)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAKE WEILER AND FRED HAUF, DOING)
BUSINESS AS MINERS TRANSPORTATION) CASE NO. 1124
COMPANY.)

March 2, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondents to show cause why their certificate of public convenience and necessity, heretofore issued to them in Application No. 1038, should not be suspended or revoked for their failure to file monthly reports for the months of September, October and December, 1932, and pay highway compensation taxes for the months of February, March and November, 1932, in the amount of $9.69, and also for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was had at which respondents did not appear, although given due notice of the time and place of said hearing. The evidence disclosed that respondents had filed their December, 1932, report, but that the September and October reports were still outstanding, and that respondents had not paid the taxes due for the months of February, March and November, 1932, and had not filed the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being

charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Jake Weiler and Fred Hauf, doing business as Miners Transportation Company, in Application No. 1038, should be suspended for a period of six months from the date hereof.

If, in the meantime, the respondents will file all delinquent monthly reports, pay the highway compensation taxes due for the months of February, March and November, 1932, file the necessary insurance policy or surety bond, and also file a written statement to the effect that they have not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Jake Weiler and Fred Hauf, doing business as Miners Transportation Company, in Application No. 1038, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 2nd day of March, 1933.

Commissioners.

591

(Decision No. 4945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY POOLE.) CASE NO. 1119

March 2, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondent to show cause why his certificate of public convenience and necessity, heretofore issued to him in Application No. 1702, should not be suspended or revoked for his failure to file monthly reports for the months of March, 1932, to December, 1932, both inclusive, pay highway compensation taxes for the months of January and February, 1932, in the amount of $ .44, and for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was had at which respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent had not filed the delinquent reports in question, paid the highway compensation tax due, and had not filed the necessary insurance.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of

of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Roy Poole in Application No. 1702, should be suspended for a period of six months from the date hereof.

If, in the meantime, the respondent will file all delinquent monthly reports, pay the highway compensation taxes due, file the necessary insurance, and also file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Roy Poole in Application No. 1702, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 2nd day of March, 1933.

Commissioners.

(Decision No. 4946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. J. PALMER, J. J. PALMER, AND)
W. B. TAYLOR, DOING BUSINESS AS)
DENVER-OMAHA MOTOR EXPRESS.)

CASE NO. 1118

March 2, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the above named respondents to show cause why their common carrier interstate permit, heretofore issued to them in Application No. 2060-I, should not be suspended or revoked for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was had at which respondents did not appear, although given due notice of the time and place of said hearing. The evidence disclosed that said respondents have no effective insurance on file. The Commission has received information that said respondents are out of business.

After careful consideration of the record the Commission is of the opinion, and so finds, that the common carrier interstate permit, heretofore issued to D. J. Palmer, J. J. Palmer and W. B. Taylor, doing business as Denver-Omaha Motor Express, should be revoked and cancelled for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the common carrier interstate permit, heretofore issued to D. J. Palmer, J. J. Palmer and W. B. Taylor, doing business as Denver-Omaha Motor Express, be, and the same is hereby,

revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of March, 1933.

(Decision No. 4947)

531

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF GORDON STORAGE WAREHOUSES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING IT TO CONDUCT AN INTERSTATE MOTOR TRUCK OPERATION BETWEEN OMAHA AND OTHER NEBRASKA POINTS AND DENVER AND OTHER COLORADO POINTS.	)	APPLICATION NO. 1714

March 2, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of correspondence from the above named applicant indicating that it has discontinued the use of its interstate permit authorizing operations in Colorado, and requesting that same be either revoked or suspended.

In view of these communications, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to applicant in Application No. 1714, should be suspended for a period of six months from the date hereof; provided, however, that during said period of suspension said certificate will be automatically reinstated if applicant files all delinquent reports, pays all delinquent road taxes, and files the necessary and proper insurance with this Commission during said period. If said above requirements are not complied with, then, in that event, said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Gordon Storage Warehouses, Inc., in Application No. 1714, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore

made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of March, 1933.

(Decision No. 4948)

674

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BUD CRAM FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE MOTOR VEHICLE TRUCK SERVICE TO AND FROM THE COLORADO HORSE AND MULE MARKET AT DENVER, COLORADO, TO AND FROM ANY POINT WITHIN THE STATE OF COLORADO.

APPLICATION NO. 1977

March 2, 1933.

Appearances: Mr. Bud Cram, Denver, Colorado, pro se;
D. Edgar Wilson, Esq., Denver, Colorado, for The Chicago, Rock Island and Pacific Railway Company;
F. F. Crabbe, Esq., Denver, Colorado, for The Colorado and Southern Railway Company and Chicago, Burlington and Quincy Railroad company.

S T A T E M E N T

By the Commission:

Applicant seeks authority to establish motor vehicle service for the transportation of horses and mules only to and from the Denver Horse and Mule Market at Denver, Colorado, to and from any point within the State of Colorado.

The evidence disclosed that for a number of years applicant has been engaged in the transportation of horses and mules to and from the horse and mule market at the Stock Yards in Denver. He owns a two-ton G. M. C. truck, and while occasionally he makes trips of considerable distance, his average haul at the present time is within a radius of fifty miles of Denver. He claims that this is a particular transportation service for less than carload lots of horses and mules which is not afforded by other common carriers.

The evidence indicated that under present conditions there is ample equipment at the Stock Yards already owned by certificated carriers to handle this particular business, but none of said motor vehicle carriers appeared in opposition to the application of Mr. Cram, and apparently they are satisfied to let him continue in this particular line of business.

Applicant testified that in the last year he estimated that his average total income from his operations was approximately $8.00 per day, but he has kept no books and has only a very hazy idea as to whether or not his operations are successful. One significant fact that was brought out in the evidence disclosed that the prices on horses and mules are higher at the present time than they have been for a number of years past.

Some records are available to determine the amount of freight handled by applicant during the past year, and the Commission feels that a reasonable settlement should be made by applicant with the Commission in payment of road taxes that would be due over said period.

After careful consideration of all the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operations of applicant in the transportation of horses and mules only to and from the Colorado horse and mule market at Denver, to and from any points within the State of Colorado, subject to the conditions hereinafter stated which the Commission find the public convenience and necessity require.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of the applicant for the transportation of horses and mules only to and from the horse and mule market at Denver, Colorado, to and from any points within the State of Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following conditions:

(a) That before this certificate shall become effective, the applicant shall make a satisfactory adjustment with the Commission for road taxes due the State for the freight transported by him during the past year.

(b) Applicant shall not operate on schedule between any points.

IT IS FURTHER ORDERED, That applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within

a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of March, 1933.

(Decision No. 4949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * MAKE NO COPY

RE RATES ON COAL TO POINTS)
IN CRIPPLE CREEK DISTRICT.) CASE NO. 1149

March 2, 1933

S T A T E M E N T

By the Commission:

The Commission has had some informal complaints against the rates charged by The Atchison, Topeka & Santa Fe Railway Company, The Denver & Rio Grande Western Railroad Company, The Colorado & Southern Railway Company, and The Midland Terminal Railway Company, on coal transported from Walsenburg and Canon City coal regions to points on said The Midland Terminal Railway Company's line west of Colorado Springs.

We have attempted to have said complaints satisfied by informal negotiations, but have failed.

The Commission is of the opinion, and so finds, that it should, on its own motion, institute and make a complaint against the reasonableness of the rates and charges of the respondents, The Atchison, Topeka & Santa Fe Railway Company, The Denver & Rio Grande Western Railroad Company, The Colorado & Southern Railway Company, and The Midland Terminal Railway Company on coal transported from Walsenburg and Canon City coal regions to points on said The Midland Terminal Railway Company's line west of Colorado Springs.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that a complaint be, and the same is hereby, instituted and made by it against the reasonableness of the rates and charges of the respondents, The Atchison, Topeka & Santa Fe Railway Company, The Denver & Rio Grande Western Railroad Company, The Colorado & Southern Railway Company, and The Midland Terminal Railway Company, on coal transported from Walsenburg and Canon City

coal regions to points on said The Midland Terminal Railway Company's line west of Colorado Springs.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on Monday, March 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 2nd day of March, 1933.

(Decision No. 4950)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. BARLOW.) CASE NO. 1073

March 3, 1933.

Appearances: W. E. Barlow, Fairplay, Colorado, pro se.

S T A T E M E N T

By the Commission:

The Commission made an order requiring the respondent, W. E. Barlow, to show cause why the Commission should not suspend or revoke his motor vehicle permit No. A-394, on account of his operating as a motor vehicle or common carrier.

A hearing was had. The evidence showed, and we found in our order of January 5, 1933, that the respondent was operating as such motor vehicle or common carrier. However, instead of revoking the permit, we continued the case and allowed the respondent to make proof of having limited his operations in such a way as to be merely a private carrier.

A further hearing was had on February 28, at which the respondent appeared and gave testimony as to his present service.

From such testimony, the Commission is of the opinion, and so finds, that the respondent is not now operating other than as a private carrier.

However, we desire to point out that as to one of the persons to whom he is hauling freight, the Commission is of the opinion, and so finds, that the respondent is acting as a carrier for hire. Respondent testified that he finds out from the customer before departing for Denver what goods the customer wants; that he then buys the goods, pays for them and transports them to the customer, who in turn purports to purchase the goods from the respondent. While we do not charge the respondent with attempting to do

anything unlawful, we do find that this is in effect a subterfuge, and that the respondent, instead of being engaged in substance and in deed in buying and selling soft bottled drinks, he is hauling the same for compensation.

Of course, we are not now dealing with a case in which one buys commodities and keeps the same in warehouses from which he makes various sales to his customers.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the above entitled case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1933.

(Decision No. 4951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. C. BEACH.)

APPLICATION NO. 1200

March 3, 1933.

S T A T E M E N T

By the Commission:

H. C. Beach, to whom we issued a certificate of public convenience and necessity in Application No. 1200, has written to the Commission that he has no business during the winter and that, therefore, he does not feel that he should file any insurance. He has, therefore, suggested that we suspend his certificate.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to H. C. Beach in Application No. 1200, be, and the same is hereby, suspended until he shall have filed such insurance with the Commission as is required by its rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1933.

(Decision No. 4952)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALBERT J. WALTER FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE PASSENGER, FREIGHT AND EXPRESS SERVICE BETWEEN BOULDER, COLORADO, AND GOLD HILL, COLORADO, AND INTERMEDIATE POINTS.	)	APPLICATION NO. 817

March 6, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Albert J. Walter, to whom we issued a certificate of public convenience and necessity in the above numbered application, asking for authority to discontinue operations until June 15, 1933.

After careful consideration of the matter, we are of the opinion, and so find, that the said certificate should be suspended until June 15, 1933.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Albert J. Walter in Application No. 817 be, and the same is hereby, suspended until June 15, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of March, 1933.

(Decision No. 4953)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY AND THE MIDLAND OIL REFINING COMPANY FOR THE OPENING OF A PUBLIC HIGHWAY CROSSING OVER THE RIGHT-OF-WAY AND TRACKS OF THE UNION PACIFIC RAILROAD COMPANY AND THE CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY ALONG THE CENTER LINE OF THE SOUTHEAST QUARTER OF SECTION TWELVE, TOWNSHIP THREE SOUTH, RANGE SIXTY-EIGHT WEST.	APPLICATION NO. 2065

March 7, 1933

STATEMENT

By the Commission:

This proceeding arises from the application of the Board of County Commissioners of Adams County and the Midland Oil Refining Company, a corporation, for the opening of public highway crossings over the right-of-way and tracks of the Union Pacific Railroad Company and the Chicago, Burlington & Quincy Railroad Company at points where the east-west center line of the Southeast Quarter of Section Twelve, Township Three South, Range Sixty-eight West, intersects the tracks of said railroad companies.

The application alleged that it was necessary to establish a public highway at the points above referred to in order to provide ingress and egress for the properties of the Midland Oil Refining Company, a newly constructed oil refining operation, and other interests.

Copies of the application were duly served on the railroad companies concerned and arrangements were made to hold a conference on the ground to investigate and consider the matter by all the interests concerned; so accordingly on October 5, 1932, such a conference was held, attended by representatives from the County Commissioners, the Midland Oil Refining Company, the Union Pacific Railroad Company, the State Highway Department and the engineer of the Commission. The Chicago, Burlington & Quincy Railroad Company was not

represented on account of some failure in notice.

The proposed location of crossings was examined but found undesirable for many reasons, and then other locations were considered that would provide adequate ingress and egress for the refining company. It was finally decided that a proposed new highway be opened generally along the south line of Section Twelve, Township Three South, Range Sixty-eight West, and utilize the present private crossing of the Union Pacific Railroad Company on this line and the private crossing of the Mountain States Mixed Feed Company over the Burlington tracks about three hundred seventy feet northward of where the south line of Section Twelve crosses the Chicago, Burlington & Quincy Railroad Company's tracks, said new highway to be opened to Colorado Boulevard and cross the Burlington spur tracks near the southeast corner of Section Twelve, Township Three South, Range Sixty-eight West. It was found that a road opened on this line would also serve a general purpose and this plan met with the tentative approval of all concerned that were present.

The matter was then taken up with the Chicago, Burlington & Quincy Railroad Company since this company was not represented at the general conference above referred to and finally after an inspection had been made of the proposed arrangements with the Assistant Chief Engineer and other officials of that company with the Commission's engineer, the Commission is advised by the attorney for the company that the proposed arrangements are satisfactory to the company, provided the company is at no other expense than the installation of the necessary crossing signs.

The Commission is also now advised by the attorney for the Union Pacific Railroad Company that said company has no objection to the proposed arrangement, provided there is no expense to the company. This company has a crossing installed with cattle guards over the main line track at the proposed crossing, but the new highway also crosses two spur tracks that will require some expense in graveling to make good riding surface over the tracks and necessary crossing signs.

Therefore, since all the parties concerned in this matter approve the proposed opening of a highway generally along the south line of Section

Twelve, Township Three South, of Range Sixty-eight West, for the accommodation of said oil refining operation, and of others that may be concerned now or in the future instead of the opening of such a highway at the location given in the application and since all the crossings required are satisfactory to the interests concerned, the Commission is of the opinion that no further proceedings in this matter are necessary, and will, therefore, now issue its order authorizing the installation of the crossings required in the establishment and opening of this new county highway.

The Commission takes note of the statements of the rail carriers concerned regarding the expense, but we are advised that since the main crossings required in this development are already installed and the surfacing required for these and the other crossings to be installed is very small, and as no objection is made for expense of crossing signs required, the actual expense to the carriers that might be questioned is such that the Commission finds no reason to depart from its usual custom in the past in the allocation of costs.

O R D E R

IT IS THEREFORE ORDERED, That in accordance with the provisions of Section 29 of the Public Utilities Act, as amended, the following public highway crossings, at grade, be, and the same are hereby, permitted to be opened and established for the establishment of a new county highway located generally along the south line of Section Twelve, Township Three South, Range Sixty-eight West, of the Principal Meridian, said crossings to be located as follows:

1. The private crossing of the Mountain States Mixed Feed Company, located about three hundred seventy feet northward from the south line of Section Twelve, Township Three South, Range Sixty-eight West, on the main line track of the Chicago, Burlington & Quincy Railroad Company to be converted into a public highway crossing on said new county highway.

2. The present private crossing over the main line track of the Union Pacific Railroad located on the south line of Section Twelve, Township Three South, Range Sixty-eight West, to be converted into a public

highway crossing and new crossings on the same section line be installed over adjacent spur tracks of the Union Pacific Railroad.

3. New crossings to be installed over the side tracks, known as the Midland Oil Refinery Company's track, and the Market Street track of the Chicago, Burlington & Quincy Railroad at points where the south line of Section Twelve, Township Three South, Range Sixty-eight West, or the extension of said line eastward crosses said side tracks, said points being near the southeast corner of Section Twelve, Township Three South, Range Sixty-eight West.

4. The present private crossing over the Market Street track of the Chicago, Burlington & Quincy Railroad Company at the switch of the Midland Oil Refinery track to be abandoned.

IT IS FURTHER ORDERED, That the expense for the construction and maintenance of the highway up to the track, including necessary drainage therefor, shall be borne by the County of Adams, Colorado, and the expense for the installation and maintenance of the crossings and all necessary signs, cattle guards and wing fences shall be borne by the respondents as concerned, the Chicago, Burlington & Quincy Railroad Company and the Union Pacific Railroad Company.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of March, 1933.

(Decision No. 4954)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF WATER RATES TO THE CARDIFF LIGHT AND WATER COMPANY AND THE GRIZZLY WATER COMPANY.

INVESTIGATION AND SUSPENSION
DOCKET NO. 194

March 4, 1933

S T A T E M E N T

By the Commission:

On January 12, 1933, the City of Glenwood Springs filed with the Commission a notice of its intention to establish a rate of $50.00 per month for all water furnished to the Cardiff Light and Water Company and the Grizzly Water Company delivered at the connections of said companies with the city main at the south end of Grand Avenue of the City of Glenwood Springs with certain further charges for additional services of said companies in service after January 1, 1933.

On January 20, 1933, the Commission received a protest from the attorney representing said companies on the proposed new rates and an order was issued suspending the proposed schedule one hundred twenty days from January 12, 1933, for investigation and determination of the matter.

After an investigation of the matter by the Commission's engineer the City and the Treasurer of said companies, subject to approval of the stockholders, agreed upon an annual rate of $450.00 for all the water required by said companies to be delivered at their connections above referred to, said rate to be increased or diminished by any increase or decrease in the number of customers of said companies in proportion to the average number of customers at date of agreement and said companies to maintain their own pipe lines and water fixtures that may be in use.

On February 23, 1933, the Commission was advised by Mr. F. W. Kaiser, Treasurer of aforesaid companies, that the agreement proposed had been approved

by the companies' stockholders and the Commission will, therefore, issue its order dismissing any further proceedings in the matter.

O R D E R

IT IS THEREFORE ORDERED, That the water rate schedule of the City of Glenwood Springs for The Cardiff Light and Water Company and The Grizzly Water Company, as proposed in its notice dated January 5, 1933, be, and the same is hereby, cancelled.

IT IS FURTHER ORDERED, That the water rates and terms as agreed upon between the City and said companies as herein referred to, be, and the same are, hereby approved and accepted for filing, in accordance with the rules of the Commission, and that the proceedings herein be discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1933.

(Decision No. 4955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF E. B. FAUS.	CASE NO. 1135
RE MOTOR VEHICLE OPERATIONS OF E. B.FAUS.	CASE NO. 1136

March 8, 1933

Appearances: Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

In Case No. 1135 an order was entered on February 6, 1933, requiring respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1419, should not be suspended or revoked for violation of certain conditions imposed in the order granting said certificate, wherein respondent was required to charge rates at least twenty per cent higher than those charged by scheduled carriers for the transportation of all commodities except household goods and the products of agriculture, including livestock, between points served singly or in combination by scheduled carriers. Said certificate was further conditioned that applicant should not operate on schedule between any points and would not be permitted to establish branch offices or have any agent employed in any other town or city than Monte Vista for the purpose of developing business.

In Case No. 1136, an order was entered on February 6, 1933, requiring respondent to show cause why private permit No. A-401 should not be revoked due to the fact that he was transporting freight in intrastate commerce in Colorado as a private carrier, and at the same time operating as a common

carrier under his certificate of public convenience and necessity heretofore issued to him in Application No. 1419, which granted him authority to transport freight generally between points situated within a radius of twenty miles of Monte Vista, Colorado, and any and all other points within the state. Said cases were combined for the purpose of hearing.

The evidence disclosed that respondent had been transporting shipments of freight from Pueblo and Alamosa to various points in the San Luis Valley at rates which were considerably less than the tariffs on file by scheduled carriers operating between said points. However, it was disclosed that in the transportation of said freight respondent had been operating under his private carrier permit No. A-401, which had been issued to him by the Commission on October 15, 1932, and which authorized operations between Pueblo and towns in the San Luis Valley.

Respondent did not deny such operations and wrote the Commission as follows:

> "When I requested issuance of Permit No. A-401 I did so in good faith not realizing such a permit would conflict with my permit No. 446, but thinking by so doing this business could be taken care of without conflicting or infringing on any other permit and would also make it possible to meet other Class A competition.
>
> "However, if the Commission find that permit No. A-401 does conflict with Certificate No. 446, I am willing that it be cancelled if by so doing my Certificate No. 446 may be retained."

Under the record, therefore, it is quite clear that no question arises concerning the violation by respondent of the conditions contained in his certificate of public convenience and necessity issued in Application No. 1419, and the sole question to be determined by the Commission is whether an operator holding a so-called "rover's certificate" of public convenience and necessity, which permits the transportation of freight generally between points within a certain radius to and from any and all other points within the State, may also operate as a private carrier anywhere within the State of Colorado.

We believe it is a well-settled principle of law that the same person may be engaged in one line of business as a common carrier, and in another line of business as a private carrier, and we held in the case of Re Motor Vehicle

Operations of Greeley Transportation Company, a Corporation, Case No. 661, decided September 28, 1931, Decision No. 3673, that the Greeley Transportation Company had the right to operate as a private carrier outside of the territory it was authorized to serve as a common carrier under its certificate of public convenience and necessity.

We believe it is also well settled that one may not operate as a common and a private carrier at the same time with the same facilities and within the same territory or over the same route. This doctrine is laid down in the case of Beach vs. Renn, decided by the Public Service Commission of Pennsylvania and reported in P.U.R. 1930C, 153.

In the instant case, it is apparent that respondent might operate as a common carrier from any point within the radius granted in his certificate, to-wit, within twenty miles of the city of Monte Vista, to any point within the State of Colorado. The result would be that he might be operating over the same highway under the same name and with the same equipment as both a common and a private carrier if he is permitted to retain his private carrier permit. We do not believe that such a situation should be permitted to continue.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that in Case No. 1136, the private permit No. A-401, heretofore issued to respondent E. B. Faus, should be cancelled for the reason that said respondent is now authorized as a common carrier to operate from point to point within a radius of twenty miles of the city of Monte Vista and from said territory to and from all points within the State of Colorado, and that such authority as a common carrier will not permit respondent to lawfully operate as a private carrier in the transportation of freight in intrastate commerce in Colorado.

We are further of the opinion that Case No. 1135 should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That in Case No. 1136 private permit No. A-401, heretofore issued to respondent E. B. Faus, be, and the same is hereby, declared cancelled and revoked.

IT IS FURTHER ORDERED, That Case No. 1135 be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of March, 1933.

(Decision No. 4956)

675

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. A. TAYLOR, FOR A CERTIFICATE OF) APPLICATION NO. 2083
PUBLIC CONVENIENCE AND NECESSITY.)

IN THE MATTER OF THE APPLICATION OF)
ANNA E. KAMHOLZ, FOR A CERTIFICATE) APPLICATION NO. 2089
OF PUBLIC CONVENIENCE AND NECESSITY.)

March 10, 1933

Appearances: H. A. Taylor, Englewood, Colorado, pro se, in Application No. 2083;
E. B. Cartwright, Esq., Englewood, Colorado, attorney for Anna E. Kamholz, in Application No. 2089;
H. A. Davis, Esq., Denver, Colorado, attorney for Denver & South Platte Transportation Company;
W. A. Alexander, Esq., Denver, Colorado, attorney for Denver Tramway Corporation and Bus Transportation Company.

S T A T E M E N T

By the Commission:

H. A. Taylor, doing business as "Harry's Cab Service" filed an application for a certificate of public convenience and necessity authorizing the transportation of passengers in taxicab service from point to point in Englewood and between Englewood, Denver, Littleton, Sheridan, Petersburg, Ft. Logan and other points in the vicinity of Englewood.

A few days later a similar application was filed by Anna E. Kamholz.

Taylor is operating a restaurant in Englewood. Mrs. Kamholz, whose business would be run very largely by her husband, is the wife of an ex-service man.

The applications were both protested by the Denver and South Platte Transportation Company, a corporation, which has been engaged in rendering scheduled bus service for years between Englewood and Littleton. This bus service succeeded the electric line service which formerly was conducted

between the two towns.

The evidence showed that there has been no uniformity in the rates charged by the applicants and other taxi operators, and that the competition with the South Platte Company has been pretty keen. The Commission is of the opinion, and so finds, that unless protection is given to said South Platte Company, it will be unable, as was its predecessor, the electric company, to continue in business. The bus company's service has been quite reliable and dependable. Moreover, it is inconceivable that taxi service would be an adequate substitute therefor. We believe that we should do whatever is reasonably necessary to insure the public in being able to continue such service for its own benefit.

We doubt seriously whether if proper insurance is carried, there is room for more than one taxi operator in Englewood. We are of the opinion that there is a need for at least one such operator in Englewood.

We are further of the opinion, and so find, that the person authorized to do taxi service with headquarters in Englewood, should not be permitted to transport any passengers to or from Littleton and Denver unless the charge per passenger is $1.00. With respect to the service to and from those two points, Mrs. Kamholz herself proposes such a charge. We are also of the opinion that no passengers should be carried to or from intermediate points along the route between Littleton and Englewood, which are nearer than five blocks from the South Platte Company's route. In this connection, it may be stated that practically all of the taxi business along this route would either be in Englewood or between Englewood and Littleton.

After careful consideration of all the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle operation of the applicant, Anna E. Kamholz, for the operation of a taxi system for the transportation of passengers from point to point in Englewood and between Englewood, Denver, Littleton, Sheridan, Petersburg, Ft. Logan and other points in the vicinity of Englewood, subject to the conditions hereinafter stated, which in the opinion of the Commission, the public convenience and necessity require.

The Commission further finds that the public convenience and necessity do not require the motor vehicle operations of the applicant, H. A. Taylor.

It is very difficult in some cases in which we find that only one certificate should be granted to determine to which applicant the certificate should be issued. We can only say here that after careful consideration of the evidence, observation of the witnesses, etc., we are of the opinion that the public would be better served by Mrs. Kamholz than by Mr. Taylor.

We have given serious consideration to the matter of requiring the use of meters, as was urged with considerable force by the attorney for Denver Tramway Corporation. We have concluded not to make such requirement at this time, although we may conclude to do so in the future.

O R D E R

IT IS THEREFORE ORDERED, That the application of H. A. Taylor for a certificate of public convenience and necessity be, and the same is hereby, denied, and that the said Taylor cease and desist from operating.

IT IS FURTHER ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, Anna E. Kamholz, for the operation of a taxi system for the transportation of passengers from point to point in Englewood and between Englewood, Denver, Littleton, Sheridan, Petersburg, Ft. Logan and other points in the vicinity of Englewood, subject to the conditions hereinafter stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That for the transportation of any passengers between Englewood and Littleton and Denver, the applicant shall charge a fare of $1.00 per passenger.

IT IS FURTHER ORDERED, That the applicant, Anna E. Kamholz, shall not transport any passengers to any points south of the point of the northern terminus of Denver and South Platte Transportation Company's line, which are within five blocks of the route over which said company operates, except to

or from points in Littleton as aforesaid.

IT IS FURTHER ORDERED, That jurisdiction of this application be, and the same is hereby, retained to the end that the Commission may make such changes in the conditions herein specified by revoking or amending some or all of them and by adding any new and additional ones as experience and further evidence show to be warranted.

IT IS FURTHER ORDERED, That the applicant shall file tariff of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1933.

(Decision No. 4957)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE TOWN OF ORDWAY, a Municipal Corporation, Complainant, vs. THE PURE SPRINGS WATER SUPPLY COMPANY, a Corporation, Defendant.	)	CASE NO. 1082

March 10, 1933.

S T A T E M E N T

By the Commission:

A motion was made by the Town of Crowley, intervener in the above entitled case, for an order requiring the defendant to produce a great deal of documentary matter at the office of the Commission thirty days prior to the hearing of the case in order that the intervener and the complainant might inspect the same. The matter was set down for hearing, at which time we explained fully to the attorney for the intervener and complainant in what manner the information desired could be obtained.

As we stated at the hearing, we are of the opinion, and so find, that we do not have the power under the statute to grant this motion. Undoubtedly the defendant can be required by subpoena to produce at the hearing all necessary documents and records. The Commission may, if it is necessary, grant the complainant and intervener further time to prepare their case after the session at which production is made.

O R D E R

IT IS THEREFORE ORDERED, That the said motion be, and the same

is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1933.

Form No. 6.

(Decision No. 4958)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. M. SLAPPER.)
) CASE NO. 1150

March 11, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1610)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on March 27, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 4959)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. KELLEY AND JAMES STUART.)

CASE NO. 1049

March 13, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring above named respondents to show cause why their private permit No. 175-A should not be revoked for failure to file monthly reports for the months of April, May, June, July and August, 1932, pay highway compensation taxes for the months of June, July, August, September, October, November, 1931, and January, 1932, in the sum of $66.03, all penalties, and for failure to file the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondents did not appear, although they were given due notice of the time and place of said hearing. The evidence disclosed that the delinquent reports had not been filed, taxes due in the sum of $66.03 had not been paid and no insurance policy or surety bond has been filed by respondents.

The Commission is of the opinion, and so finds, that the said private permit No. 175-A heretofore issued to respondents should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 175-A, heretofore issued to C. H. Kelley and James Stuart, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 13th day of March, 1933.

Commissioners.

(Decision No. 4960)

At a General Session of The Public Utilities Commission of The State of Colorado, held at its office at Denver, Colorado, March 10, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 195.

IT APPEARING, That on November 18, 1931, The Colorado and Southern Railway Company, in compliance with General Order No. 15, filed a notice of its intention to abandon certain trackage formerly serving the Majestic Mine at Forbes Junction in Las Animas County, Colorado, and on the protest and request of Mr. W. E. Riggs, it was agreed that 1,110 feet of the main spur track, and 270 feet of the side spur track, known as No. 2 track, of the tracks concerned in this notice should be left for Mr. Riggs' use until August 1, 1932, so that he could have sufficient time to demonstrate his needs for the tracks, the Commission to retain jurisdiction for any further action that might be required.

On January 18, 1933, the Commission was advised by the railway company that Mr. Riggs had practically made no use of the tracks during the test period and as the time for such test period had extended much beyond the time agreed upon, request was made for a hearing in the matter if Mr. Riggs did not consent to removal of tracks.

IT APPEARING FURTHER, That on January 30, 1933, said W. E. Riggs filed a letter with the Commission protesting the removal of said spur tracks, alleging that he had made some use of the tracks and now had his mine in shape for a reasonable amount of coal production and would require these tracks for the proper operation of his mine.

IT APPEARING FURTHER, That the Commission finds the proposed removal of said spur tracks might injuriously affect the rights and interests of the said W. E. Riggs,

IT IS THEREFORE ORDERED, That the effective date of the removal and abandonment of said spur tracks be extended one hundred twenty days from March 10, 1933, or until July 8, 1933, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed removal and abandonment of said spur tracks now used by W. E. Riggs at what was formerly the Majestic Mine be made a subject of investigation and determination by the Commission within the said period of time or such further time as the same might be suspended.

IT IS FURTHER ORDERED, That the matter of said protest by W. E. Riggs be, and the same is, hereby set down for hearing before the Commission at the Hearing Room of the Commission, Room 330, State Office Building, Denver, Colorado, at 10:00 o'clock A. M., March 27, 1933, at which time and place such evidence as is proper may be offered.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid notice of the proposed removal and abandonment of the tracks at the Majestic Mine and copies hereof be forthwith served on said The Colorado and Southern Railway Company, the applicant, and Mr. W. E. Riggs, Route 2, Box 51, Trinidad, Colorado, the protestant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1933.

(Decision No. 4961)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EASTERN COLORADO TRANSPORTATION) CASE NO. 736
COMPANY.)

March 16, 1933

Appearances: A. P. Anderson, Esq., Denver, Colorado,
attorney for respondent;
Colin A. Smith, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent to show cause why its certificate of public convenience and necessity heretofore issued to it by the Commission should not be revoked for failure to make reports and pay highway compensation taxes. A hearing was had at which it appeared that the respondent was in default in both respects. The matter was continued for further hearing, at which the respondent did not appear. Moreover, the respondent has ceased doing business since the case was instituted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Eastern Colorado Transportation Company in Application No. 1278-AA be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1933.

(Decision No. 4962)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. V. McKAUGHAN.)

CASE NO. 954

March 16, 1933

S T A T E M E N T

By the Commission:

Since the above entitled case was instituted the respondent, W. V. McKaughan, has ceased operating under his motor vehicle private permit No. 304-A. The Commission is of the opinion, therefore, that the said permit should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 304-A, heretofore issued to W. V. McKaughan, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1933.

(Decision No. 4963)

a-162

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. B. RADER.)

PRIVATE PERMIT NO. 162-A

March 16, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from C. B. Rader, to whom it issued a motor vehicle private permit, No. 162-A, in which he asks that his permit be suspended "for the time being", promising to advise the Commission as soon as he resumes operations. The Insurance of the said Rader has been cancelled.

We are of the opinion, and so find, that the said motor vehicle private permit heretofore issued to said Rader should be suspended until such time as the insurance required by the rules and regulations of the Commission has been filed and the Commission given written notice of his intention to resume operations.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 162-A, heretofore issued to C. B. Rader, be, and the same is hereby, suspended until such time as the insurance required by the rules and regulations of this Commission has been filed and the Commission given written notice of his intention to resume operations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1933.

(Decision No. 4964)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOFFAT COAL COMPANY.)
- - - - - - - - - - - - - - - - - -)

CASE NO. 1070

- - - - - - - -
March 17, 1933
- - - - - - - -

S T A T E M E N T

By the Commission:

The Commission made an order herein dismissing the case, finding that Moffat Coal Company is not a public utility. We now have for consideration a petition for rehearing filed by Colorado Utilities Corporation, intervener.

The first seven grounds alleged in support of the motion are general in their nature. The last two are in reality arguments against the finding which we made.

It is doubtful whether anything of any importance can be added to what we have already stated. However, we might add a few more observations.

We are inclined to agree that one of the purposes, although a subordinate or incidental one, for which the respondent is now operating is the supplying of energy at wholesale to the town of Oak Creek. However, in our opinion the supplying of this energy at wholesale to the town, which does its own distributing, does not bring the respondent within the terms of the statute "operating for the purpose of supplying the public . . ." . The situation might quite possibly be different if our statute contained the language, as does the Oklahoma statute, "directly or indirectly for public use" and "or may supply any commodity to be furnished to the public." (Underscoring ours.)

Emphasis is laid again on the fact that the public domain and highways have been crossed by the respondent. We assume that the intervener takes the position that the company would have no right to cross

either unless it is operating as a public utility. Whether the intervener is correct or not we think immaterial. The mere fact of the making of the crossings under the circumstances described in the evidence is consistent with the assumption by the respondent that the crossings could be made other than by a public utility exercising the power of eminent domain.

Some mention is made of the fact that the respondent supplied a few individuals and corporations for considerations "other than monetary." The supplying of electric energy gratis to some employees and to a road gang occupying temporarily some houses owned by the respondent and such other furnishing of energy as was shown has not, in our opinion, the slightest tendency to show that respondent was operating as a public utility. In fact such conduct tends to prove that it was not so acting.

We again point out that it is not the province of this Commission to say when a business is affected with a public interest. It is our duty to determine whether or not in a particular case the business is that which the Legislature has said is affected with a public interest.

Our attention is called to the alleged fact that the respondent constructed a transmission line from its plant to the border of its property, where the energy is said to be delivered to the Town. In our original decision we suggested at the outset that even though the respondent is a public utility, we are not sure that it had done anything authority for the doing of which should be gotten from this Commission. Hence the intervener has called our attention to the construction of this transmission line. If we should find that respondent is a public utility, it might be that the maxim de minimis non curat lex would apply.

The Commission has carefully considered the petition for rehearing and is of the opinion, and so finds, that the same should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed

herein by Colorado Utilities Corporation, intervener, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1933.

(Decision No. 4965)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. M. ALIRE.) CASE NO. 760

March 16, 1933.

S T A T E M E N T

By the Commission:

On December 14, 1931, the Commission entered its order requiring the above named respondent to show cause why private motor vehicle permit No. 279-B, heretofore issued to J. M. Alire, of Garcia, Colorado, should not be cancelled for his failure to file the insurance required by our rules and regulations.

Since the issuance of said order, said private permit has expired by limitation, and the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1933.

(Decision No. 4966)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL ANTHONY.) CASE NO. 813

March 16, 1933

S T A T E M E N T

By the Commission:

On December 16, 1931, the Commission entered its order in the above entitled case, requiring the respondent to show cause why private motor vehicle permit No. 42-A, heretofore issued to said Earl Anthony, should not be suspended or revoked for his failure to file the necessary insurance required by our rules and regulations.

Since the issuance of said order, it appears that said permit No. 42-A, was revoked in Case No. 1040, and the Commission is, therefore, of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1933.

(Decision No. 4967)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BARNETT FUEL & OIL COMPANY.) CASE NO. 815

March 16, 1933.

S T A T E M E N T

By the Commission:

On December 16, 1931, the Commission entered its order requiring the above named respondent to show cause why private motor vehicle permit No. 34-B, heretofore issued to the said Barnett Fuel & Oil Company, should not be suspended or revoked for its failure to file the necessary insurance required by our rules and regulations.

Since the issuance of said order, it appears that said private permit No. 34-B, has expired by limitation. It further appears that said permit was not required for the motor vehicle operations of said Barnett Fuel & Oil Company and that said respondent has been reimbursed for the cost of same.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1933.

(Decision No. 4968)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBI BROTHERS.) CASE NO. 817

March 16, 1933.

S T A T E M E N T

By the Commission:

On December 16, 1931, the Commission entered its order requiring the above named respondent to show cause why private motor vehicle permit No. 11-B, heretofore issued to the said Albi Brothers, should not be suspended or revoked for their failure to file the necessary insurance required by our rules and regulations.

Since the issuance of said order, it appears that said private permit No. 11-B, has expired by limitation, and the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1933.

(Decision No. 4969)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE COLORADO INTERSTATE GAS COMPANY, A CORPORATION.) CASE NO. 940

March 18, 1933

S T A T E M E N T

By the Commission:

The Commission made its order herein on February 28. The effective date of said order was thirty days from the date thereof. The various parties have agreed that the effective date may be postponed until May 1.

O R D E R

IT IS THEREFORE ORDERED, On the written motion of the attorneys for the respondent and in accordance with the agreement of all parties concerned that the effective date of the order made on February 28 be, and the same is hereby, extended to and made May 1, 1933.

IT IS FURTHER ORDERED, That the parties hereto may have the same rights with respect to petitions for rehearing that they would have had if the effective date had originally been made May 1 instead of thirty days after the date of said order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1933.

(Decision No. 4970)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
INTERSTATE FREIGHT LINES, INC.) CASE NO. 1063

March 20, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On October 4, 1932, the Commission entered an order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to it in Application No. 1828, should not be suspended or revoked for its failure to file monthly reports for the months of March to August, 1932, both inclusive, pay highway compensation taxes for the month of February, 1932, in the amount of $45.13, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which respondent did not appear. The evidence disclosed that respondent had not filed the delinquent monthly reports in question or paid the highway compensation tax for the month of February, 1932, and that insurance had not been filed.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Interstate Freight Lines, Inc., in Application No. 1828, should be cancelled and revoked for the above named delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Interstate Freight Lines,

Inc., in Application No. 1828, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1933.

(Decision No. 4971)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF J. H. McKEE, C. C. SNYDER AND FRANK E. HASSIG, CO-PARTNERS, DOING BUSINESS AS AIR LINE TRUCK SERVICE.	CASE NO. 962

March 20, 1933.

S T A T E M E N T

By the Commission:

An order was made requiring the respondents to show cause why their certificate of public convenience and necessity, heretofore issued to them in Application No. 1258-AAA, should not be revoked for failure to make monthly reports for March, April, May and June, 1932, and to pay highway compensation tax for the month of January, 1932, amounting with penalty at the time of the order to $49.31.

A hearing was had at which the facts alleged with respect to taxes and reports were verified under oath. We deferred making an order with a view to dismissing the case if the respondents should comply with the law in the future, particularly as to the monthly reports. Our records now show that the monthly reports for the months of November and December, 1932, and January and February, 1933, have not been filed and that the amount of tax now due the State and delinquent is $155.79.

We appreciate the difficulty of the times and are attempting to show every proper consideration to those over whom we have jurisdiction. However, there is no excuse whatever that we can see for the operators not making their monthly reports as is required by law. They may be unable in certain cases to make payment promptly of the tax due the State, but there is no inability to make reports on report blanks which the Commission furnishes gratis.

We are of the opinion, and so find, that because of the failure

of the respondents to make their reports for the months of March, April, May and June, 1932, their certificate of public convenience and necessity should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1258-AAA to J. H. McKee, C. C. Snyder and Frank E. Hassig, co-partners, doing business as Air Line Truck Service, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1933.

(Decision No. 4973)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOS. F. MULVANY.) CASE NO. 1141

March 22, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was entered on March 2, 1933, requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1615, should not be suspended or revoked for his failure to file highway compensation tax reports for the months of October, November and December, 1932, and January, 1933.

A hearing was had at which respondent did not appear. The evidence disclosed that subsequent to the issuance of said order, respondent had filed all delinquent reports.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent to be more prompt in the future in the filing of his reports.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 22nd day of March, 1933.

a-398

(Decision No. 4974)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. O. RAWLINGS.) PERMIT NO. 398-A

March 22, 1933

S T A T E M E N T

By the Commission:

The records of the Commission show that the above named respondent has failed to file any reports since July, 1932. On December 9, 1932, the Commission received a communication from said respondent stating in effect that he had no reports to make, as he had not been engaged in any commercial hauling, but that he desired to resume operations whenever any work was available.

Under the circumstances, the Commission is of the opinion, and so finds, that private permit No. 398-A, heretofore issued to said W. O. Rawlings, should be suspended for a period of one year from July 1, 1932; provided, however, that said respondent may reinstate said permit during said period of suspension by full compliance with all the laws, rules and regulations concerning the filing of reports, payment of highway compensation taxes, and the filing of the necessary insurance policy or surety bond, and also by filing with the Commission an affidavit to the effect that he has not performed any transportation service for hire during said period of suspension.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 398-A, heretofore issued to W. O. Rawlings, be, and the same is hereby, suspended for a period of one year from July 1, 1932, subject to the

conditions hereinbefore stated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of March, 1933.

(Decision No. 4976)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS C. CRAIG.) CASE NO. 833.

March 22, 1933.

S T A T E M E N T

By the Commission:

On December 16, 1931, the Commission entered its order requiring respondent to show cause why private permit No. 26-A, heretofore issued to him, should not be suspended or revoked for his failure to pay highway compensation taxes for the months of June, July and August, 1931, amounting at said time to the sum of $71.89.

Since the hearing in said case, it develops that there is still a balance due of $15.45 upon the amount of taxes shown in said original show cause order; that the total tax due at this time is $69.67, and that monthly reports for the months of November and December, 1932, and January, 1933, have not been filed.

We deferred making an order in the case with a view to dismissing the same if respondent should comply with the law in the future, particularly as to monthly reports.

We appreciate the difficulty of the times and are attempting to show every proper consideration to those over whom we have jurisdiction. However, there is no excuse whatever that we can see for the operators not making their monthly reports as is required by law. They may be unable in certain cases to make payment promptly of the tax due the State, but there is no inability to make reports on report blanks which the Commission furnishes gratis.

However, the Commission is in receipt of a letter from respondent dated October 29, 1932, wherein he states that no reports for August, September

or October, 1932, are necessary, as he has only been engaged in hauling his own property, and it is possible that this same condition has existed for the months of November and December, 1932, and January, 1933.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. 26-A, heretofore issued to Lewis C. Craig, should be suspended, effective August 1, 1932, for a period of one year; provided, however, that said respondent may reinstate said permit during said suspension period by complying with all laws, rules and regulations in regard to the filing of monthly reports, payment of highway compensation taxes, and the filing of the necessary insurance policies or surety bond, and also by filing with the Commission an affidavit to the effect that during said period of suspension he has not transported freight for hire.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 26-A, heretofore issued to Lewis C. Craig, be, and the same is hereby, suspended for a period of one year, effective August 1, 1932, subject to the conditions hereinbefore stated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan L. Jones

Commissioners.

Dated at Denver, Colorado,
this 22nd day of March, 1933.

(Decision No. 4977)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. B. KELLEY.)

CASE NO. 831

March 22, 1933.

S T A T E M E N T

By the Commission:

On December 16, 1931, the Commission entered its order requiring the above named respondent to show cause why private permit No. 31-A, heretofore issued to M. B. Kelley, should not be suspended or revoked by reason of his failure to make monthly reports for the period May 16 to May 31, 1931, and for the month of June, 1931.

Since the hearing in said case, it develops that said monthly reports have been filed by respondent, but that no reports have been received for the months of October, November and December, 1932, and January, 1933. However, on December 6, 1932, respondent advised the Commission that he had sold his truck and was no longer engaged in the business of transporting freight for hire.

In view of this communication, the Commission is of the opinion, and so finds, that private permit No. 31-A, heretofore issued to M. B. Kelley, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 31-A, heretofore issued to M. B. Kelley, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 22nd day of March, 1933.

Commissioners.

(Decision No. 4978)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM CRAIG,) CASE NO. 1113
)

March 22, 1933

S T A T E M E N T

By the Commission:

On January 27, 1933, the Commission issued its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1019, should not be suspended or revoked by reason of his failure to file the necessary cargo insurance policy as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and for his failure to file monthly reports for the months of July to December, 1932, inclusive.

Thereafter, on February 10, 1933, respondent filed with the Commission, under oath, a statement setting forth that he is a United States mail carrier operating between the towns of Cortez and Dolores, Colorado, and does very little hauling of freight outside of his carriage of the United States mail; that he does not feel that his operations should require the filing of cargo insurance; and that he is amply able financially to take care of any loss that might occur to freight consigned to his care through accident or any other cause whatsoever.

It further developed that all delinquent reports have been filed by respondent.

While the Commission has no authority to waive the requirement for cargo insurance, yet we feel in the instant case that no good purpose would be served by revoking respondent's certificate for his failure to comply with

the cargo insurance requirement under all the circumstances affecting his particular case. We feel, therefore, that the doctrine of de minimis non curat lex should apply.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that he should be more prompt in the future in the filing of his monthly reports.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of March, 1933.

(Decision No. 4979)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE CLOSING OF AGENCY STATION AT SUPERIOR, COLORADO, BY THE COLORADO AND SOUTHERN RAILWAY COMPANY.	)))	INVESTIGATION AND SUSPENSION DOCKET NO. 185

March 23, 1935

Appearances: J. L. Rice, Esq., Denver, Colorado, attorney for The Colorado and Southern Railway Company.

S T A T E M E N T

By the Commission:

The Colorado and Southern Railway Company, pursuant to the Commission's General Order No. 34, notified the Commission that effective May 20, 1932, it proposed to withdraw its agent from its station at Superior, Colorado, and discontinue said station as an agency station. The Commission thereupon made its Investigation and Suspension order.

A hearing was had on March 22, 1935. Due notice was given of the hearing to the Town of Superior, the general and local officers of The Order of Railroad Telegraphers and to The Rocky Mountain Fuel Company. No appearancesother than for the carrier were made at the hearing.

The evidence showed that Superior is a town or community of some 150 people, situated on a branch of the Colorado and Southern extending from Coalton to the Crown Mine. The testimony was to the effect that Superior is some three to three and one-half miles by highway from Louisville, which is situated on the main line at which a regular agent is employed. There has been no agent at the terminal point of the branch. The Crown Fuel Company, whose mine is there situated, has always telephoned its billing and ordered its cars to and through the agent at Boulder, who has heretofore telegraphed same to the agent at

Superior. If the agency at Superior is closed, telegraphic orders will be made from Boulder to Louisville, so far as the Crown Company's business is concerned.

The attorney for The Rocky Mountain Fuel Company, which operates the Industrial Mine at Superior, wrote the Commission a letter, which was made a part of the record, stating that his client was not disposed to appear in opposition to the application but in order that its rights might be protected it would request that if authority should be granted to close the station, the order should expressly provide for the retention of jurisdiction so that at any time the service should be found unsatisfactory, it could have the case reopened and a speedy hearing held. The Colorado and Southern's Assistant General Manager testified that the carrier has no objection to the order being so conditioned.

The plan which the Colorado and Southern proposes to put into effect with respect to the shipments from the Industrial Mine is to have a clerk of the mine sign the Louisville agent's name to manifests and to have the Louisville agent, if he is so requested, mail a bill of lading to the fuel company. All incoming freight destined to the Crown Mine has always been delivered to that mine. The same plan is proposed in the future with respect to the Industrial Mine.

The l.c.l. freight destined to Superior, excluding that to both The Rocky Mountain Fuel Company and the Crown Fuel Company in the year 1931 amounted to only 1591 pounds, the charges on which were $18.76. There were only ten such shipments. For the year 1932 the weight of such shipments was 1695, the number eleven and the total charges $23.76.

The saving that the carrier would effect by discontinuing the agency station would be some $1,200 to $1,500 per year.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to The Colorado and Southern Railway Company to close its agency station at the station of Superior, in Boulder County, Colorado, at the close of business on March

31, 1933, subject to the conditions made in the letter of the attorney for The Rocky Mountain Fuel Company.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Colorado and Southern Railway Company to close its agency station at the station of Superior in Boulder County, Colorado, at the close of business on March 31, 1933, subject to the following limitation and condition.

IT IS FURTHER ORDERED, That jurisdiction be, and the same is hereby, retained over this matter to the end that the Commission may, if so requested by The Rocky Mountain Fuel Company, reopen the same and set the matter down for further hearing in order to determine whether or not the carrier should be required to re-install an agent in said station.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of March, 1933.

(Decision No. 4980)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. M. SLAPPER.) CASE NO. 1150

March 28, 1933.

S T A T E M E N T

By the Commission:

An order was made on March 11, 1933, requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1610, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

The case was set for hearing on March 27, 1933. The record discloses, however, that before the time set for said hearing, respondent had filed the necessary insurance policies. We are, therefore, of the opinion, and so find, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of March, 1933.

(Decision No. 4982)

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASES IN FREIGHT RATES AND CHARGES.) CASE NO. 684

March 30, 1933.

Appearances: George Williams and J. A. Gallaher, Esqs., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company;
J. A. Gallaher, Esq., Denver, Colorado, for the carriers not represented by counsel at this hearing;
E. J. Grenfell and J. Q. Dier, Esqs., Denver, Colorado, for The Colorado and Southern Railway Company and Chicago, Burlington & Quincy Railroad Company;
E. G. Knowles, Esq., Denver, Colorado, for Union Pacific Railroad Company;
E. L. Brock, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company;
T. S. Wood, Rate Expert, for the Public Utilities Commission;
Richard E. Conour, Esq., Denver, Colorado, Assistant Attorney General;
Harry Dickinson, Traffic Mgr., Denver Chamber of Commerce, Denver, Colorado.

S T A T E M E N T

By the Commission:

The Commission made an order on December 31, 1931, in this case, which reads as follows:

> "IT IS THEREFORE ORDERED, That this Commission hereby adopts the report and findings of the Interstate Commerce Commission, dated December 5, 1931, entitled 'Fifteen Per Cent Case 1931, Ex Parte 103, In the Matter of Increase in Freight Rates and Charges, Supplemental Report on Reconsideration', for application contemporaneously on intrastate traffic of common carriers by railroad in the State of Colorado subject to the jurisdiction of this Commission.
>
> "IT IS FURTHER ORDERED, That said carriers be authorized to publish said increases in freight rates and charges upon one day's notice."

After our order had been made we had certain informal conferences with a representative of the carriers operating in Colorado, as a result of which the surcharges were withdrawn with respect to certain non-ferrous

ores and concentrates moving in intrastate commerce.

The Interstate Commerce Commission in its order dated March 7, 1933, as is stated in the first headnote thereof, permitted the surcharges originally authorized in that proceeding "to be continued until and including September 30, 1933, except (1) that the surcharge on non-ferrous ores and concentrates, and (2) more than one surcharge of six cents per ton in connection with the transportation of lake-cargo coal from the originating mine to the ultimate destination, may not be continued after March 31, 1933."

We are now asked by the carriers to make an order similar to the one made by the Interstate Commerce Commission.

At the hearing no protests were made against the continuance of the surcharges.

The Denver and Rio Grande Western Railroad Company submitted evidence showing that the surcharges collected by it were divided as follows:

Gasoline	-	24	per cent
Coal	-	16	" "
Sugar	-	14	" "
Crude Oil	-	8	" "
Ore	-	5	" "
Lime Rock	-	3	" "
Lumber	-	3	" "
All others, incl. merchandise		27	" "

The income from surcharges on a number of these commodities, including gasoline and lumber, were principally from interstate shipments over which we would have no jurisdiction.

The Interstate Commerce Commission pointed out in its last decision the original reason for authorizing the surcharges. It also pointed out that the plan as a temporary emergency measure has failed. It stated that "Continuance of the surcharges without limitation or condition would be equivalent to a general increase in freight rates. This clearly is not justified upon the present record. The problems with which the railroads are confronted today cannot be solved by general increases in freight rates . . . Their low earnings are not the result of low rates."

However, it took the further position that the carriers do not now have time to attempt to justify the surcharge tariffs and their

application to individual commodities. It concluded, therefore, to authorize the continuance of the surcharges until and including September 30 of this year with the exceptions stated.

In one of the dissenting opinions it was pointed out that in 1931 the carriers' "average ton-mile revenue was 45.7 per cent higher than in 1913. If adjustments are made for the great increase in average length of haul since 1913 and for the change in proportions of major traffic groups, the level in 1931 was probably at least 68 per cent higher than in 1913."

The auditor for our Commission introduced an exhibit showing that in 1932 wholesale prices of all commodities were only 64.9 per cent of the prices prevailing in 1926 and that the cost of food at retail in 1932 was 98.7 per cent of the price in 1913.

We were at first inclined not to authorize the continuance of the surcharges. However, after careful consideration of the question we have, although somewhat reluctantly, concluded that they should be continued for the period in question.

Aside from the reasons pointed out by the Interstate Commerce Commission for continuing the authority, we might say that there are some others which have influenced our final conclusion. We know from experience that the rail carriers are suffering considerably from competition by truck operators. There is an opinion held by many today that the rail carriers should be as free from regulation as are the motor vehicle carriers, leaving them to meet the competition in their own way. We do not agree fully with this opinion, although we realize it has an element of merit in it. Our experience has been that the carriers are now reducing rates whenever they find it necessary in order to regain or hold traffic against truck competition. We have issued in recent years literally hundreds of short notice authorities for reductions. Moreover, the increased rates are on commodities which can better stand higher rates than can other commodities, to which they do not apply, and still other commodities to which the surcharges apply but on which the rates today, including the surcharges, are below

the rates in existence at the time the surcharges were first authorized.

Moreover, one of the carriers in Colorado is engaged today in the construction of what is known as the Dotsero Cutoff. The evidence showed that no further money, which is being advanced to it on account of the construction of the cutoff, will be forthcoming if the carrier fails to meet its interest charges. Such a contingency, while not necessarily probable, is wholly possible in view of present economic conditions.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the rail carriers should be authorized to continue in effect on traffic moving in intrastate commerce in Colorado the surcharges originally authorized herein until and including September 30, 1933, except those on non-ferrous ores and concentrates.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to the common carriers by railroad in the State of Colorado, subject to the jursidiction of this Commission, to continue in effect on traffic moving in intrastate commerce in Colorado the surcharges originally authorized herein until and including September 30, 1933, except those on non-ferrous ores and concentrates.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1933.

Ex. No 5
9/17/33

(Decision No. 4985)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

THE TOWN OF GRANADA, A MUNICIPAL CORPORATION, Complainant,	)	
vs.	)	CASE NO. 729
THE CITY OF LAMAR, A MUNICIPAL CORPORATION, Defendant.	)	

April 3, 1933.

Appearances: Granby Hillyer, Esq., and G. R. Hillyer, Esq., Lamar, Colorado, attorneys for complainant; Herschel Hern, Esq., and Donald T. Hern, Esq., Lamar, Colorado, attorneys for defendant.

S T A T E M E N T

By the Commission:

The Town of Granada, located in the County of Prowers, State of Colorado, hereinafter called complainant, filed its complaint against the City of Lamar, which is the county seat of Prowers County, hereinafter called defendant, requesting a reduction in the rate charged complainant for electric current furnished by defendant and asking for an order of this Commission requiring defendant to furnish complainant electric current under a rate comparable to the rates charged other consumers of electric current furnished by said defendant.

Said complaint alleged generally that the rates charged complainant are higher and greatly in excess of the rates charged other consumers served by defendant for electric service involving a similar burden or expense to defendant.

To this complaint defendant filed an answer alleging, inter alia, "that it is furnishing electric current to complainant at a rate proportionate to the rate given other towns within the distribution system of defendant",

and offering to furnish such electric current to complainant at the same rates at which current is furnished to other towns, provided, however, that complainant shall first sell its distribution system to defendant. However, the fact is that defendant does not wholesale current to any other customer than complainant.

A hearing was held upon the issues involved at Lamar, Colorado, on February 8, 1933. The evidence disclosed that on July 3, 1922, a contract was entered into between defendant and complainant, wherein defendant agreed to construct a high tension line from its power plant in said city of Lamar to the power house or distribution plant of said complainant, and that defendant would furnish and deliver to said complainant over said line such electric current as complainant might require. Complainant agreed that it would construct at its own expense its distribution system in the Town of Granada and that it would pay to the defendant for such electric current at the rate of 6 cents per kilowatt hour.

It was further agreed that the complainant should issue and sell its bonds of a face value of $16,000.00, and out of the proceeds realized from the sale of same it would furnish to defendant such sum as might be required to construct the aforesaid high tension line. From the 6 cents per KWH that complainant was to pay defendant, one-third was to be retained by complainant and placed in a sinking fund for the purpose of retiring the bonds it agreed to issue to finance construction of the line between Lamar and Granada. Upon completion of said line and the retirement of the bonds, the line became the property of defendant. Said contract was to remain in full force and effect for a term of twenty-five years from the date of its execution. Numerous other provisions were contained in said contract, to which we feel it is not necessary to refer, although it might be noted that all of the covenants, agreements and provisions of said contract, including the rate to be paid for electric current, were made subject to approval, regulation, revision and alteration by this Commission.

The line was constructed, as agreed, and energy has been delivered therefrom to complainant at or near the city limits of Granada.

The evidence disclosed that part of the high tension line now connecting Lamar with Granada had been constructed prior to the execution of the contract above referred to, and it was only necessary to extend the same from Kornman, which is located 4½ miles north of Lamar, west to Granada via Bristol, a distance of 21½ miles. A line has since been extended east 6 miles from the line connecting Bristol with Granada to Milwood and thence north 1.8 miles to Hartman. From Kornman said line extends north to May Valley and west to McClave. At all of said points, as well as at a number of others, electric current is furnished by defendant to various consumers over this entire distribution system which it now owns and which is known as the "high line".

The record is not clear as to just when the bonds issued by complainant were all retired, but in any event since such retirement complainant has been paying said rate of 6 cents per KWH to defendant for all current furnished and said current is metered where delivered by defendant to complainant. After the bonds issued by complainant had been fully retired, defendant received the full 6 cents. Defendant is, of course, compelled to stand any distribution loss occurring between its generating plant at Lamar and Granada, as well as the upkeep and maintenance of the line. No figures are available to determine what this distribution loss might be, but the entire distribution loss over the "high line" system as a whole for the year 1931 was 24.32 per cent, while the loss suffered by defendant in the distribution of current within the City of Lamar for said period was only 8.835 per cent.

In the year 1931, complainant was charged with a total of 90,030 KWH, while its billings to its own consumers showed a total of only 67,636 KWH, or a loss in distribution of 24.874 per cent. While it is true that complainant suffers a heavy loss in the operation of its distribution system, which undoubtedly helps to foster high rates to individual consumers in Granada, yet this fact may not excuse the maintenance of an unreasonably high wholesale rate by defendant to complainant.

more, the cost of the first 20 KWH used per month is 7 cents per KWH, and the excess over 200 KWH is 2 cents per KWH.

Under the SMALL COMMERCIAL POWER schedule available to all consumers, the charge is $1.00 per connected HP up to 10 HP, and 25 cents for each additional HP above 10, and the cost for the first 100 KWH used per month is 7.5 cents per KWH and the excess above 400 KWH is 3.6 cents per KWH.

Under the HAY MILL rate available to consumers using 150 HP or larger motor, the cost of the first 100 KWH used per month is 8 cents per KWH, the excess over 5,000 KWH is 2 cents per KWH, with a yearly minimum charge of $2,400.00.

The above schedules are all based upon the fact that defendant is required to assume all cost and charges of retail distribution, including accounting and losses suffered through bad accounts, which charges do not apply in the sale of current to complainant.

If we take the average monthly consumption by complainant for the year 1932 of approximately 5,800 KWH and apply the so-called small commercial power rate set out in the schedule effective July 1, 1932, we find that the cost to complainant per KWH under said rate would be 3.6 cents per KWH, and applying the so-called "HAY MILL" rate to the same consumption by complainant, we find that the cost per KWH to complainant would be 3.2 cents. By the same method the cost per KWH to complainant under the combination cooking, lighting, heating and refrigeration schedule would be 2.06 cents, while under the cooking and heating schedule the cost per KWH would be 2.04 cents. The average price received throughout the entire system by defendant as taken from its 1932 annual report would be its total metered and flat rate sales revenue to general consumers of $115,428.16, which divided by 2,209,320 KWH sold, would be 5.23 cents per KWH, including Granada's wholesale rate of 6 cents.

From the above figures it would appear to the Commission that a wholesale rate to Granada of 6 cents under all the facts and circumstances surrounding the generating and sale of said current in the instant case,

Complainant pays for the total current received at its distribution plant, and defendant may not complain as to what happens to said current beyond the point of delivery to complainant. We do not feel that defendant is justified in attempting to force complainant to sell its distribution system to defendant under the promise that by such action rates comparable to those furnished other communities will thus be afforded the residents of Granada.

In the year 1931, Granada had 98 light and power services and paid for the total number of kilowatt hours shown above. However, in 1932, the number of its light and power services had dropped to 75, and it was billed by defendant with only 69,520 KWH.

On July 1, 1932, defendant issued a new schedule of rates applying to all consumers within and without the corporate limits of the city of Lamar, except the town of Granada. This schedule provided some material reductions in the rates theretofore in effect, and, without discussing the same in detail, we would call attention to the following items, namely:

Under the schedule COMMERCIAL RESIDENTIAL LIGHTING available to all consumers outside the corporate limits of the city of Lamar, the cost of the first 100 KWH used per month is 12.5 cents per KWH, and the excess over 500 KWH used per month is 6 cents per KWH. Under the COMMERCIAL RESIDENTIAL LIGHTING schedule available to all consumers within the corporate limits of the city of Lamar, the cost of the first 20 KWH used per month is 10 cents per KWH, and the cost of the excess over 300 KWH is 6 cents per KWH.

Under the COOKING AND HEATING schedule available at any point upon the city's distribution system, the cost of the first 100 KWH used per month is 4 cents per KWH and the cost of all excess over 150 KWH used per month is 2 cents per KWH.

Under the COMBINATION COOKING, LIGHTING, HEATING AND REFRIGERATION schedule available to all residential lighting customers served by the City of Lamar using an electric range having a total capacity of 3,000 watts or

is unreasonable. We do not feel that any of the rates set out in the schedule made effective July 1, 1932, are applicable to the complainant's situation, but we do feel that a rate somewhere between the small commercial power rate and the "HAY MILL" rate would be applicable. It must be conceded that the load factor of complainant's use is a fairly well distributed one from the standpoint of defendant and compares more or less favorably with the load factor of the hay mill use. It is conceded that defendant has the power to discontinue the hay mill service during peak loads, which privilege would not apply to the current furnished complainant. However, the evidence disclosed that this privilege was rarely exercised. It is true that a utility may classify its customers upon any reasonable basis and sell energy to large consumers at rates substantially lower than those which are made to smaller ones. Re Public Service Company of Colorado, 7 Colo. P.U.C. 1304, P. U. R. 1929D, 342. However, the difference in rates must be reasonable. An unreasonable difference constitutes unlawful discrimination. Re In the Matter of the Application of Gunnison Valley Power Company for an Order Compelling Oliver Power Company to Furnish Electric Current. P.U.C. Decision No. 4441, Case No. 702.

This case is, in our opinion, illustrative of the fallacy of attempting to freeze the rates of public utilities for a long period of time by contract, or otherwise. The various factors entering into the cost of service, value of the dollar, economic conditions, change in competitive conditions, etc., all vary so materially with the passage of time that rate levels must of necessity follow to some degree these general trends.

We do not intend to infer from the above that it was not realized at the time said contract of July 3, 1922, was entered into that the rate of 6 cents fixed therein might not be changed by appropriate action of the proper regulatory authority, because provision for same was specifically made therein.

Upon the record made in the instant case, the Commission is of

the opinion, and so finds, that the present rate of 6 cents per KWH charged complainant by defendant is unreasonably discriminatory against complainant, and unduly and unreasonably preferential of other consumers of electric current furnished by defendant.

The Commission is further of the opinion, and so finds, that any rate charged complainant by defendant which would have the effect of making the average rate per month that complainant would pay defendant for electric current exceed 3.5 cents per KWH, would be unreasonable and unlawful.

O R D E R

IT IS THEREFORE ORDERED, That defendant, the City of Lamar, a municipal corporation, shall cease and desist from charging complainant, the Town of Granada, a municipal corporation, a rate in excess of 3.5 cents per KWH per month for all electric energy purchased by complainant from defendant for distribution to the inhabitants of Granada under the contract entered into between complainant and defendant on July 3, 1922.

IT IS FURTHER ORDERED, That jurisdiction of this matter be, and the same is hereby, retained to the end that such further orders may be entered as future conditions may require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1933.

(Decision No. 4984)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE CHANGE IN LOCATION OF CROSSING)
AT MONUMENT, COLORADO.) APPLICATION NO. 2098

April 3, 1933

Appearances: Col. Allen S. Peck, Denver, Colorado, Regional Forester, for United States Department of Agriculture;
T. A. White, Esq., Denver, Colorado, attorney for The Denver & Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

There are involved herein two questions. One is as to whether or not the Commission should require the installation of a crossing signal at the highway crossing over the tracks and right-of-way of The Denver and Rio Grande Western Railroad Company in the town of Monument, Colorado, the crossing being known as the crossing over the Denver and Rio Grande Western Railroad tracks on the county highway between Monument and Divide, Colorado, in the town of Monument. The other is whether or not the highway crossing described should be abandoned and another crossing installed at a point some 300 feet south thereof.

The testimony showed that the expense of installing the standard crossing signal would be some $1,200, and that there is a serious question whether, in view of all the facts and circumstances, the railroad company should be required to assume that financial burden at this time.

Several witnesses testified that the proposed new crossing would be safer without a crossing signal than would be the present crossing with such a signal. The present crossing is over four tracks, the proposed one

would be over two. Some of the witnesses, including the Commission's Railway and Hydraulic Engineer, testified that the visibility from the approaches to the new crossing is much better than that on the old crossing. There were some two or three witnesses who testified that the old crossing is as safe or safer than the new one would be. However, most of them admitted that they are personally interested because in the event the proposed crossing is opened and the old one closed, traffic which now passes in front of their property in Monument would be diverted to another street.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that authority should be granted the railroad company to abandon the present highway crossing, as above described, and to install a new one at the point described.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Rio Grande Western Railroad Company to abandon the present highway crossing at or near Mile Post 56 in the town of Monument, Colorado, and to install a new one at Mile Post 56 plus 418 feet of said railroad or approximately 320 feet south of the present crossing that is to be abandoned, said point being about 22 feet south of the ice track switch.

IT IS FURTHER ORDERED, That the expense of installing the new crossing shall be divided in the usual manner, the County Commissioners bearing all the expense of preparing approaches to the crossing proper, and the railroad company bearing the expense of installation of crossing planks and other equipment on and about the railroad tracks.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1933.

(Decision No. 4985)

678

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROWLAND HILL AND CLIFFORD HILL, CO-PARTNERS, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1979

April 8, 1935.

Appearances: Rowland Hill and Clifford Hill, Greeley, Colorado, pro se;
E. H. Houtchens, Esq., Greeley, Colorado, for J. M. Johnson, protestant.

S T A T E M E N T

By the Commission:

Rowland Hill and Clifford Hill, co-partners, filed an application for a certificate of public convenience and necessity authorizing the transportation of milk and other farm products to The Colorado Condensed Milk Company at Fort Lupton, Colorado. The territory to be served was not very clearly described in the application. Following the hearing, which was held some time ago, the applicants, at the request of the Commission, filed a map showing a route over which they desire to operate.

The applicants are transporting milk to only one consignee, the said Condensed Milk Company, and only to that company's Fort Lupton plant. Their customers are all under contract with the milk company.

Some question arose at the hearing as to whether or not the applicants, in view of all the facts and circumstances, are common carriers. If they are not, they would, of course, be entitled to a private permit as a matter of course.

Since the hearing the protestant, J. M. Johnston, has sold his certificate, subject to authority for the transfer being given by this Commission. The proposed transferee of Johnston does not object to the issuance of the certificate herein sought.

For the time being the Commission will assume that the applicants

are common carriers.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle system of the applicants for the transportation of milk and other farm products by the applicants herein to the Fort Lupton plant of The Colorado Condensed Milk Company from points along and within a mile of the following described route:

> Beginning at the Town of La Salle, thence along the main highway to the City of Greeley, thence to the Town of Kersey along the old highway running from Greeley thereto, thence one mile east, thence in a southeasterly direction for a distance of about 3-1/2 miles to a point at which is located a filling station known as the Sheek and Beirs Filling Station, thence south two miles, thence west one mile, thence south one mile, thence west one mile, thence south two miles, thence west two miles, thence north one mile, thence west four miles, thence north one mile, thence west one-half mile, thence north one-half mile, thence west one-half mile, thence north one and one-half miles, thence west to the Town of La Salle.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicants, Newland Hill and Clifford Hill, co-partners, for the transportation of milk and other farm products to the Fort Lupton plant of The Colorado Condensed Milk Company from points along and within a mile of the above described territory, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the

public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of April, 1933.

3

(Decision No. 4986)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE HIGHLAND UTILITIES COMPANY,)
A CORPORATION, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1896

April 10, 1933

S T A T E M E N T

By the Commission:

On February 23, 1932, the Commission made a preliminary order herein declaring that it would thereafter, upon application by the applicant and the making of satisfactory proof, issue the desired certificate after the applicant had obtained a franchise which it contemplated securing from the Town of Kit Carson. Recently the Commission inquired of the attorneys for the applicant whether there is any prospect of securing such franchise. We are now in receipt of a letter from Messrs. Hunt and Breitenstein stating that there is no prospect of securing a franchise at this time.

The Commission is of the opinion, and so finds, that the application herein should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of April, 1933.

(Decision No. 4987)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES H. O'BRIEN AND GEORGE W. STOCKTON, FOR TRANSFER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 1948-AA

April 12, 1933

Appearances: Jack Garrett Scott, Esq., Denver, Colorado, attorney for applicants;
Richard E. Conour, Esq., Denver, Colorado, Assistant Attorney General;
D. Edgar Wilson, Esq., Denver, Colorado, attorney for The Chicago, Rock Island and Pacific Railway Company;
Bert Hall, Parker, Colorado, pro se;
W. A. Plunkett, Denver, Colorado, for Mountain Petroleum Company.

S T A T E M E N T

By the Commission:

Applicants seek authority to transfer from Charles H. O'Brien to George W. Stockton, the certificate of public convenience and necessity heretofore issued to said Stockton in Application No. 1948, Decision No. 4093. The certificate which is sought to be transferred in the instant application was granted to George W. Stockton on the 9th day of March, 1932. Thereafter on the 11th day of April, 1932, said certificate was transferred to the said Charles H. O'Brien, Application No. 1948-A, Decision No. 4159. At that time said O'Brien agreed to pay said Stockton a total consideration of $2,000 for said certificate, together with one Ford truck then owned by said George W. Stockton.

This application now involves a re-transfer from O'Brien to Stockton, occasioned by the former's inability to pay for the same and to operate the line at a profit.

The evidence discloses that on the 9th day of January, 1933, an agreement of sale was entered into between Charles H. O'Brien and George W. Stockton, providing for the transfer of the above mentioned certificate to the said Stockton, together with one G.M.C. 2½-ton truck, one Chevrolet 1½-ton truck and one Ford 1½-ton truck. The consideration for such transfer was that said Stockton should assume all labor bills, one-half of the $100 note due George W. Stockton on October 15, 1932, and all notes signed by Charles H. O'Brien and payable to George W. Stockton which are due after this date, being a total of $1,200 in notes assumed, also a $200 tire bill, and the balance due on the aforementioned trucks. It appears that the aforesaid notes were part of the purchase price paid by said O'Brien for the transfer of this certificate in Application No. 1948-A, and which were thereafter negotiated by said George W. Stockton. It also appears that the tire bill mentioned, being the claim of the Latcham Tire Company, has been settled since the execution of this agreement. The only other indebtedness involved in this transfer is the sum of $10.90 due to the Stockyards Nash Garage and $51.63 due to the Mountain Petroleum Company. In addition to paying the above indebtedness, Stockton agreed at the hearing herein that he would pay $118 to the trustee appointed in Application No. 307-AAAA, Decision No. 4988, to be applied on the indebtedness of said Charles H. O'Brien.

It also appears that no taxes have been paid for the months of January and February, 1933, during which time said operation has been carried on by the said George W. Stockton, and that no insurance has been filed as provided by law.

After a careful consideration of all the evidence, the Commission is of the opinion, and so finds, that authority should be granted to make the transfer as prayed, subject to the condition that the accounts of the Stockyards Nash Garage and the Mountain Petroleum Company, be paid by the said George W. Stockton; that the further sum of $118 be paid to Jack Garrett Scott, as trustee, to be applied on the indebtedness of said Charles H. O'Brien, as

provided in the order made in Application No. 307-AAAA, and that all delinquent taxes be paid, and the insurance required by law be filed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Charles H. O'Brien to transfer to George W. Stockton, the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1948.

IT IS FURTHER ORDERED, That the transfer herein authorized shall not become effective until the said George W. Stockton has filed the proper insurance as required by law, has paid all delinquent highway mileage tax, has paid the accounts of the Stockyards Nash Garage and Mountain Petroleum Company in the amounts of $10.90 and $51.63 respectively, and has made satisfactory arrangements with Jack Garrett Scott, as trustee, for the payment of said sum of $118.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said Charles H. O'Brien, transferor herein, shall become and remain those of said George W. Stockton, transferee herein, until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of April, 1933.

(Decision No. 4988)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES H. O'BRIEN, DOING BUSINESS AS PARKER-DENVER TRUCK LINE, AND ALBERT MIKELSON, MARTIN MIKELSON AND ROY E. WOODWORTH, CO-PARTNERS, DOING BUSINESS AS FRANKTOWN TRUCK LINE, FOR TRANSFER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 307-AAAA

April 12, 1933

Appearances: Jack Garratt Scott, Esq., Denver, Colorado, attorney for applicants;
Richard E. Conour, Esq., Denver, Colorado, Assistant Attorney General;
D. Edgar Wilson, Esq., Denver, Colorado, attorney for Chicago, Rock Island & Pacific Railway Company;
Bert Hall, Parker, Colorado, pro se;
W. A. Plunkett, Denver, Colorado, for Mountain Petroleum Company.

S T A T E M E N T

By the Commission:

On May 6, 1925, (Decision No. 838) the Commission issued a certificate of public convenience and necessity to Lester Augustus, authorizing a motor vehicle system for the transportation of freight in a certain territory not very definitely described in the certificate. On January 16, 1929, (Decision No. 2042) authority was granted to assign and transfer this certificate to Charles L. Walker. On August 12, 1930, (Decision No. 2997) Charles L. Walker was authorized to transfer and assign to Bert Hall a portion of said certificate. In this same decision the description of the territory which has theretofore been somewhat indefinitely described was cured. After the last transfer Walker still retained the right to transport freight by motor vehicle between Parker and Denver and intermediate points. On October 30, 1930, this portion of

the original certificate was transferred to Charles H. O'Brien. It is now sought to transfer this portion of the certificate to Albert Mikelson, Martin Mikelson and Roy E. Woodworth, co-partners, doing business as Franktown Truck Line.

The terms of the proposed purchase are set forth in an agreement dated December 27, 1932, between the parties to this application, which is attached to, and made a part of the application herein.

The testimony shows that $1,000 of the purchase price has been paid and that possession of the equipment consisting of a Chevrolet 1½-ton truck and a Chevrolet 1/2-ton commercial truck has been delivered to the purchasers free of encumbrance. The balance of the purchase price of $1,000 is to be evidenced by ten notes of $100 each, payable monthly commencing on February 1, 1933.

The evidence further discloses that the applicant, Charles H. O'Brien, is indebted in the following amounts to the parties whose names are stated:

W. L. Lebling, Inc., Denver (General Tire Co.)	$226.64
Jack Garrett Scott, Denver	80.20
Dewey Helinga, Parker	100.00
J. G. Mann, Denver	160.00
E. A. Pouppirt, Parker	80.00
Simon Flierl, Parker	245.26
Bert Hall, Parker	40.00
Douglas County Bank, Parker	120.00
Frank Sedar, Parker	90.00
J. Chandet,	50.00
General Motors Truck Co., Denver	82.86
Parker Mercantile Co., Parker	37.43

In addition thereto, no taxes have been paid to the Commission for the months of October, November and December, 1932, and which taxes are now unpaid and delinquent in the sum of $73.61, upon which penalties will accrue until the same have been paid.

It also appears that the applicants, Albert Mikelson, Martin Mikelson, and Roy E. Woodworth, co-partners, doing business as Franktown Truck Line, have agreed to pay an additional $200, making a total of $1,200 to be paid to said Charles H. O'Brien, and that all of the applicants have agreed that said sum may be paid to a trustee in the manner and at the time when the same shall become due and pro-rated among the above named creditors, after first paying all delinquent taxes remaining due and unpaid to this Commission.

There has also been made a part of this record the written assent of a majority of the creditors to such an arrangement and authorizing the Commission to select a trustee to collect and distribute the aforesaid amount.

It further appears from the records of the Commission and testimony introduced at the hearing herein that the Franktown Truck Line has failed to pay the ton-mile tax assessed for the months of November and December, 1932, and January and February, 1933, and has failed to file monthly reports for the months of February and March, 1933.

After a careful consideration of the record and testimony, the Commission is of the opinion, and so finds, that Charles H. O'Brien, doing business as Parker-Denver Truck Line, should be authorized to transfer the certificate of public convenience and necessity involved herein to Albert Mikelson, Martin Mikelson and Roy E. Woodworth, co-partners, doing business as Franktown Truck Line; provided, that they shall pay all delinquent taxes due this Commission, and shall pay to a trustee hereinafter named, the sum of $100 per month until the full sum of $1,200 has been paid, and shall file the proper insurance, and make the monthly reports which should now be filed with this Commission.

The Commission further finds that Jack Garrett Scott is a proper and responsible person well qualified to act as trustee in this matter, and will accept appointment of trustee herein for the purpose of collecting the payments herein referred to and pro-rating the same among the creditors of the said Charles H. O'Brien, after first paying the taxes due to this Com-

It also appears that the applicants, Albert Mikelson, Martin Mikelson, and Roy E. Woodworth, co-partners, doing business as Franktown Truck Line, have agreed to pay an additional $200, making a total of $1,200 to be paid to said Charles H. O'Brien, and that all of the applicants have agreed that said sum may be paid to a trustee in the manner and at the time when the same shall become due and pro-rated among the above named creditors, after first paying all delinquent taxes remaining due and unpaid to this Commission.

There has also been made a part of this record the written assent of a majority of the creditors to such an arrangement and authorizing the Commission to select a trustee to collect and distribute the aforesaid amount.

It further appears from the records of the Commission and testimony introduced at the hearing herein that the Franktown Truck Line has failed to pay the ton-mile tax assessed for the months of November and December, 1932, and January and February, 1933, and has failed to file monthly reports for the months of February and March, 1933.

After a careful consideration of the record and testimony, the Commission is of the opinion, and so finds, that Charles H. O'Brien, doing business as Parker-Denver Truck Line, should be authorized to transfer the certificate of public convenience and necessity involved herein to Albert Mikelson, Martin Mikelson and Roy E. Woodworth, co-partners, doing business as Franktown Truck Line; provided, that they shall pay all delinquent taxes due this Commission, and shall pay to a trustee hereinafter named, the sum of $100 per month until the full sum of $1,200 has been paid, and shall file the proper insurance, and make the monthly reports which should now be filed with this Commission.

The Commission further finds that Jack Garrett Scott is a proper and responsible person well qualified to act as trustee in this matter, and will accept appointment of trustee herein for the purpose of collecting the payments herein referred to and pro-rating the same among the creditors of the said Charles H. O'Brien, after first paying the taxes due to this Com-

mission.

O R D E R

IT IS THEREFORE ORDERED, That Charles H. O'Brien, doing business as Parker-Denver Truck Line, be, and he is hereby, authorized to assign and transfer to Albert Mikelson, Martin Mikelson and Roy E. Woodworth, co-partners, doing business as Franktown Truck Line, that portion of the certificate of public convenience and necessity dated May 6, 1925, (Decision No. 838) authorizing the transportation of freight between Denver and Parker and intermediate points, which said transfer shall not become effective until the said transferees shall pay all delinquent taxes levied and assessed against the Franktown Truck Line, and shall file all delinquent monthly reports.

IT IS FURTHER ORDERED, That the said transferees shall pay the sum of $100 per month to the trustee hereinafter appointed, until the full sum of $1,200 has been paid, as the purchase price of and the consideration for said transfer.

IT IS FURTHER ORDERED, That Jack Garrett Scott, of Denver, Colorado, be, and he is hereby, appointed trustee, to receive the aforesaid payments to be paid by said transferees as hereinbefore provided, from which to first pay all delinquent taxes due this Commission from the said Charles H. O'Brien, and to pro-rate the balance among the above named creditors of the said Charles H. O'Brien, subject to the further order of the Commission in the premises, and make due report to the Commission and said creditors of his acts and doings as such trustee. And provided further, that nothing herein contained shall be so construed as to prevent any creditor from commencing an action against the said O'Brien in a court of competent jurisdiction to enforce collection of any obligation due or any balance remaining unpaid at the time said trustee is discharged.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said Charles H. O'Brien, doing business as Parker-Denver Truck Line, transferor herein, shall become and remain those of said Albert Mikelson,

Martin Mikelson and Roy E. Woodworth, co-partners, doing business as Franktown Truck Line, transferees herein, until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of April, 1933.

(Decision No. 4989)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF THE COLORADO AND SOUTHERN)
RAILWAY COMPANY TO CONSOLIDATE) APPLICATION NO. 2096
ITS AGENCIES AT AGUILAR AND LYNN,)
IN LAS ANIMAS COUNTY, COLORADO.)

April 14, 1933.

Appearances: J. L. Rice, Esq., Denver, Colorado,
attorney for applicant;
Orlando Erickson, Lynn, Colorado,
pro se and for other protestants.

S T A T E M E N T

By the Commission:

Applicant seeks authority to consolidate its agency stations at Aguilar and Lynn and employ only one agent for the two said stations.

Lynn is a small station located on the main line of The Colorado and Southern Railway Company between Trinidad and Walsenburg. Its population consists of two or three families outside of the railroad employes, and it is approximately one and one-half miles southeast of the town of Aguilar, which is located on a branch line of the Colorado and Southern extending from Acme Junction to the Brodhead mine. Aguilar has a population of approximately 1,250 residents, and both of said stations are located in Las Animas County, Colorado. A fair dirt highway connects the town of Lynn with Aguilar, and it is proposed to have the agent on duty at Lynn from 6:45 A.M. to 9:45 A.M. and from 3:15 P.M. to 4:15 P.M., while his hours at Aguilar will be substantially from 9:45 A.M. to 3:15 P.M. These hours will permit the agent at Lynn to meet the two passenger trains of applicant which now pass through Lynn during the daytime. No passenger or express service is now rendered at Aguilar, but same is handled through Lynn.

The evidence disclosed that both the freight and passenger

business at the towns of Aguilar and Lynn have decreased very materially in the past three years and that the net railway operating income of applicant's system as a whole has decreased from the sum of $1,947,436.57 in 1928 to a deficit of $65,580.95 in 1932. Express business shows a very material decrease over the same period, having dropped from an average of 267 shipments per month in 1928 at Lynn to an average of 87 per month in 1932, while the total revenue received at Lynn from carload freight in the year 1928 of $52,621.68 dropped in the year 1932 to the sum of $16,535.42. Exhibits show that a similar decrease in carload and l.c.l. freight has also occurred at Aguilar. It was estimated that the elimination of one agent would save applicant approximately $1,500.00 per year in its operating expenses.

Petitions objecting to the proposed consolidation were received by the Commission, and a number of said protestants appeared at the hearing. However, after applicant's witnesses had explained the manner in which it was proposed to operate both of said stations with one agent, no objections to the consolidation were offered by any of those present.

The transportation of coal produces the larger part of the revenue received from both the Aguilar and Lynn stations, and it was testified that this business has decreased 75% in recent years. Both Lynn and Aguilar are upon the same telephone exchange, and applicant proposes to arrange that if the agent is called by phone at Lynn while on duty at Aguilar, the call will be connected at the station where he is on duty when same is made, and this would also apply to any calls made at Aguilar when the agent is on duty at Lynn.

It was testified that one agent would have ample time to take care of the public needs at both of said stations. The fact that the Commission might permit consolidation of said agency stations at the present time does not mean that, if business conditions improve to such an extent that the public convenience and necessity require a separate agent at both of said stations, applicant would not be required to again

employ two agents, in the event that they do not voluntarily do so.

A number of letters were received by the Commission from some of the heaviest shippers over applicant's line consenting to the proposed consolidation. The consent of the Board of County Commissioners of Las Animas County was also placed in evidence.

In view of all the circumstances, the Commission is of the opinion, and so finds, that applicant, The Colorado and Southern Railway Company, should be granted authority to consolidate its station agencies at Lynn and Aguilar by the employment of one agent to attend to the business of both stations, effective May 1, 1933.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Colorado and Southern Railway Company, applicant herein, to consolidate its station agencies at Lynn and Aguilar, in Las Animas County, Colorado, by the employment of one agent to attend to the business of both stations, effective May 1, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1933.

(Decision No. 4990)

555

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF J. M. JOHNSTON AND W. H. SHORT FOR AUTHORITY TO THE FORMER TO TRANSFER TO THE LATTER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1763-A

April 14, 1933.

Appearances: E. H. Houtchens, Esq., Greeley, Colorado, attorney for applicant W. H. Short.

S T A T E M E N T

By the Commission:

This is an application by J. M. Johnston and W. H. Short for authority to said Johnston to transfer to said Short the certificate of public convenience and necessity which was issued in Application No. 1763 to said Johnston.

The evidence showed that the said Short transferred a farm in Wyoming to Johnston for a garage building situated in La Salle and the said certificate of public convenience and necessity, subject to the approval of the transfer of the latter by this Commission.

The evidence showed further that the said Short is in a reasonably good financial condition, has had experience in operating over the milk route in question as an employee of Johnston, and that Johnston has outstanding no debts arising out of the operation under his certificate.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to said J. M. Johnston to transfer said certificate of public convenience and necessity to W. H. Short.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to J. M. Johnston to transfer to W. H. Short the certificate of public convenience and necessity heretofore issued to said Johnston in Application No. 1763.

IT IS FURTHER ORDERED, That the rate schedules and rules and regulations of the transferor herein become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1933.

268

(Decision No. 4991)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF A. J. BORCK AND THE SOUTHWESTERN TRANSPORTATION COMPANY FOR AUTHORITY TO THE FORMER TO TRANSFER TO THE LATTER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1239-A

April 15, 1933

Appearances: J. D. Blunt, Esq., Canon City, Colorado, attorney for The Southwestern Transportation Company;
Jack Garrett Scott, Esq., Denver, Colorado, attorney for A. J. Borck.

S T A T E M E N T

By the Commission:

This is an application by A. J. Borck, doing business as A. J. Borck Truck Line, for authority to transfer to The Southwestern Transportation Company, a corporation, a certificate of public convenience and necessity heretofore issued to said Borck in Application No. 1239.

The consideration proposed to be paid by the transferee is $1,500. There are some details with respect to the matter of the payment of said consideration set forth in the agreement attached to the application which we need not take time to describe.

The evidence shows that there are no outstanding debts owing by said Borck which have arisen out of the operation under the said certificate, and that the said The Southwestern Transportation Company is an operator under other certificates issued by this Commission and is in good standing.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to said A. J. Borck, doing business as A. J. Borck Truck Line, to transfer his said certificate of public convenience and necessity to the said The Southwestern Transportation Company.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to said A. J. Borck, doing business as A. J. Borck Truck Line, to transfer to said The Southwestern Transportation Company, the certificate of public convenience and necessity heretofore issued to said Borck in Application No. 1239.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said A. J. Borck, doing business as A. J. Borck Truck Line, transferor herein, shall become and remain those of said The Southwestern Transportation Company, transferee herein, until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of April, 1933.

Form No. 3.

(Decision No. 4994)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
P. M. RAGLAND.) CASE NO. 1151

April 22, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-202 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that the above named respondent is and has been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law and in violation of the permit to operate as a private carrier by motor vehicle heretofore issued to him.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondent is and has been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and in violation of law and of the permit to operate as a private carrier heretofore issued to him.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commissission within ten days from this date, why the Commission should not enter its order requiring said respondent to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity; and an order suspending or revoking the permit to operate as a private carrier by motor vehicle heretofore issued to him; and such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 8, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 4995)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE TOWN OF GRANADA, A MUNICIPAL CORPORATION, Complainant,	)	
vs.	)	CASE NO. 729
THE CITY OF LAMAR, A CORPORATION, Defendant.	)	

April 21, 1933

S T A T E M E N T

By the Commission:

An application has been filed by the City of Lamar for an order extending the effective date of the order of the Commission made herein on April 3. The Commission read the application and after carefully considering the matters alleged therein is of the opinion, and so finds, that the time when the said order of April 3 becomes effective should be extended ten days.

O R D E R

IT IS THEREFORE ORDERED, That the time when the order of April 3, 1933, made herein, shall become effective, be, and the same is hereby, extended ten days beyond the time the effective date would occur without this extension.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1933.

(Decision No. 4996)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE COLORADO AND SOUTHERN RAILWAY COMPANY.) INVESTIGATION AND SUSPENSION DOCKET NO. 195.

April 22, 1933

Appearances: J. L. Rice, Esq., Denver, Colorado, attorney for The Colorado & Southern Railway Company;
Mr. W. E. Riggs, Trinidad, Colorado, pro se;
Mr. W. R. Murphy, Denver, Colorado, for the Board of Land Commissioners, State of Colorado;
R. E. Conour, Esq., Denver, Colorado, Assistant Attorney General.

S T A T E M E N T

By the Commission:

On November 18, 1931, The Colorado and Southern Railway Company, in compliance with General Order No. 15, filed a notice of its intention to abandon certain trackage formerly serving the Majestic Mine at Forbes Junction in Las Animas County. Mr. W. E. Riggs protested. It was then agreed that some 1100 feet of the main spur track and some 270 feet of the side spur track, known as No. 2 Track, be left in place for Mr. Riggs' use until October 31, 1932, so that he might have sufficient time to demonstrate his need for the tracks, the Commission to retain jurisdiction for any further action that might be required.

On January 18, of this year, the Commission was advised by the railroad company that Mr. Riggs had made practically no use of the tracks during the test period and as the same had long since passed, request was made for a hearing in the matter if Mr. Riggs did not consent to the removal of the tracks. The matter was then set down for hearing and was heard in the Hearing Room of the Commission on March 27, at which time the Commission heard

the testimony of the Assistant General Manager of the Colorado and Southern, of Mr. W. E. Riggs, and of Hon. W. R. Murphy, Engineer of the State Board of Land Commissioners.

At one time the Forbes Mine was operated by one of the large coal companies of the State. The company abandoned operations. The mine being located on State land, the State Board of Land Commissioners then leased the mine to Riggs. At one time the spur track ran down to the mine. Most of the said track has long since been removed. There is left only some 1400 feet. The distance from the mine to the spur is some two and one-half miles, over which distance coal has to be transported in wagons or motor trucks. There is no other spur in the vicinity available for use by Riggs.

The evidence showed that Riggs had shipped one car of coal on February 2, 1932, and that recently he had shipped three cars of slack and expected to ship another within a few days. The evidence with respect to the future was quite indefinite. Riggs, of course, is operating on a comparatively small basis but he has had to incur a substantial expense in getting the mine in condition. It rather appeared that there probably would be no coal shipped by rail hereafter until next fall.

It was brought out that the switch on the main line at the point where the spur track takes off constitutes a substantial operating hazard. It was further testified that there is a substantial amount of wear on the switch points and frog. The Assistant General Manager of the railroad company testified that his company would want two or three cars per month if the spur and switch are to be left in place; that since it costs some $25.00 to $30.00 to take out the frogs and points, the company would not want to replace them unless at least three cars are in prospect and that unless at least three more would probably be offered within the reasonably near future, the switch should come out again.

Of course, the railroad company is interested in developing tonnage. However, it is common knowledge that there is an excess supply of coal in the

State, including the Walsenburg and Las Animas County districts. It thus appears that if there is a market for coal to be shipped by rail it can be moved from many points where rail facilities are available.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that unless it appears that the said Riggs shall have available for shipment at least an average of two cars per month in the future, the Colorado and Southern should be permitted to remove both the switch and the spur track.

We are further of the opinion, and so find, that the track should not be removed until after the said Riggs has had an opportunity to deliver the necessary tonnage within the next year, but that the authority should be granted at this time to remove the switch, if there is no reasonable prospect of two cars per month being offered between now and the fall season when the coal season begins.

We are further of the opinion that the carrier should not be required to replace the switch until three cars of coal are ready to be shipped by Riggs.

The Commission is further of the opinion that it should retain jurisdiction over this matter so that if any disagreement arises between the parties the matter can be set down for further hearing.

O R D E R

IT IS THEREFORE ORDERED, That unless it appears reasonably probable that the said W. E. Riggs shall have available for shipment by The Colorado and Southern Railway Company two cars per month from now until October 1, the said railway company shall be, and the same is hereby, authorized to remove the switch in its main line track at the point where the connection is made with the spur track in question.

IT IS FURTHER ORDERED, That if said switch is removed the said railway company shall replace the same at any time within a year from this date when the said W. E. Riggs has ready to tender for shipment three cars of coal.

IT IS FURTHER ORDERED, That if said switch is replaced, the same may be taken out again at any time within a year from this date if it does not appear reasonably probable that an average of two cars of coal per month will be shipped by Riggs. If so taken out after being replaced there shall be no duty to replace again until three cars of coal are ready for shipment.

IT IS FURTHER ORDERED, That if at the end of one year from this date, twenty-four cars of coal have not been shipped by the said W. E. Riggs, The Colorado and Southern Railway Company shall be, and the same is hereby, authorized to take up its said spur track.

IT IS FURTHER ORDERED, That jurisdiction of this case be, and the same is hereby, retained to the end that if any disagreement arises between the parties with respect to their rights under this order the matter may be set down again for further hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1933.

(Decision No. 4997)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY FOR AUTHORITY TO CLOSE ITS) APPLICATION NO. 2097
STATION AT TIMNATH, COLORADO.)

April 24, 1933.

S T A T E M E N T

By the Commission:

On March 11, The Colorado and Southern Railway Company filed its application, No. 2097, asking authority to close the applicant's station at Timnath as an agency station and to substitute for the regular agent a custodian who would furnish all service reasonably required.

Notice of the application was sent out on the same day on which the same was filed to the Mayor of Timnath, the Board of County Commissioners of Laramie County, Mr. R. C. Bonney, local representative of The Order of Railroad Telegraphers, and Mr. B. C. Lewis, Vice President of said Order. None of the persons to whom notice of the application was sent filed any answer or statement with respect to the matter, although the letter addressed to them asks them to "indicate in duplicate within ten days your attitude regarding same".

In view of the fact that the application was sworn to and of the further fact that none of the persons who might be interested have filed any statement of any kind with respect to the matter, the Commission is of the opinion, and so finds, that the authority should be granted. However, in view of the fact that no hearing will be held, the Commission will retain jurisdiction over the matter so that it may on short notice reopen the application and set the same down for hearing if those interested so request and it seems advisable.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is

hereby, granted to The Colorado and Southern Railway Company to substitute at the station of Timnath, Colorado, a custodian in lieu of the regular station agent.

IT IS FURTHER ORDERED, That such custodian shall render all service reasonably required by the public at said station.

IT IS FURTHER ORDERED, That jurisdiction over this application be, and the same is hereby, retained, to the end that the Commission may, if so requested and it seems advisable, reopen the matter for early hearing and for such other action as shall be meet and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1933.

(Decision No. 4998)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE DISCONTINUANCE AND REMOVAL)
OF SPUR TRACK AT MILE POST 362.96) INVESTIGATION AND SUSPENSION
BY THE DENVER AND RIO GRANDE) DOCKET NO. 193
WESTERN RAILROAD COMPANY.)

April 24, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication dated April 17, 1933, from the General Attorney for the above named applicant, stating that applicant desires to withdraw notice of its intention to remove the spur track at Mile Post 362.96 near Glenwood Springs, Colorado.

In conformity with said request the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1933.

(Decision No. 4999)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF R. W. NELSON AND JOHN CAMPBELL, DOING BUSINESS AS THE CRESTED BUTTE HARDWARE AND AUTO SUPPLY COMPANY, FOR AUTHORITY TO OPERATE MOTOR TRUCK FREIGHT SERVICE.

APPLICATION NO. 2086

April 22, 1933

Appearances: Clifford H. Stone, Esq., Gunnison, Colorado, for applicants;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc., protestants.

S T A T E M E N T

By the Commission:

This is an application by R. W. Nelson and John Campbell, doing business as The Crested Butte Hardware and Auto Supply Company, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight generally within the County of Gunnison, Colorado, and between points in said territory and all points within the State of Colorado.

The application was resisted by The Denver and Rio Grande Western Railroad Company and its subsidiary motor vehicle company, Rio Grande Motor Way, Inc.

The applicants made a very satisfactory showing as to financial condition and general responsibility. They are engaged in the hardware business in Crested Butte, a town located in Gunnison County on a branch line of the Rio Grande extending from Gunnison. They have occasion to transport their own freight not infrequently from Salida or Pueblo. They testified that there are a number of mining camps and summer resorts located in the territory tributary to Crested Butte and Gunnison which are not served by any rail carrier.

The evidence showed also that there is a considerable demand

for the transportation of household goods and other commodities between points in Gunnison County, particularly in the Crested Butte area, and points on the north fork of the Gunnison river. The highway mileage from Crested Butte to Somerset and other points on the North Fork is much less than the rail mileage via Montrose and Delta. The testimony for the applicants was to the effect that they do not comtemplate operating any scheduled service.

Mr. Nelson testified on the date of the hearing, which was February 6, that his last trip from Pueblo was in January, probably the 23rd. He further testified that he had made some three trips from Pueblo in sixty days. However, the infrequency of their trips made have been due somewhat to the fact that they had no certificate of public convenience and necessity.

The Rio Grande was permitted to abandon its mixed train service between Crested Butte and Gunnison and to substitute therefor a motor bus which is so constructed as to permit of the carrying of a large amount of l.c.l. freight. At the time of the hearing rail service was being rendered between those points, but for the reason that at that time it was impossible to operate the bus on account of snow conditions. The president of the Motor Way definitely undertook to carry daily between Gunnison and Crested Butte all l.c.l. freight that might be offered, promising either to make a second trip with the bus or to use additional equipment for the purpose. The Motor Way makes two round trips per week between Grand Junction and Gunnison, carrying freight only on these trips. The Rio Grande does not operate any regular or scheduled freight service between Salida and Gunnison.

Two witnesses testified for the applicants, one being one of the applicants, the other a County Commissioner of Gunnison County, who is familiar with traffic and road conditions in that part of the State.

The failure to have other witnesses doubtless was due largely to the fact that the hearing was held in Denver, which is situated a long distance from Crested Butte and Gunnison. However, there was no testimony on the part of any of the shipping public as to a need of the proposed service.

The Commission has heretofore consistently taken the position that it should not authorize an operator who has no schedule, but simply goes and comes when he gets a satisfactory load, to operate without a rate differential in favor of the scheduled motor and rail carrier. Here it is true that there is no scheduled freight service between Salida and Gunnison, yet there is regular l.c.l. freight service (which is necessarily the kind of service which the applicants propose to render, as their trucks would carry less than a rail carload) between Grand Junction and Gunnison and between Gunnison and Crested Butte.

According to testimony, there are a number of other truckers operating in and out of Crested Butte. It is, of course, clear under the law that we have no right to deny private carriers the right to operate provided only that they will secure the permit, which issues as a matter of course, take out the proper insurance and pay the lawful taxes. Moreover, under the law, as declared by our Supreme Court, a private carrier can apparently haul for quite a large number of customers.

It is well known that the rail carriers of the country at this particular time are suffering from a very great diminution of traffic. One reason might possibly be that their rates have been held so much higher than those that are charged by private and motor vehicle carriers. The fact is, however, that the reduction of their taxes has not been at all comparable to the loss of tonnage. In view of the lack of the showing of a demand of the shipping public in Crested Butte that the services of the applicants are reasonably necessary, in view of the rail and motor vehicle service now available and in view of the fact also that the applicants may transport all of their own commodities that they desire without any authority from this Commission, the Commission is of the opinion, and so finds, that the public convenience and necessity

do not require the transportation of any freight by the applicants between rail points in Gunnison County and other rail points in the State without the usual differential of twenty per cent.

We are of the opinion, and so find, that the public convenience and necessity do require the motor vehicle system of the applicants for the transportation of freight generally of all kinds between all points in Gunnison County and all other points in the State of Colorado, subject to the condition that where the freight, except household goods, is transported to or from points in Gunnison County located on the lines of The Denver and Rio Grande Western Railroad Company from and to other rail points in the State the applicants shall charge a rate differential of not less than twenty per cent more than the rates currently charged for rail service, provided, however, that if the rail mileage between points located in Gunnison County on the Rio Grande and other points to or from which freight is carried exceeds by twenty-five per cent the highway mileage, the said requirement shall not be made. The proviso named is to take care of such a case as the transportation of freight from Crested Butte to Somerset and Paonia.

The Commission is further of the opinion, and so finds, that the usual requirement made in cases of this sort retaining jurisdiction over the application should be made herein.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicants, R. W. Nelson and John Campbell, doing business as The Crested Butte Hardware and Auto Supply Company, for the transportation, not on schedule, of freight generally between all points in Gunnison County and all other points in the State of Colorado, subject to the conditions hereinafter stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That this certificate is granted upon

the condition that the applicants be, and they hereby are, required in the case of the transportation of freight other than household goods between points in Gunnison County situated on the lines of The Denver and Rio Grande Western Railroad Company and other rail points in the State of Colorado to charge rates for the transportation of such freight as much as twenty per cent in excess of those currently in effect and being charged for rail carriage between the same points, provided, however, that where the rail mileage exceeds by twenty-five per cent the highway mileage between the points between which the freight moves, said requirement shall not obtain.

IT IS FURTHER ORDERED, That jurisdiction of the application herein be, and the same is hereby, retained to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicants upon the field of business occupied by rail and scheduled motor vehicle carriers, and at the same time to allow the applicants reasonable latitude in the carrying on of its business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject

to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of April.

(Decision No. 5000)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. B. MINER, DOING BUSINESS AS)
H. B. MINER TRANSPORTATION)
COMPANY.)
- - - - - - - - - - - - - - - - -

CASE NO. 1152

- - - - - - - -
April 25, 1933.
- - - - - - - -

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, in Application No. 1381, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission on the complaint of The Colorado Honey Producers' Association of Denver, Colorado, that said respondent, on the 25th day of November, 1932, accepted a C.O.D. shipment from said complainant, amounting to $8.85, and that said respondent has failed to remit said amount to said shipper within five days thereafter, or at all, in violation of Rule 37 of the Rules and Regulations of the Commission, covering the collection and payment for C.O.D. shipments.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has violated Rule 37 of the Rules and Regulations of the Commission by his failure, refusal and neglect to remit the aforesaid C. O. D. shipment to the said The Colorado Honey Producers' Association, of Denver, Colorado, within five days after collection of the same, or at all, or has otherwise violated said rule by his failure to remit other C. O. D. collections within the time and in the manner provided

in said rules and regulations.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order revoking said certificate of public convenience and necessity heretofore issued in Application No. 1381, and requiring him to cease and desist from operating as a motor vehicle carrier for his failure to comply with said Rule 37 relating to the collection and payment for C.O.D. shipments as aforesaid.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M. on May 8, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1933.

(Decision No. 5001)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED S. KELSO, DOING BUSINESS AS) CASE NO. 1153
KELSO TRUCK LINE.)

April 25, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, in Application No. 1502, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission on the complaint of The Deline Manufacturing Company, of Denver, Colorado, that said respondent, on the 3rd day of March, 1933, accepted a C. O. D. shipment from said complainant, amounting to $12.50, and that said respondent has failed to remit said amount to said shipper within five days thereafter, or at all, in violation of Rule 37 of the Rules and Regulations of the Commission, covering the collection and payment for C. O. D. shipments.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has violated Rule 37 of the Rules and Regulations of the Commission by his failure, refusal and neglect to remit the aforesaid C. O. D. shipment to the said The Deline Manufacturing Company, of Denver, Colorado, within five days after collection of the same, or at all, or has otherwise violated said rule by his failure to remit other C. O. D. collections within the time and in the manner provided in said rules and regulations.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order revoking said certificate of public convenience and necessity heretofore issued in Application No. 1502, and requiring him to cease and desist from operating as a motor vehicle carrier for his failure to comply with said Rule 37 relating to the collection and payment for C. O. D. shipments as aforesaid.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 A. M. o'clock on May 8, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1933.

(Decision No. 5003)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHWILKE.) CASE NO. 1154

April 27, 1933.

S T A T E M E N T

By the Commission:

On June 20, 1931, the Commission issued a private motor vehicle permit No. A-24 to Albert Schwilke, authorizing him to operate as a private carrier for hire by motor vehicle pursuant to the provisions of Chapter 120, Session Laws of Colorado, 1931. On September 12, 1931, the Commission made an order in Case No. 713 requiring the said Schwilke to show cause why his said private permit should not be revoked or suspended because of his having, after the issuance thereof, operated as a motor vehicle or common carrier as defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, without having a certificate of public convenience and necessity therefor.

The matter came on for hearing, after which the Commission made an order on November 30, 1931, in which it found that the said Schwilke, after the issuance of the said private permit, had operated as a motor vehicle carrier as defined by said Section 1 (d), Chapter 134, S. L. 1927; that such operation was conducted without a certificate of public convenience and necessity, and was in excess of the authority granted in and by virtue of said permit. The Commission further found that the said private permit No. A-24 should be revoked. In and by said order the said permit was revoked, and the respondent Schwilke was ordered to "cease operating as either a private or common carrier of freight by motor vehicle". Said order so made in said Case No. 713 on November 30, 1931, remains in full force and effect at this time.

It appears now to the Commission that said Schwilke on April 19, 1933, presented to the file clerk of this Commission, who issues private permits more or less as a matter of course, an application for another Class A private motor vehicle permit, and that the said file clerk and secretary of the Commission issued a permit on or about that day.

It further appears that the members of the Commission were not aware of the fact that said Schwilke had sought said permit and did not approve or consent to the issuance thereof.

The Commission is, therefore, of the opinion, and so finds, that an order should be made requiring the respondent, Albert Schwilke, to show cause, by written statement filed with this Commission within ten days from this date, why the said private motor vehicle permit No. A-442 should not be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the said Albert Schwilke be, and he is hereby, required to file with the Commission within ten days from this date a written answer why his private motor vehicle permit No. A-442 should not be revoked.

IT IS FURTHER ORDERED, That said matter be set down for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on the 10th day of May, 1933, at 10:00 o'clock A. M., at which time and place the Commission will receive evidence concerning the matters and things set forth herein and bearing on the question whether or not said permit should be revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 27th day of April, 1933.

Commissioners.

(Decision No. 5004)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF ROARING FORK WATER, LIGHT AND POWER COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 2100

April 27, 1933.

Appearances: George L. Nye, Esq., Denver, Colorado, attorney for applicant;
James D. Bromley, Esq., Denver, Colorado, attorney for Public Service Company of Colorado.

S T A T E M E N T

By the Commission:

The applicant, Roaring Fork Water, Light and Power Company, a Colorado corporation, has been engaged many years in the generation by a hydro plant of electricity which is distributed to the public in the town of Aspen and the vicinity thereof in Pitkin County, Colorado. It has filed an application in which it asks "that the Public Utilities Commission of the State of Colorado enter its order that the present and future public convenience and necessity require the extension of the facilities of the plant and system of Roaring Fork Water, Light and Power Company by the construction of the proposed transmission line up the Roaring Fork River and over Independence Pass to the vicinity of the eastern portal of the tunnel project of Twin Lakes Reservoir and Canal Company."

It asks also for any further order or direction as may be necessary, appropriate and proper in the premises.

Twin Lakes Reservoir and Canal Company is desirous of constructing a diversion tunnel through which it proposes to divert the waters of the Roaring Fork and its tributaries from the west side of the Continental Divide for the purpose of irrigating certain lands east thereof. The application states that the project has been approved by the Reconstruction Finance

Corporation as a "self-liquidating project, upon which it will loan $1,250,000.00."

The purpose of building this line is mainly to supply power to the reservoir and canal company for the construction of said tunnel. Energy would be furnished at both the east and west portals thereof. The line would be some twenty-three miles in length. It is doubtful whether it would be maintained after the tunnel has been constructed.

The application further alleges that the making thereof is "the direct result of a request from Twin Lakes Reservoir and Canal Company that applicant take all necessary steps for the construction of the proposed transmission line promptly so that it may assure prospective bidders that electrical power will be available for construction work."

Ordinarily before the construction of a transmission line, such as is here proposed, can be undertaken, it is necessary to secure a license from the Federal Power Commission. However, it is possible for the Forest Service of the United States Department of Agriculture to issue, if agreeable to the Power Commission, what is called a special use permit, under which construction may be undertaken in advance of the issuance of the license. As we are informed, the Power Commission requires the securing of a certificate of public convenience and necessity from this Commission. The Power Commission has approved the issuance of the special use permit in this case.

Public Service Company of Colorado filed, prior to the hearing herein, a written statement that the contract for electrical power will be let by the general contractor and that such contractor has not as yet been named; that said company's electrical system is available for furnishing of electrical energy for the construction of said tunnel. That company's written statement concludes with the prayer that no final order be entered herein "until such time as such general contractor has been designated and negotiations for the furnishing of electrical current have been carried on."

At the hearing some question was raised as to the capacity of the applicant. The evidence seemed to indicate that if its capacity is not now sufficient, the company would be able and willing to make it so without great expense.

While the length of the line from Aspen would be about twenty-one miles, the line of Public Service Company, which would have to be built from Leadville, would be some twenty-seven or twenty-eight miles in length. While there would be more expense in building a line from Leadville, it is possible that this might be somewhat offset by the expense that the applicant might have to incur in order to make its equipment adequate for the purpose.

There was also a statement made at the hearing to the effect that the Reconstruction Finance Corporation had possibly withdrawn its decision to make the loan in question.

We assume that it is proper for this Commission to issue a certificate of public convenience and necessity in a case of this sort where probably only one customer is to be served. However, we are inclined to believe that the question of what company should render the service when two companies are so nearly equidistant from the point at which the energy is to be delivered should be left very largely to the contractor who will buy and pay for the energy. We say very largely for the reason that it is quite possible that this Commission should in certain circumstances assume the responsibility of determining to which of the two applicants the certificate should be granted.

At the present time we do not understand that the applicant herein is ready to proceed with the building of a line. It is ready to do so whenever it is assured that a satisfactory contract will be made with it for the energy. Public Service Company likewise is ready to do the same. It seems to us the Commission should deny the application at this time, retaining jurisdiction thereover, and holding itself ready immediately to set the matter down for further hearing if and when it is desirable and necessary. We stand ready, willing and desirous of doing all reasonably within our

power to expedite a semi-public work of the kind in question. But we believe action by us at this time would be somewhat premature.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the application herein at this time should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the application herein be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That jurisdiction over the application herein be, and the same is hereby, retained for such further action herein as shall be proper.

IT IS FURTHER ORDERED, That the applicant shall have leave at any time it so desires to ask that the case be set for further hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of April, 1933.