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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. A. COX.) CASE NO. 1155

April 29, 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-281 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 said respondent has failed to keep on file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

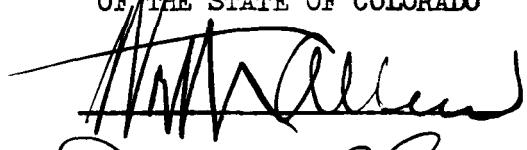
O R D E R

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 keep on file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit 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 Wednesday, the 10th day of May, 1933, at which time and

place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "A. W. Allen".A handwritten signature in cursive script, appearing to read "David S. Jones".A handwritten signature in cursive script, appearing to read "Edward J. [unclear]".

Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1933.

(Decision No. 5006)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF INTERSTATE TRANSIT LINES, AN)
INCORPORATION OF THE STATE OF)
NEBRASKA, FOR AUTHORITY TO CON-)
TINUE SUSPENSION OF OPERATION BE-)
TWEEN GREELEY, COLORADO, AND)
JULESBURG, COLORADO, UNTIL AND)
INCLUDING JUNE 1, 1934.)

APPLICATION NO. 1790

May 1, 1933.

Appearances: E. G. Knowles, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On May 20, 1932, the Commission made an order authorizing Interstate Transit Lines, a corporation, to suspend its motor bus operations between Greeley and Julesburg for a period extending to and including June 1, 1933. Since the extension of said suspension period, said applicant has sought a further extension. Its application therefor was filed with the Commission on April 19, 1933. Notice was given to all of the cities through which said operation extends, as well as to the County Commissioners of Logan County, and no objections to the further suspension sought have been received.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said further extension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the period in which Interstate Transit Lines, a corporation, has been authorized to suspend its motor bus operations between Greeley and Julesburg, Colorado, be, and the same is hereby, extended to and including June 1, 1934.

Dated at Denver, Colorado,
this 1st day of May, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. FOSTER, DOING BUSINESS)
AS AND UNDER THE NAME OF FOSTER)
TRUCK LINES.)

CASE NO. 1156

May 2, 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 Applications Nos. 674 and 922-A, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission on the complaint of W. A. Hover & Company of Denver, Colorado, that said respondent on March 30, and April 10, 1933, respectively, accepted from said complainant C. O. D. shipments amounting to \$25.22 consigned to the Littleton Drug Company of Littleton, Colorado; and that said respondent has failed to remit the amount of said shipments to said shipper within five days after collection of the same, or at all, in violation of Rule 37 of the Rules and Regulations of the Commission relating to the collection and payment for C. O. D. shipments.


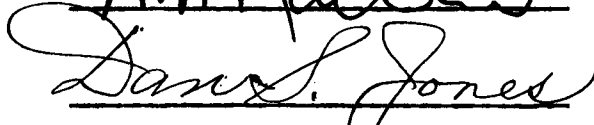

O R D E R

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 for the aforesaid C.O.D. shipments to the said W. A. Hover & 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 Applications Nos. 674 and 922-A, 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 Monday, the 15th day of May, 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 2nd day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
JAMES HARRISON MCKEE, FRANK E.)	
HASSIG AND C. C. SNYDER, DOING)	<u>CASE NO. 1157</u>
BUSINESS UNDER THE FIRM NAME AND)	
STYLE OF AIR LINE TRUCK SERVICE.)	

May 2, 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, as amended, in Applications Nos. 1258 and 1491, authorizing them to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission on the complaint of W. A. Hover & Company, of Denver, Colorado, that said respondents, on the 3rd day of April, 1933, accepted a C. O. D. shipment from said complainant amounting to \$33.45, and that said respondents have failed to remit said amount to said shipper within five days after collection of same, 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.



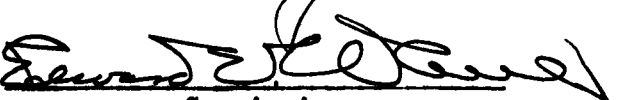
O R D E R

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 respondents have violated Rule 37 of the Rules and Regulations of the Commission by their failure, refusal and neglect to remit the aforesaid C. O. D. shipment to the said W. A. Hover & Company, of Denver, Colorado, within five days after collection of the same, or at all, or have otherwise violated said rule by their 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 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 revoking said certificate of public convenience and necessity heretofore issued in Applications Nos. 1258 and 1491, and requiring them to cease and desist from operating as a motor vehicle carrier for their 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 Monday, the 15th day of May, 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 2nd day of May, 1933.

File

(Decision No. 5009)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY SHANNON, Doing Business as)
~~DENVER-CHEYENNE TRUCK LINE.~~)

CASE NO. 1153

May 2, 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.

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 10:00 o'clock A. M., on May 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Dan S. Jones
Edward E. Decker

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE TOWN OF GRANADA, A MUNICIPAL
CORPORATION,

Complainant,

vs.

THE CITY OF LAMAR, A MUNICIPAL
CORPORATION,

Defendant.

CASE NO. 729

May 2, 1933

STATEMENT

By the Commission:

On April 21, 1933, the Commission made an order on the motion of the City of Lamar extending for ten days the effective date of the order made by the Commission herein on April 3, 1933. There has since been filed an application for an order extending the effective date for thirty days longer.

The application sets forth that on April 17 of this year there was a change in the administration of the affairs of the said City of Lamar, a new Mayor and three new members of the City Council of said city taking office at that time; that said Council had passed a resolution for the employment of an expert to make an investigation of the rates being charged by said city and that it would require some thirty days before said expert could make a report and the same could be acted upon by said City Council. The application which was verified by one of the members of the City Council was further supported by an affidavit by C. L. Flower, who has been engaged to make said investigation.

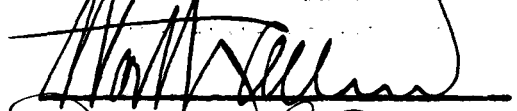
After careful consideration of the application, the Commission is of the opinion, and so finds, that the effective date should be fixed thirty days after the date when the order would now become effective. In making this finding and order the Commission is not to be understood as passing

upon the materiality or weight of any report made.

O R D E R

IT IS THEREFORE ORDERED, That the order made herein by the Commission on April 8, shall be effective forty days from and after the date on which same would under the law have become effective in the absence of the order of April 21 and this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JESS KENNER, DOING BUSINESS AS THE)
WHITE TRUCK LINES, AND WEICKER TRANS-)
PORTATION COMPANY, A CORPORATION, TO)
TRANSFER CERTAIN CERTIFICATES OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 607-AAAA ✓
APPLICATION NO. 700-A
APPLICATION NO. 1569-A

May 2, 1933

Appearances: Jack Garrett Scott, Esq., Denver, Colorado,
attorney for Weicker Transportation Company;
Harry S. Glass, Esq., Denver, Colorado,
attorney for Colorado Motor Car Company;
Jess Kenner, Pueblo, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On October 5, 1932, the Commission entered its order in the above numbered applications wherein authority was granted to Jess Kenner, doing business as The White Truck Lines, to transfer to Weicker Transportation Company, those certain certificates of public convenience and necessity heretofore issued in the above numbered applications, subject to certain conditions contained in said order. Jurisdiction of said case was retained by the Commission to the end that such further orders might be entered as the circumstances of the case might require.

In August, 1932, a written contract was entered into between the Weicker Transportation Company and the White Truck Lines in connection with the transfer of the certificates of public convenience and necessity involved in the instant case. Under the terms and conditions of said contract, the total consideration to be paid by the Weicker Transportation Company to White Truck Lines for the transfer of said certificates was approximately \$2,000.00, of which amount \$350.00 was to be paid in cash when authority to make said transfers was granted by this Commission, and the balance of

\$1,650.00 with interest was to be paid to the First National Bank of Trinidad at the rate of two cents per cwt. on all freight moved by the Weicker Company over the routes covered by the certificates of the White Truck Lines. This payment was to take care of a note for said sum of \$1,650.00 which had been given to the said First National Bank of Trinidad by the White Truck Lines.

One of the provisions of said contract entered into in August, 1932, was to the effect that Jess Kenner was to be employed by Weicker Transportation Company for certain pick-up and delivery service at Trinidad, for which he was to be paid a price of 9 cents per cwt., and one of the conditions contained in the original order entered herein was to the effect that on or before the 15th day of each and every month the Weicker Transportation Company should remit to said First National Bank of Trinidad twenty-five per cent of any amount due the said Jess Kenner for said pick-up and delivery service. Said payments were to be made to said bank as trustee, and said bank was to prorate such payments among the various creditors of the said White Truck Lines exclusive of its own indebtedness.

On February 15, 1933, the Weicker Transportation Company filed its motion herein to modify said order to the extent of permitting Weicker Transportation Company to discharge the said Jess Kenner and discontinue the payment of the said twenty-five per cent of his earnings to the said First National Bank of Trinidad, and in lieu thereof to provide that the payments of two cents per cwt., now being paid upon said First National Bank note, be prorated among all creditors of the White Truck Lines as their respective interests might appear.

A further hearing was held in the matter upon said petition to modify our former order, due notice of which was served on all interested parties. At said hearing the evidence disclosed that Weicker Transportation Company had become dissatisfied with the services of Mr. Kenner in said pick-up and delivery work at Trinidad, particularly in reference to his manner of keeping his accounts and making his remittances. Evidence was introduced to the effect that an employee of Mr. Kenner had used certain

funds belonging to the Weicker Transportation Company and had admitted his shortage in this connection. We feel that it is unnecessary to discuss the evidence in reference to these points in detail as the Commission does not feel that it is within its province or that it has any jurisdiction over the question of whether Weicker Transportation Company shall be required to continue the services of Jess Kenner. It is our position that said employment is governed by the terms of the August, 1932, contract heretofore referred to.

However, we are now confronted with the fact that Kenner's services have been dispensed with by the Weicker Company and, therefore, the 25 per cent of revenue derived by him from said employment is no longer available for distribution among his creditors other than the First National Bank of Trinidad, and unless said original order is modified, it would mean that said First National Bank of Trinidad would be paid its account in full from the consideration that is to be paid for the transfer of said certificates, while other creditors of the White Truck Lines would receive nothing beyond the payments to be credited to them up to the time that Weicker Transportation Company dispensed with the services of Jess Kenner.

In the original order entered herein, we provided that the Colorado Motor Car Company should be allowed a claim as a creditor of Jess Kenner to the extent of the sum of \$500.00. Since the date of said original order, said Colorado Motor Car Company has reduced its claim against said Jess Kenner to judgment in the District Court of the Tenth Judicial District of the State of Colorado and a transcript showing that judgment in the sum of \$2,462.29 was obtained in said Court was filed in evidence at the reopened hearing. In view of this fact, we feel that the account of the Colorado Motor Car Company must now be recognized to the extent of the amount of said judgment.

At said reopened hearing it was further disclosed that the Weicker Company had made claim against the Massachusetts Bonding and Insurance Company under a Fidelity schedule bond covering Jess Kenner, and we are now advised that under said claim said bonding company has paid to the Weicker Company the sum of \$659.42, which it asks to have included in the accounts

payable of the said Jess Kenner in order that it may receive its pro rata share of any distribution made to said creditors. The Commission feels that said account should be so included.

As hereinbefore stated, the First National Bank of Trinidad was made trustee in the original order, but the Commission realizes that this may be placing quite a burden upon said bank without any commensurate remuneration. It has been suggested that Mr. Jack Garrett Scott, of Denver, who has been acting as attorney for Weicker Transportation Company in the instant case and who is entirely familiar with all the details of same, would make a satisfactory trustee, and Mr. Scott has consented to act in such capacity without any charges for his services. In view of these facts, the Commission feels that it might be more advisable to appoint Mr. Scott as trustee for the creditors, and at the same time it desires to express its appreciation to said First National Bank of Trinidad for the services it has already rendered in this connection.

The evidence at the reopened hearing further disclosed that at the time of the reopened hearing there had been paid to said First National Bank of Trinidad, Colorado, for the benefit of White Truck Lines' creditors, not including said bank, the sum of \$459.67, and that there had also been paid to said bank upon account of the indebtedness to it the sum of \$47.77. The further amount of \$273.89 due said bank upon its own claim up to and including February 22, 1933, had not been paid at the time of the hearing. It was further disclosed that of the sum of \$459.67 which had been credited by the bank to the general creditors of Jess Kenner, \$187.81 should have been credited by the bank upon its own indebtedness.

In view of the changed conditions and of the record in the instant case, the Commission is of the opinion, and so finds, that the order heretofore entered on October 5, 1932, should be modified to the extent hereinafter set forth.

ORDER

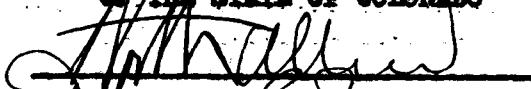
IT IS THEREFORE ORDERED, That the order heretofore entered on October 5, 1932, be, and the same is hereby, modified in the following particulars, to-wit:

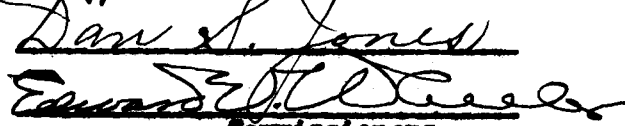
That the balance of the amount of \$1,650.00 and interest, payable by the Weicker Transportation Company monthly at the rate of two cents per cent., on all freight transported by it over the lines covered by the certificates of the White Truck Lines, which becomes due and payable from and after March 10, 1933, shall be paid monthly to Jack Garrett Scott, Attorney-at-Law, Denver, Colorado, as trustee for the creditors of the White Truck Lines. Said trustee, Jack Garrett Scott shall prorate among the creditors of Jess Kenner, doing business as The White Truck Lines, said payments to him in proportion as the respective indebtedness of said creditors may appear and as herein provided, said creditors including the Massachusetts Bonding and Insurance Company, whose claim amounts to \$659.42, Colorado Motor Car Company, whose claim amounts to \$2,462.19, and First National Bank of Trinidad, the amount of whose claim will be determined as hereinbefore set forth.

IT IS FURTHER ORDERED, That said Jack Garrett Scott, as trustee, and said First National Bank, as former trustee, shall see that all payments due from Weicker Transportation Company to the said Jess Kenner, doing business as The White Truck Lines, up to March 10, 1933, shall be prorated in the manner and form provided in the original order entered herein, save and except that the amount due the Colorado Motor Car Company shall be the sum of \$2,462.19 instead of \$500.00, and that the amount due the Massachusetts Bonding and Insurance Company shall be the sum of \$659.42.

IT IS FURTHER ORDERED, That jurisdiction of this case be, and the same is hereby, retained by the Commission to the end that such further order or orders may be entered herein as the circumstances of the case may require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones


Edward H. Decker
Commissioners.

Dated at Denver, Colorado,
this 2nd day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE TELEGRAPH SERVICE BY WESTERN)
UNION TELEGRAPH COMPANY AND THE)
DENVER AND RIO GRANDE WESTERN) CASE NO. 1159
RAILROAD COMPANY.)

May 9, 1933.

S T A T E M E N T

By the Commission:

Telegraph service has been rendered to the public in the following cities and towns in Colorado by the Western Union Telegraph Company:

- La Jara
- Allison
- Pagosa Springs
- Romeo
- Wolcott
- Creede
- Hooper
- Ouray
- Silt
- Crested Butte
- Cimarron
- Avon
- Aspen
- Hotchkiss

The Commission is informed and believes that this service is rendered in the name of Western Union Telegraph Company. However, certain contractual relations and arrangements exist by and between the two said companies by which the service rendered is by a station agent of the railroad company and over lines that are owned by one, or possibly both, of the respondents.

The Commission is further informed that at the stations named, the services of a telegraph operator have been discontinued. This has been done without any authority from this Commission, and without following General Order No. 34 of the Commission with respect to the discontinuance of telegraph service, and with respect to the change

or abandonment of any facilities of any railroad station.

The Commission is of the opinion, and so finds, that an investigation should be had and that each of the respondents should be required to show cause by written statement to be filed with the Commission within ten days from this date, why it either separately or jointly with the other, should not be required to continue to render telegraph service in each of said towns and cities until authority to discontinue said service has been given by the Commission, or the right to abandon said station facility has been obtained by following General Order No. 34 of the Commission.

O R D E R

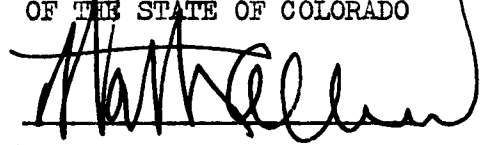
IT IS THEREFORE ORDERED, by the Commission, that each of the respondents, Western Union Telegraph Company, a corporation, and The Denver and Rio Grande Western Railroad Company, a corporation, be, and it is hereby, required to show cause by written answer to be filed with the Commission within ten days from this date why it either separately or jointly with the other, should not be required to continue to render telegraph service in each of the aforementioned towns and cities until authority to discontinue said service has been given by the Commission, or the right to close said station has been obtained by following General Order No. 34 of the Commission.

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 Saturday, May 20, 1933, at 9:30 A. M. o'clock thereof.

IT IS FURTHER ORDERED, That said respondents, and each of them, produce at the hearing at that time all contracts now in effect with respect to the telegraph service rendered in said towns and cities, and with respect to the operation of the lines leading to and from said towns and cities and other equipment and apparatus used in connection

with said service, and that each of the respondents be prepared at said time and place to inform the Commission fully of all the relations and arrangements existing between them relative to such service.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * *

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HARVEY H. PEASE, ET AL.,)
)
 Complainants,)
)
 vs.)
)
 UNION PACIFIC RAILROAD COMPANY,)
)
 Defendant,)

CASE NO. 1130

May 9, 1933.

Appearances: Harvey H. Pease, Frederick, Colorado,
for complainants;
E. G. Knowles, Esq., Denver, Colorado,
attorney for defendant.

S T A T E M E N T

By the Commission:

The general question involved herein is as to the adequacy of the railroad service between Frederick and Denver and between Frederick and Brighton. The case originated with an informal complaint made by a letter dated January 23, 1933, signed by Harvey H. Pease, editor and publisher of a newspaper in Frederick, and a petition bearing the same date signed by a large number of residents in Frederick. The petition asks for the re-establishment of passenger service "that was in effect prior to July 1, 1932."

A hearing was held in Frederick. The evidence showed that between 1923 and 1927 Union Pacific Railroad Company operated two steam passenger trains each way daily between Denver and Fort Collins which passed through and served Frederick, Firestone and Dacona. In June, 1927, the company substituted motor trains operating on practically the same time. In June, 1930, the service was cut to one train daily, the train passing through Frederick westbound at 6:50 P.M. and eastbound at 8:55 A. M. Such service was rendered

until August 14, 1932. At that time a service was instituted by which one motor car was operated each way daily, the route being via Boulder. On January 21 of this year a further change was made.

The service at the time of the hearing was as follows: Accommodation train, carrying freight cars and a combination passenger, baggage and express car, leaves Brighton in the morning immediately after the arrival there at 8:41 o'clock A.M. of the passenger train running westbound from Denver. This train arrives in Frederick at 9:10 o'clock A.M. It then proceeds to Boulder, returns in the afternoon, arriving back at Frederick at 4:00 o'clock P.M., in time to make connection at Brighton at 4:30 o'clock P.M. with two passenger trains from Denver, one to Cheyenne and points west, the other being the Columbine to Chicago.

After the hearing we wrote to the superintendent of the Union Pacific, asking for a statement as to the latest hour the said accommodation train could leave Firestone and Frederick in the afternoon on its return trip to Brighton. He wrote us that the latest hours at which the train could leave those points and still make the connection at Brighton with the afternoon trains would be 3:50 o'clock at Firestone and 4:00 o'clock at Frederick.

The passenger earnings from Frederick dropped greatly in recent years. According to the evidence the outbound passenger business credited to Frederick in 1923 was \$6,971. In 1931 the earnings amounted to \$866.00, in 1932, \$472.00. The 1932 revenue included two chair car tickets to California. The revenue in January, 1932, was \$76.00; in February \$60.00, March \$118.00, April \$48.00, May \$40.00, June \$59.00, July \$26.00, after which the average was about \$9.00 or \$10.00 per month. The revenue by months for 1931 varied from \$39.00 for the month of September to \$144.00 for the month of January.

The main point made at the hearing was that on account of the large volume of coal which moves out of the Frederick district, (and it is admitted to be quite substantial) the railroad company should afford good passenger train service directly to and out of Denver.

The letter of February 27, 1935, written by Mr. Pease states:

"Two years ago, we had a train service into Denver, leaving here at 9:30 a.m., and going directly in to Denver, arriving there about 11 a.m., returning we arrived home in Frederick at about 7 o'clock in the evening. This service was very satisfactory to the people of this community."

The position is taken that even though such passenger service should be rendered at a substantial loss, the company should still afford the service to the few who might care to avail themselves of it because of the heavy coal tonnage afforded by the district. With this contention the Commission is unable to agree.

Criticism is being leveled at the railroads of the country from many quarters because of their burdening the freight service with passenger service that is being rendered at a loss. While it is not in the record in this case, we might be permitted to state that in Docket No. 17,000, Part 9, Livestock Rates in the Western District, it was shown that in 1930 the deficit of the rail carriers from passenger service in the Western District alone amounted to more than \$44,000,000. It was shown that for every dollar of revenue received for passenger service in that district the expense to the carriers was \$1.1219.

9290
1913

Railroad freight rates today are wholly out of line with commodity prices in the United States. Retail food prices are 98.7 per cent of those existing in 1913. Wholesale commodity prices in general are 64.9 per cent of those of 1926. According to a statement made by Commissioner Eastman in Ex Parte 103 in the so-called Fifteen Per Cent Case, Ex Parte 103, the average ton-mile revenue of the Class 1 rail carriers was 45.7 per cent higher in 1931 than in 1913. He further stated "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 at least 68 per cent higher than in 1913." The high rail freight rates have been and are a material factor in driving business from the railroads to trucks. The trucks and other forms of transportation cannot carry all the freight. We have not reached a point where we can get along without the railroads. It is not fair to the public to burden the freight service with

high freight rates made necessary by continuance of unprofitable and unnecessary passenger service.

The public in the Frederick district long since ceased using passenger trains to any substantial extent. The public is traveling today in automobiles to and from points like Frederick over excellent highways furnished by the Federal Government, the State and the counties.

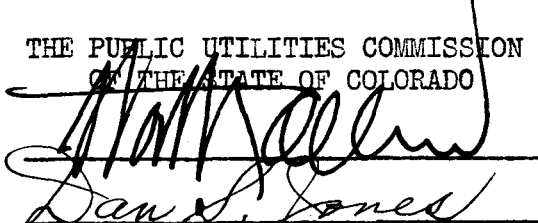
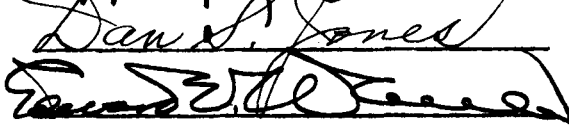
It seems to us that the main service that is rendered by the accommodation train is that of carrying the mail. The public in the Frederick district is interested in getting its mail out to Denver as late as possible in the afternoon. The hours at which the railroad company is now willing to have the train leave Firestone and Frederick are somewhat later than those at which the train has heretofore left those points. If these hours are not late enough, the Government will undoubtedly, as was suggested at the hearing, arrange for service in the form of a star route or otherwise.

We asked the Union Pacific at the hearing to make the rate to and from Denver via Brighton the same as the rate was when the service was direct. This it has promised in a letter to do. This, we assume, has been done by this time.

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, with the understanding the railroad company will make the change stated in time of leaving Frederick and Firestone, and that the rate via Brighton will be made and kept as low as the rate charged for the direct service.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF ARTHUR BAWDEN AND OTHERS FOR)	APPLICATIONS NOS. 1515, 1606, 1621,
CERTIFICATES OF PUBLIC CONVENIENCE)	1634, 1635, 1636, 1649, 1626, 1717,
AND NECESSITY.)	1757 and 1748.

May 9, 1933

- Appearances:
- J. G. Scott, Esq., Denver, Colorado,
for Western Greyhound Lines, Inc., and
Greeley Transportation Company;
 - T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company and Denver-Colorado Springs-
Pueblo Motor Way, Inc.;
 - E. G. Knowles, Esq., Denver, Colorado,
for Union Pacific Railroad Company,
Interstate Transit Lines and Denver
Tramway Corporation;
 - D. Edgar Wilson, Esq., Denver, Colorado,
for Rocky Mountain Motor Company, The
Rocky Mountain Parks Transportation Company,
Colorado Motor Way, Inc., and The Denver
Cab Company;
 - Arthur Bawden, Denver, Colorado,
for Arthur Taxi & Sightseeing Service;
 - T. S. Wood, Rate Expert, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On February 15, 1933, the Commission issued its order reopening the above entitled applications for the sole purpose of determining to what extent, if any, the rates set forth in "Amended Exhibit A" in Application No. 1606 were unjust, unreasonable and otherwise unlawful, and assigned the applications for rehearing on March 2, 1933.

At the hearing testimony was introduced by Arthur Bawden, doing business as Arthur Taxi and Sightseeing Service, wherein he proposed a rate of 15 cents per mile on one to three passengers and 20 cents per mile on four to six passengers in valley territory, and a rate of 20 cents per mile on one to three passengers and 25 cents per mile on four to six passengers in mountain territory.

In support of his proposal, he testified that he felt these lower rates should be established in order that he might be in a position to compete with the "drive yourself" car companies. He further testified that on the basis of his proposed rates it would be necessary for him to receive a minimum of three fares, and that in computing the fare the round trip mileage would be used.

The Denver and Rio Grande Western Railroad Company took the position that it was not opposed to any reasonable scale or basis, provided that such scales were made sufficiently high as not to attract regular business away from its lines.

On March 6, 1933, a proposed statement by T. S. Wood, rate expert for the Commission, was rendered to all parties of record, wherein it was proposed to apply a rate base of 4.8 cents per mile for application in valley territory and 5.5 cents per mile for application in mountain territory, subject to a minimum of three fares.

Exceptions to this proposed report have been filed by The Denver and Rio Grande Western Railroad Company, Rocky Mountain Motor Company, Rocky Mountain Parks Transportation Company, Colorado Motor Way, Inc., Denver Cab Company and The Colorado and Southern Railway Company.

The exceptions of The Denver and Rio Grande Western Railroad Company are, in the main, as follows:

1. That the rates proposed to be applied for special, chartered car service are competitive with the rates of carriers performing scheduled service and are so low as to attract regular business from such carriers.

2. That the rates proposed in said report are so low as to permit and encourage the operation of seven-passenger or smaller cars in the regular business of transporting passengers under the guise of an emergency service, whereas the certificates of public convenience and necessity were granted in this matter for the operation of irregular, occasional, non-scheduled trips for strictly special or emergency service.

3. The rates proposed in the report are unjust, unreasonable and discriminatory to the extent that they are less than the rates herein set forth, viz.:

	<u>Three Passen- gers or less</u>	<u>Four Passeng- ers</u>	<u>Five Passen- gers</u>	<u>Six Passen- gers</u>
<u>Valley Rates per car mile</u>	15	20	25	30
<u>Mountain Rates per car mile</u>	20	25	30	35

The Rio Grande contends that the proposed report loses sight of the fact that the proceeding in its entirety was and is a proceeding dealing not with the transportation of individual passengers as such, but with the chartering or hiring by one or more persons of a particular piece of equipment of a certain size for a certain trip. It further states that at the original hearing it was the position of everyone that the service proposed was the chartering of a special piece of equipment at a certain charge covering such piece of equipment, regardless of whether the equipment would be utilized to its full capacity, and that the rate of 30 cents per car mile for the valley territory and 35 cents for the mountain territory was agreed to by all parties.

This is a correct statement of the conditions prevailing at the time of the original hearing. However, in our decision of February 15, 1933, reopening this matter for further hearing, we said:

"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."

The Rio Grande further contends that the rate should be made on the theory that it is the use of a particular piece of equipment and the services of a driver which are being purchased, and, therefore, it should not be based on an individual fare. The individual fares were considered in the proposed report, subject, however, to a minimum of

three fares as being the lowest amount for which an operator might be permitted to make any individual trip.

The Rio Grande objects very strenuously to the establishment of a rate base of 5.5 cents per car mile based on the highway mileage to points on its lines west of Canon City for the reason that, due to the shorter highway mileage, the spread between the rail fare and the motor vehicle fare would not be sufficient to hold the business to the rail line, and it contends that it should be given a substantial margin or differential against the service contemplated in the issuance of the certificates involved. The Rio Grande round trip fare from Denver to Glenwood Springs is \$22.25 and its round trip mileage is 720 miles, while the round trip mileage, Denver to Glenwood Springs via the highway, is 416 miles, which computed on the basis of 5.5 cents per car mile produces a fare of \$22.88, the minimum of which would be \$68.64 on the basis of three fares, while three fares on the Rio Grande would be \$66.75 or \$1.89 under the fare of the motor vehicle carrier. This and other similar conditions are created by the circuitous mileage of the railroad. It would appear that the railroad, due to the fact that it has daily scheduled operations, should be accorded a greater spread than this.

Rocky Mountain Motor Company, The Rocky Mountain Parks Transportation Company, Colorado Motor Way, Inc., and The Denver Cab Company concurred in and adopted the exceptions filed on behalf of The Denver and Rio Grande Western Railroad Company, with the further exception that any revised rate structure which the Commission may prescribe should provide that the minimum charge per car should be computed on a four-passenger basis instead of a three-passenger basis for valley and for mountain rates. We cannot agree with this proposal.

The exception of The Colorado and Southern Railway Company runs mainly to the fares in the mountain territory, particularly to the fares between Denver and points on the South Park division of the Colorado and Southern. In its exception it is stated that the basis

proposed in so-called valley territory seems feasible and apparently should operate satisfactorily, but due to the shorter mileage in comparison with the rail lines, the 5.5 cents per car mile rate would in practically all cases cut their fares, that is, on the basis of three passengers.

We find that for the purpose of this proceeding the State should be divided into two territories, namely, valley and mountain, and that the valley territory shall constitute that territory lying on and east of the following described line:

Beginning at a point where U. S. Highway No. 285 crosses the Colorado-Wyoming state line, thence on and east of said highway and through Fort Collins, Longmont and Boulder to Denver (including Golden and Fort Logan); thence on and east of U. S. Highway No. 85 to Colorado Springs; thence on and east of State Highways Nos. 115 and 120 to Canon City; thence south and east via an air line through Wetmore and Beulah to Crow; thence on and east of U. S. Highway No. 85, through Walsenburg and Trinidad, to a point where said highway crosses the Colorado New Mexico state line.

The mountain territory shall constitute that part of the State west of the above described line and points.

We further find that a base fare of 4.8 cents per passenger per car mile will be reasonable for application in the valley territory and that a base fare of 5.5 cents per passenger per car mile will be reasonable for application in the mountain territory, except that at competitive points with scheduled carriers the base fare of the motor vehicle carrier shall be increased by an amount equal to twenty per cent of the scheduled carriers' round trip fare currently in effect.

We further find that where the route between competitive points used by the motor vehicle carrier exceeds by not less than twenty per cent the direct highway mileage, the twenty per cent rate differential requirement shall not apply to said excess mileage.

We further find that in computing the applicable fare or charge, the round-trip highway mileage shall be used, even though passengers are transported only one way, and that a minimum of three fares shall be charged.

We further find that on inter-territorial trips, the fares shall be computed on the basis of the actual mileage traveled in each territory.

We further find that in determining the mileage between points in the State of Colorado, the official mileage of the State Highway Department shall apply.

O R D E R

This proceeding being at issue on an order of investigation by the Commission, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been heard, and the Commission having on the date hereof, made and filed a statement containing its findings of fact and conclusions thereon, which said statement is hereby referred to and made a part hereof,

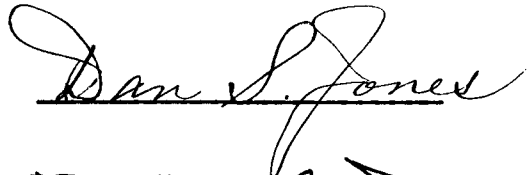
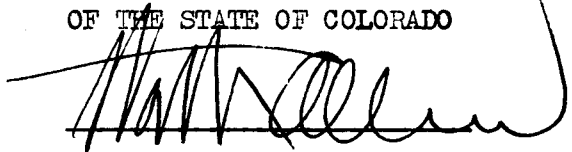
IT IS THEREFORE ORDERED, That the applicants in Applications Nos. 1515, 1606, 1621, 1626, 1634, 1635, 1636, 1649, 1717, 1748 and 1757, according as they participate in the said transportation, be, and they are hereby, authorized and required to cease and desist on or before June 15, 1933, and thereafter to abstain from publishing, demanding or collecting for the transportation of passengers in cars, the capacity of which is seven passengers or less, rates which are not in accord with the findings in the said statement.

IT IS FURTHER ORDERED, That said applicants, according as they may participate in the said transportation, be, and they are hereby, notified and required to establish on or before June 15, 1933, upon notice to this Commission and to the general public, but not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act, and thereafter to maintain and apply to

the transportation of passengers in motor cars, the capacity of which is seven passengers or less, within the State of Colorado, rates which shall be in accord with the findings in said statement.

IT IS FURTHER ORDERED, That this order shall continue in force until the further order of the Commission herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)	
OF J. H. HARRISS, DOING BUSINESS)	
AS MANZANOLA TRANSFER COMPANY, FOR)	<u>APPLICATION NO. 1548</u>
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY.)	

May 12, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter dated May 1, 1933, signed by J. H. Harriss to whom we issued a certificate of public convenience and necessity in the above entitled application, asking that his certificate be revoked "in so far as it relates to transportation of freight between Denver and Manzanola and Rocky Ford, Colorado . . .".

While some question might be raised as to the propriety of a motor vehicle common carrier ceasing operation without showing that the public convenience and necessity no longer require his operation, the practice so far has been to permit any motor vehicle freight operator to cease and desist when he desires. There is so much freight service available, including motor vehicle, both common and private, and rail service, that we find the public has no objection to such cessation.

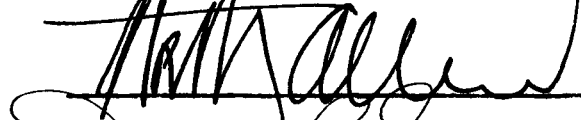
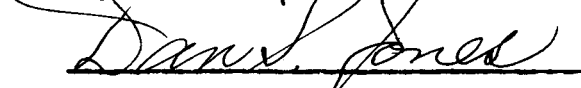

The Commission is of the opinion, and so finds, that the authority requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to J. H. Harriss, doing business as Manzanola Transfer Company, to cease and desist operations under his certificate of public convenience and necessity heretofore issued in the above entitled application, between Denver and Manzanola and Rocky Ford, Colorado.

IT IS FURTHER ORDERED, That the certificate so far as it relates to operations between Denver and Manzanola and Rocky Ford, Colorado, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE TRAVEL AIRWAYS, INC., A)
CORPORATION, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1387

May 15, 1933.

S T A T E M E N T

By the Commission:


R. O. Giddings, who is vice president of the above entitled applicant, has advised the Commission in a letter dated April 28, 1933, that the said applicant has been dissolved and no longer exists.

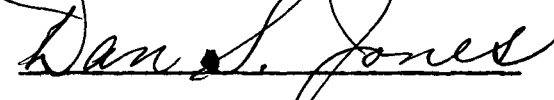
The Commission is of the opinion, and so finds, that the certificate issued in the above entitled application should be revoked and cancelled.


O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1387 to The Travel Airways, Inc., be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Daniel S. Jones




Commissioners.

Dated at Denver, Colorado,
this 15th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. F. DRORBAUGH AND J. E. DuBOIS,)
DOING BUSINESS AS THE GATEWAY COAL &)
TRANSFER COMPANY, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1550

May 15, 1933.

S T A T E M E N T

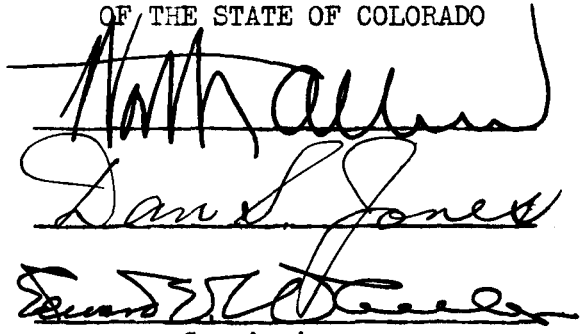
By the Commission:

We have been asked by the holders of the certificate issued in the above entitled application to revoke the same. The Commission is of the opinion, and so finds, that the same should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate heretofore issued in Application No. 1550 to W. F. Drorbaugh and J. E. DuBois be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 15th day of May, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WALLACE H. ROBISON, DOING)
BUSINESS AS THE DEER TRAIL TRUCK)
LINE, TO TRANSFER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
NO. 424 TO BYRON S. BUNKER.)

APPLICATION NO. 1408-AA

May 18, 1933.

Appearances: Wallace H. Robison, Deertrail, Colorado,
pro se;
Byron S. Bunker, Deertrail, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant Wallace H. Robison seeks authority to transfer the certificate granted by the Commission in Application No. 1408. The records show that said certificate was originally issued to the said Byron S. Bunker and on February 20, 1932, by order of the Commission was transferred from said Byron S. Bunker to Wallace H. Robison. Application is now made to re-transfer the same from Robison to Bunker.

The evidence disclosed that Bunker has had a number of years experience in the operation of trucks and his general reputation and financial condition were established to the satisfaction of the Commission. No indebtedness exists against the said operations of Wallace H. Robison.

The transfer will include one Reo truck. The total consideration to be paid is \$800.00, of which amount \$200.00 is to be paid in cash, and one tractor is being accepted in payment at a value of \$600.00.

After careful consideration of the evidence the Commission

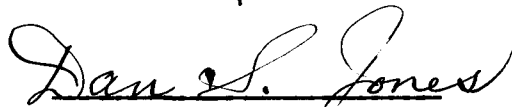
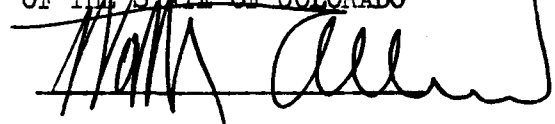
is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Wallace H. Robison to transfer to Byron S. Bunker the certificate of public convenience and necessity heretofore issued in Application No. 1408.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Wallace H. Robison, transferor herein, become and remain those of Byron S. Bunker, 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 18th day of May, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT)
APPLICATION OF A. H. BUNNELL)
AND WILLIAM WILLIAMS FOR) APPLICATION NO. 820-A
TRANSFER OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

May 19, 1933.

Appearances: A. H. Bunnell, Denver, Colorado,
pro se;
William Williams, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant A. H. Bunnell seeks authority to transfer to William Williams the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 820.

The evidence disclosed that the transferee is now, and for some years last past has been engaged in the taxicab business, and his financial responsibility and standing were established to the satisfaction of the Commission.

The total consideration to be paid for the transfer of the certificate, including one car, is \$175.00, of which sum \$100.00 is to be paid in cash when authority is granted to make the transfer, and \$75.00 within sixty days thereafter.

A. H. Bunnell testified that she owed some debts, but as we understand the record, these were not created in connection with the operations under this certificate.

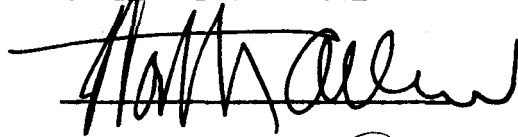
After careful consideration of the record the Commission is of the opinion, and so finds, that authority should be granted to make the transfer as prayed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to A. H. Bunnell to transfer to William Williams the certificate of public convenience and necessity heretofore issued in Application No. 820.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor, A. H. Bunnell, become and remain those of the transferee, William Williams, 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 19th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN GREYHOUND LINES, INC., A)
CORPORATION, FOR A CERTIFICATE OF) APPLICATION NO. 2106
PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A MOTOR VEHICLE CARRIER)
IN INTERSTATE COMMERCE ONLY.)

May 19, 1935

Appearances: Jack Garrett Scott, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by Western Greyhound Lines, Inc., a Delaware corporation, having authority to do business in this State, for a certificate to operate as a motor vehicle carrier in Colorado in interstate commerce only. The route proposed to be followed by the applicant begins at the Colorado-Kansas state line, a few miles east of the town of Holly, Colorado, and proceeds through Lamar, Las Animas, La Junta, Thatcher and Trinidad, and crosses the Colorado-New Mexico state line at a point on U. S. Highway No. 85 extending from Trinidad to Raton.

After careful consideration of the application and evidence, the Commission is of the opinion, and so finds, that the Constitution of the United States and the laws of the State of Colorado require the issuance of the interstate permit sought.

O R D E R

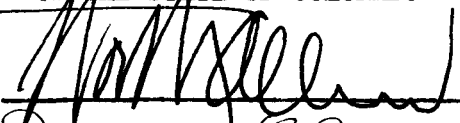


IT IS THEREFORE ORDERED, That the Constitution of the United States and the laws of the State of Colorado, require the issuance to the applicant, Western Greyhound Lines, Inc., of an interstate permit authorizing the operation by it of a motor vehicle system for the transportation of passengers, baggage and light express, in interstate commerce only, between a point a

few miles east of Holly on the Colorado-Kansas state line and a point on the Colorado-New Mexico state line where U. S. Highway No. 85 crosses the same, the route through the State of Colorado passing through Lamar, Las Animas, La Junta, Thatcher and Trinidad, and this order shall be taken, deemed and held to be an interstate permit 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




Commissioners.

Dated at Denver, Colorado,
this 19th day of May, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY RYFF.)

CASE NO. 1160

May 24, 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 Permit No. A-322 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

December 1932, and January, February, March and April, 1933.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective 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 keep on file effective 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 June 6, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
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[Signature]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
McANELLY-JAMES, DOING BUSINESS AS) CASE NO. 1161
FEDERAL MOTOR EXPRESS LINES.)

May 24, 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. 2080-I, authorizing their operations as an interstate 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

November and December, 1932, and January to April, 1933, both inclusive.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	October	\$22.32	1.67	\$23.99

The records of the Commission also disclose that said respondents have no effective insurance policy or surety bond on file as required by Section 17, Chapter 134, Session Laws of Colorado, 1927, and Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

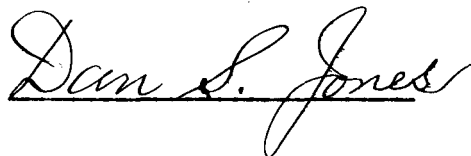
O R D E R

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 keep on file any effective 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 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 June 6, 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 24th day of May, 1933.

MAKE NO COPY

11/2/33

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR COLLAMER AND FRANK COLLAMER,) CASE NO. 1162
DOING BUSINESS AS COLLAMER BROTHERS.)

May 24, 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 in Application No. 1364 to the above named respondents, 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, November and December, 1932,
and January to April, 1933, both inclusive.

The records of the Commission also disclose that said respondents have no effective insurance policy or surety bond on file as required by Section 17, Chapter 134, Session Laws of Colorado, 1927, and Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THE BEFORE 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 keep on file any effective 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 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 June 6, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
Dan S. Jones
[Handwritten signature]
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BETHEL TRANSFER COMPANY.)

CASE NO. 1163

May 24, 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 Permit No. A-309 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, February, March and April, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	December		\$2.77	\$2.77

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 June 6, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. H. AND E. N. RICHMOND, ROY HOLT)
AND W. R. RICHARDSON, DOING) CASE NO. 1164
BUSINESS AS SILVER STREAK EXPRESS.)

May 24, 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 Permit No. A-424 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

April, 1932, to February, 1933, Inc. and April, 1933.

The records of the Commission also disclose that said respondents have failed to keep on file any effective 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.

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 10:00 o'clock A. M., on the 6th day of June, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
David S. Jones
[Signature]
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

a-369

RE MOTOR VEHICLE OPERATIONS OF)
J. D. SPANGLER.)

PERMIT NO. A-369

May 23, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named respondent, advising us that he ceased operations under his private permit on or about November 7, 1932, and requesting that said permit be suspended for a year from said date.

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 motor vehicle private permit No. A-369, heretofore issued to the above named J. D. Spangler, be, and the same is hereby, suspended for a period of one year from November 7, 1932.

IT IS FURTHER ORDERED, That during said period of suspension, respondent may renew said permit by filing with the Commission all necessary insurance, filing all necessary reports and paying all highway compensation taxes, together with an affidavit that he has not operated for hire during said suspension period.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

Commissioners.

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

a-325

[Handwritten initials]

(Decision No. 5029)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH SAXTON.)

PRIVATE PERMIT NO. A-325

May 25, 1933

S T A T E M E N T

By the Commission:

Ralph Saxton, to whom the above numbered motor vehicle private permit was issued, has written the Commission requesting the cancellation thereof. The Commission is of the opinion, and so finds, that the said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit, No. A-325, heretofore issued to Ralph Saxton, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1933.

a-336

WCB

(Decision No. 5030)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF H. D. BOWEN.) PERMIT NO. 336-A

May 25, 1933

S T A T E M E N T

By the Commission:

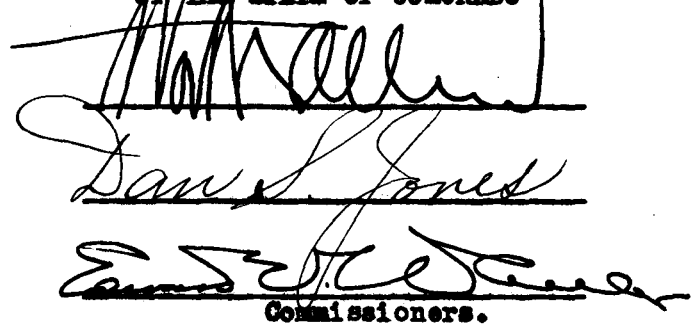
The Commission is in receipt of a communication from the above named H. D. Bowen of Denver, to the effect that he discontinued his motor vehicle operations under private permit No. 336-A, on December 1, 1932.

In view of this communication, the Commission is of the opinion, and so finds, that said motor vehicle private permit No. 336-A, heretofore issued to the said H. D. Bowen should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That said motor vehicle private permit No. 336-A, heretofore issued to the said H. D. Bowen, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF LEWIS M. WOODMAN.)

CASE NO. 942

May 25, 1933

S T A T E M E N T

By the Commission:

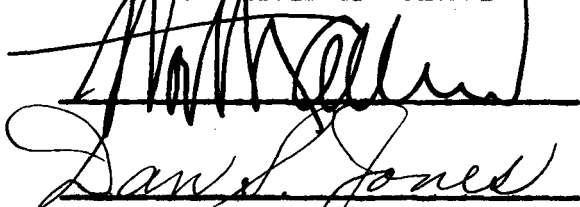
On January 12, 1933, motor vehicle private permit No. 303-A, was suspended for a period of six months in the above entitled case. Since said suspension, the Commission is in receipt of a communication from the above named Lewis M. Woodman to the effect that he has not been, and is not now operating under said private permit and will not be in the future.

In view of this communication, the Commission is of the opinion, and so finds, that said motor vehicle private permit No. 303-A, heretofore issued to the said Lewis M. Woodman should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That said motor vehicle private permit No. 303-A, heretofore issued to the said Lewis M. Woodman, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



David S. Jones



Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL RUSSELL.)

CASE NO. 891

May 26, 1933.

S T A T E M E N T

By the Commission:

On March 14, 1932, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-293, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policies or surety bond as required by law.

At the hearing, it developed that respondent had paid highway compensation taxes for the months of June and July, 1931, in the sum of \$18.02, but that monthly reports for the month of December, 1931, and for the months of January, February and March, 1932, had not been filed, and it was further disclosed that the insurance heretofore filed by respondent had expired in January, 1932, and had not been renewed.

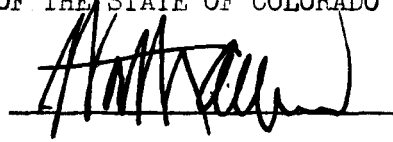
After careful consideration of the record the Commission is of the opinion, and so finds, that permit No. A-293, heretofore issued to the above named respondent, should be cancelled and revoked on account of the above delinquencies.

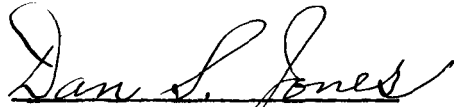
O R D E R

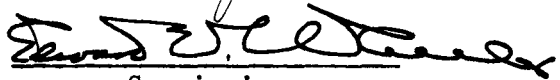
IT IS THEREFORE ORDERED, That private permit No. A-293, heretofore issued to Earl Russell, be, and the same is hereby, cancelled

and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

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

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. FOSTER, DOING BUSINESS AS) CASE NO. 1156
AND UNDER THE NAME OF FOSTER)
TRUCK LINES.)

May 26, 1933.

Appearances: Mr. J. A. Foley, Denver, Colorado,
for W. A. Hover & Company.

S T A T E M E N T

By the Commission:

On May 2, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be cancelled or revoked for his violation of our Rule 37 relating to remittances for C. O. D. shipments.

At the hearing the evidence disclosed that on March 30 and April 10, 1933, respectively, the respondent accepted two certain C. O. D. shipments from W. A. Hover & Company consigned to Littleton Drug Company, of Littleton, Colorado. Said C. O. D. shipments were collected for in due course, but remittance for same was not made within five days by respondent to the said W. A. Hover & Company.

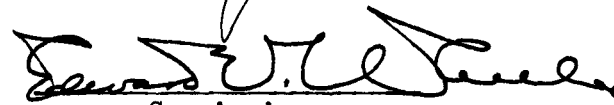
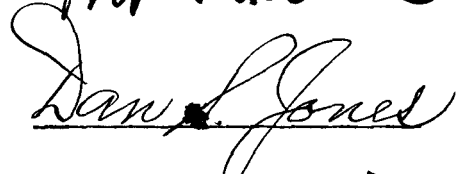
The Commission is in receipt of a letter from respondent stating that it was through an oversight that the matter had been neglected and that check had been mailed on April 27 covering both of said C. O. D. shipments. Hover and Company testified that said remittance was received on April 28, 1933.

In view of all the circumstances in connection with this particular case, the Commission has determined not to revoke the certificate of respondent, but desires to warn respondent that any future violations of said Rule 37 will result in much more drastic action by the Commission.

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 26th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES HARRISON McKEE, FRANK E.)
HASSIG AND C. C. SNYDER, DOING) CASE NO. 1157
BUSINESS UNDER THE FIRM NAME AND)
STYLE OF AIR LINE TRUCK SERVICE.)

May 26, 1933.

Appearances: Mr. J. A. Foley, Denver, Colorado,
for W. A. Hover & Company.

S T A T E M E N T

By the Commission:

On May 2, 1933, the Commission entered its order requiring the above named respondents to show cause why their certificate of public convenience and necessity should not be cancelled or revoked for their failure to comply with Rule 37 of the Commission relating to the collection and payment for C. O. D. shipments.

The evidence disclosed that on April 3, 1933, respondents accepted a C. O. D. shipment from W. A. Hover & Company, of Denver, Colorado, in the sum of \$33.45. It further developed that said money was not remitted to or received by said W. A. Hover & Company until May 1, 1933. We understand that the delay in remitting was due to sickness in the family of one of the respondents who had the matter in charge.

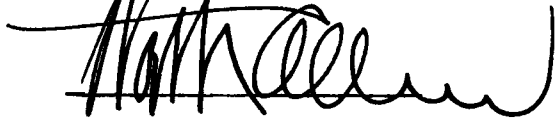
In view of all the circumstances in connection with this particular case, the Commission has determined not to revoke the certificate of respondents, but desires to warn respondents that any future violation of said Rule 37 will result in much more drastic action by the Commission.

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 26th day of May, 1933.

a-355

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
A. E. GALLAGHER AND E. D. DARROW,
DOING BUSINESS AS GALLAGHER
TRANSFER COMPANY.

PERMIT NO. A-355

May 29, 1933.

S T A T E M E N T

By the Commission:

The above numbered permit has been returned to the Commission with the request that same be cancelled, due to the fact that Gallagher Transfer has taken out a new Class A private permit and does not desire to have two of said permits outstanding.

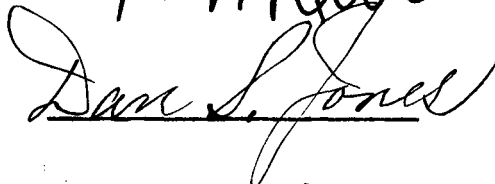
After careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-355, heretofore issued to A. E. Gallagher and E. D. Darrow, doing business as Gallagher Transfer Company, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



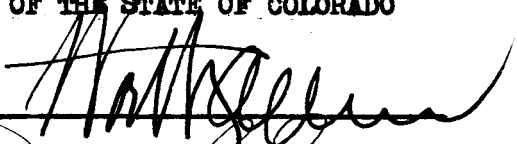
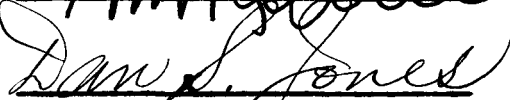




Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1933.

Allison, Colorado, and copies hereof be forthwith served on said The Denver and Rio Grande Western Railroad Company, the applicant, and Messrs. A. B. Bryant & Company, Allison, Colorado, the protestant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

(Decision No. 5035)

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office at Denver, Colorado, May 27, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 196

IT APPEARING, That on May 18, 1933, The Denver and Rio Grande Western Railroad Company, in compliance with General Order No. 15, filed a notice of its intention to discontinue its agency station at Allison, Colorado, on June 21, 1933, alleging that the public convenience and necessity, nor the safe, efficient and economical operation of applicant's system does not require or justify the maintenance of said agency station at Allison.

IT APPEARING FURTHER, That on May 23, 1933, Messrs. A. B. Bryant & Company and nine other business firms of Allison, Colorado, filed with the Commission a petition protesting the proposed discontinuance of said railway agency station, alleging that such action would be a decided inconvenience to the patrons of said railroad company at that place, and

IT APPEARING FURTHER, That the Commission finds the proposed discontinuance of said agency station might injuriously affect the rights and interests of the patrons of said rail carrier,

IT IS THEREFORE ORDERED, That the proposed date of the discontinuance of the agency station at Allison, Colorado, be suspended one hundred twenty days from June 21, 1933, or until October 19, 1933, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed discontinuance of said agency station at Allison, Colorado, be made a subject of investigation and determination by the Commission within said period of time or such further time as the same might be suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid petition for the proposed discontinuance of the agency station at

683

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF GEORGE ANDREWS AND ROY ANDREWS,)	
CO-PARTNERS, DOING BUSINESS AS)	<u>APPLICATION NO. 2091</u>
CENTRAL SERVICE STATION, FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY.)	

May 29, 1933

Appearances: Stephen R. Curtis, Esq., Denver, Colorado,
attorney for applicants;
T. A. White, Esq., Denver, Colorado,
attorney for The Denver & Rio Grande
Western Railroad Company and Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

George Andrews and Roy Andrews, co-partners, doing business as Central Service Station, filed their application for a certificate of public convenience and necessity for the transportation by motor vehicle of freight of every kind and nature, except small shipments of package freight, within the territory within a radius of fifty miles of the town of Gunnison, and between points within said area and other points within the State of Colorado, and from all points within the State of Colorado to all points within said territory.

The applicants filed an amendment to their application in which they seek a certificate authorizing the operation of a scheduled motor freight service between Gunnison and Lake City and intermediate points.

The Commission failed to give notice to Ruth E. Vernon of the filing of the application and of the setting of the same for hearing. The position now taken by Mrs. Vernon is that she has no objection to the conduct of miscellaneous operations by the applicants herein but that she does object to the operation of a scheduled service. Since Mrs. Vernon holds a certificate of public convenience and necessity heretofore issued by the Commission, and since the applicants would be competing more or

less with her, we feel that we are not warranted at this time in taking final action on the matter of the proposed scheduled service.

Without going into details, the evidence seems to indicate, and the Commission finds, that there is need for more or less trucking operations, particularly to and from points situated off of rail lines.

We issued a certificate in a similar application, being No. 2086, to R. W. Nelson and John Campbell, co-partners, doing business as the Crested Butte Hardware and Auto Supply Company, with a condition imposed therein that similar conditions should be imposed here.

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 freight generally "except small shipments of package freight", from point to point within the territory located within a radius of fifty miles of the town of Gunnison, and between points within said area and all other points within the State of Colorado, and from all points within the State of Colorado to all points within said territory, subject to the conditions hereinafter imposed, which, in the opinion of the Commission, the public convenience and necessity require.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicants, George Andrews and Roy Andrews, co-partners, doing business as Central Service Station, for the transportation of freight generally, except small shipments of package freight, from point to point within the territory located within a radius of fifty miles of the town of Gunnison, and between points within said area and all other points within the State of Colorado, and from all points within the State of Colorado to all points within said territory, subject to the following conditions, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

- (a) No operation shall be conducted on schedule.
- (b) For 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, the applicant shall charge rates which shall be as much as twenty per cent in excess of those currently in effect and being charged for rail carriage between said 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 this matter be set down for further hearing on the scheduled operation phase of the application at such time and place as the Commission may hereafter fix.

IT IS FURTHER ORDERED, That jurisdiction of the application herein as it relates to miscellaneous and non-scheduled operations 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 of 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 their business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicants shall file tariff 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 rules and regulations and tariffs 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

W. H. Allen

Dan S. Jones

Edward J. Seelye
Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1935.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WALTER G. ELDRIDGE, FOR A CER-) APPLICATION NO. 2102
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

May 29, 1933

Appearances: J. E. McCall, Esq., Golden, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by Walter G. Eldridge for a certificate of public convenience and necessity authorizing operation of a motor vehicle system for the transportation of freight and express between Golden and Denver, Colorado, and intermediate points.

The evidence showed that the father of the applicant in 1900 succeeded to a horse and wagon business and transported freight by horse-drawn vehicles until 1907. At that time arrangements were made by which freight was transported from Denver on a car owned and operated by the Denver Tramway Corporation or a subsidiary thereof. The last two years, and until comparatively recently, the son has carried on said business in the same manner that the same was conducted by his father.

The evidence further showed that the use of the interurban electric car is not satisfactory. Freight today is being picked up in jobbing centers by the trucks transporting the same. Such trucks ordinarily deliver the freight at the door of the consignee. Under the arrangement which has obtained since 1907, it is necessary that the freight be carried by the shippers to the tramway car or that the applicant or his father pay a drayman to haul the freight to said car. It is necessary further to unload the freight into an automobile and make deliveries.

The evidence showed a strong demand for the service of the applicant.

It might be noted that no protest or objection was filed by any of the carriers who might possibly be interested, including the Denver Tramway Corporation and The Colorado and Southern Railway Company.

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 by truck between Denver and Golden and intermediate points.

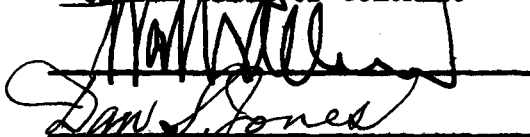
O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicant, Walter G. Eldridge, by truck in the (transportation of freight and express between Denver and Golden, Colorado, and intermediate points,) 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 Jones


Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHWILKE.)

CASE NO. 713

May 29, 1933

S T A T E M E N T

By the Commission:

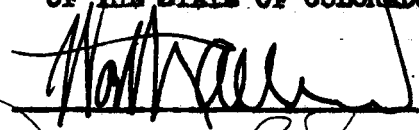
A petition has been filed by the above named respondent requesting that the instant case be reopened in order that a reconsideration of the final order of the Commission made November 30, 1931, may be had.

After careful consideration of said petition, the Commission is of the opinion, and so finds, that said case should be reopened and set down for hearing before the Commission in its Hearing Room, 350 State Office Building, Denver, Colorado, on the 6th day of June, 1933, at 10:00 A. M.


O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, reopened and set down for hearing before the Commission in its Hearing Room, 350 State Office Building, Denver, Colorado, on the 6th day of June, 1933, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1933.

(Decision No. 5040)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MAKE NO COPY

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHWILKE.)

CASE NO. 1154

May 29, 1955.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
attorney for respondent;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

On April 27, 1953, the Commission made an order reciting facts hereinafter set forth and requiring Albert Schwilke to file with the Commission within ten days from that date a written answer stating why his private motor vehicle permit No. A-442 should not be revoked. The order further set the matter down for hearing in the hearing room of the Commission on May 10. The matter came on for hearing and was heard in regular order.

The facts are as follows: On June 20, 1931, the Commission issued a private motor vehicle permit, No. A-24, to the respondent, 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 its 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.

Case No. 713 was regularly heard and an order was made on November 30, 1931, in which the Commission found that said Schwilke, after the issuance of the said private permit, No. A-24, had operated as a motor vehicle carrier

as defined by Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, and that such operation was conducted without a certificate of public convenience and necessity therefor, and was in excess of the authority granted in and by virtue of said permit, and that, therefore, said private permit No. A-24 should be revoked. The Commission, by formal order, did in said case revoke said permit and the respondent Schwilke was ordered to "cease operating as either a private or common carrier of freight by motor vehicle."

The Commission finds that said order in Case No. 713, made on November 30, 1931, as aforesaid, remains in full force and effect at this time.

The Commission further finds that said Schwilke on April 19, 1933, came into the office of the Commission and presented to the file clerk of the Commission, who prepares private permits more or less as a matter of course, an application for another Class A private motor vehicle permit; that the said file clerk thereupon prepared the said private permit and, after the same had been signed by the secretary of the Commission, delivered said private motor vehicle permit, bearing No. A-442, to said Schwilke.

The Commission further finds that none of the members of the Commission were consulted with respect to the propriety of issuing said permit, and in no manner authorized the issuance of same.

The Commission further finds that while its general instructions to its said file clerk and secretary have been to issue private motor vehicle permits more or less as a matter of course upon the payment of the necessary fee and the filing of the necessary insurance, the Commission has never intended to issue a private permit to one to whom such a permit had previously been granted and thereafter revoked, without a proper showing having first been made by the person whose certificate had thus been revoked of some good cause for issuing to him another permit.

The Commission finds also that no cause whatever has yet been shown for the issuance of a second private motor vehicle permit to the respondent Schwilke after the first had, as the Commission found, for good

cause, been revoked.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the said private motor vehicle permit No. A-442 should be revoked and cancelled.

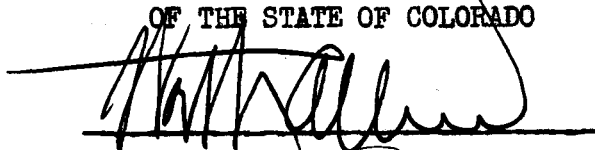
In making this finding we do not attempt to state under what conditions, if any, a second private motor vehicle permit should be issued to a person after a prior one has been issued and for cause shown duly revoked and cancelled.

ORDER

IT IS THEREFORE ORDERED, That the private motor vehicle permit No. A-442 issued to Albert Schwilke on April 19, 1933, be, and the same is hereby, revoked and cancelled.

IT IS FURTHER ORDERED, That this order be effective June 3, 1933, instead of at the end of twenty days, as in the usual case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
 OF H. H. ROBINSON, FOR A CERTIFICATE)
 THAT PUBLIC CONVENIENCE AND NECESSITY)
 REQUIRE THE EXERCISE OF THE RIGHT OR) APPLICATION NO. 2108
 PRIVILEGE GRANTED THE APPLICANT UNDER)
 A FRANCHISE, BY THE TOWN OF WOODLAND)
 PARK, COLORADO.)

May 29, 1935

Appearances: H. H. Robinson, Palmer Lake, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant seeks authority to exercise franchise rights granted by the Town of Woodland Park, Colorado, authorizing the distribution and sale of electric energy therein. He also seeks authority to construct a transmission line from Green Mountain Falls to Woodland Park, for a distance of approximately five miles.

The evidence disclosed that Woodland Park is a town of approximately two hundred inhabitants, and applicant proposes to buy his current at Green Mountain Falls from the municipality of Colorado Springs. It was estimated that a total investment of \$4,500 would be required to build the transmission line and install the distribution system. However, this amount shall not be binding on the Commission in any hearing in passing upon or determining the reasonableness of rates. Applicant is prepared to furnish the necessary funds to complete said work, which it is estimated will require approximately five weeks. It is estimated that approximately fifty-two prospective customers may be served along the transmission line and possibly fifty more at the town of Woodland Park.

The franchise under which applicant, who is a consulting and construction engineer, proposes to operate was granted by the town authorities of Woodland Park on May 1, 1933. No other utility is now serving any of the

territory which applicant proposes to serve, and the consent of the Board of County Commissioners of Teller County to the construction of the necessary transmission line from Green Mountain Falls to Woodland Park was made a matter of record.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity require the exercise by the applicant of the franchise rights granted to him by the town of Woodland Park, Colorado, under Ordinance No. 5, passed and approved May 1, 1933, as well as for the construction of a transmission line from Green Mountain Falls to Woodland Park including the construction of the distribution system in said town of Woodland Park, subject to the conditions hereinafter stated, which the Commission finds on the record made before it, the public convenience and necessity require.

O R D E R

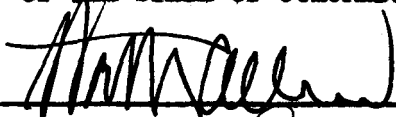
IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by the applicant, H. H. Robinson, of the franchise rights granted to him by the town of Woodland Park, Colorado, under Ordinance No. 5, passed and approved May 1, 1933, as well as for the construction of a transmission line from Green Mountain Falls to Woodland Park including the construction of the distribution system in said town of Woodland Park, 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.

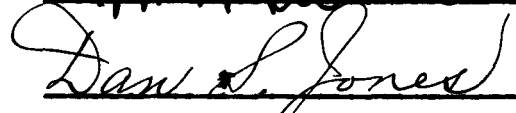
IT IS FURTHER ORDERED, That the applicant shall set up his books and accounts in agreement with the Uniform Classification of Accounts, and in all respect bring his practices as to testing, consumers' deposits and operations, and his records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.


IT IS FURTHER ORDERED, That applicant shall file such rate schedules and rules and regulations as he intends to apply in the territory covered by the instant application within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL RUSSELL.)

CASE NO. 818

May 29, 1933

S T A T E M E N T

By the Commission:

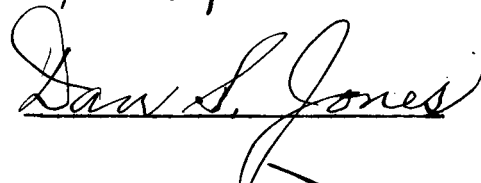
On December 16, 1931, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-293 heretofore issued to him should not be cancelled or revoked for his failure to make monthly reports.

A hearing was held in said matter, but no decision has ever been rendered thereon, as respondent had filed the reports called for in said show cause order. However, it now develops that said permit No. A-293 has been revoked in Case No. 891, and, therefore, we are now of the opinion, and so find, 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 29th day of May, 1933.

a-282

[Handwritten initials]

(Decision No. 5044)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OTIS M. DEEDER.) PERMIT NO. A-282

May 29, 1935

S T A T E M E N T

By the Commission:

On May 5, 1932, the Commission received a communication from the above named respondent to the effect that he had not done any hauling since December 1931, due to the fact that his truck had been destroyed by fire. Respondent was to advise the Commission if he started operations again, but apparently this discontinuance is final, and the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-282, heretofore issued to Otis M. Deeder, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1935.

571

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. E. ENSMINGER FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1803

May 29, 1933

S T A T E M E N T

By the Commission:

R. E. Ensminger, to whom a certificate of public convenience and necessity was issued in Application No. 1803, has requested the Commission to suspend his certificate indefinitely on account of the lack of business which would warrant continued operations.

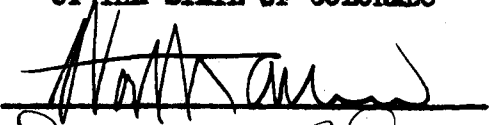
The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the said applicant should be suspended indefinitely.


O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to R. E. Ensminger in Application No. 1803, be, and the same is hereby, suspended indefinitely.

IT IS FURTHER ORDERED, That before the said Ensminger resumes operations under his said certificate, he shall give the Commission written notice thereof and shall file with the Commission such insurance as the rules and regulations of the Commission require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones


Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1933.

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488

(Decision No. 5046)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JAMES G. BUNTING FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1612

May 29, 1933

S T A T E M E N T

By the Commission:

James G. Bunting, to whom a certificate of public convenience and necessity was issued in the above entitled application, has requested that his said certificate be suspended until the 1st of September, 1933.

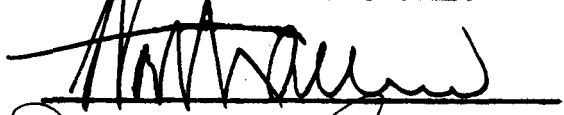
The Commission is of the opinion, and so finds, that said certificate should be suspended until the date stated.

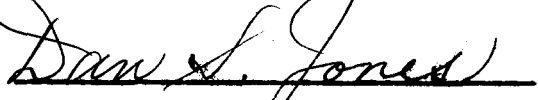
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to James G. Bunting in Application No. 1612, be, and the same is hereby, suspended until September 1, 1933.

IT IS FURTHER ORDERED, That before the said James G. Bunting resumes operations under his said certificate he shall give the Commission written notice thereof and shall file such insurance as is required by the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. A. COX.)

CASE NO. 1155

June 5, 1933.

Appearances: Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

An order was made by the Commission on April 29 of this year re-
quiring H. A. Cox to show cause why his private motor vehicle permit
No. A-281, should not be revoked for failure to keep on file with the
Commission such insurance policy or surety bond as is required by Section 16
of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules
and Regulations of the Commission governing private carriers by motor
vehicle.

The evidence did show that at the time the order in question was
made and at the time of the hearing the public liability and property damage
insurance or surety bond required to be on file with the Commission was not
on file with it. No appearance was made for the respondent. We were in-
formed by a letter from C. C. Cox, operating under the name of Jim's Truck
Line, that said H. A. Cox is not any longer operating as a motor vehicle
carrier.

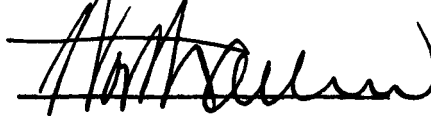
The Commission is of the opinion, and so finds, that the private
motor vehicle permit heretofore issued to the respondent should be revoked
and cancelled.

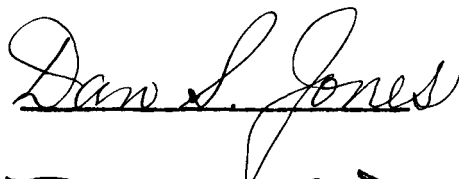
Q R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-281,

heretofore issued by the Commission to H. A. Cox, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 5th day of June, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF NORTHEASTERN MOTOR FREIGHT, INC.,)	
A CORPORATION, FOR AN EXTENSION OF)	<u>APPLICATION NO. 2093</u>
ITS CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)	
-----)	

June 5, 1933

Appearances: Jack Garrett Scott, Esq., Denver, Colorado,
Attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by Northeastern Motor Freight, Inc., a corporation, for a certificate of public convenience and necessity authorizing the extension of its present motor vehicle operations, which now are conducted between Denver and Sterling to Julesburg.

The applicant has three certificates. The first authorized the operation between Denver and Brush. The second extended the operation to Sterling. A third one granted certain rights with respect to the transportation of freight to and from Greeley. The applicant now seeks authority to extend its route on to Julesburg, so that it may transport freight from and to Julesburg and all points intermediate thereto and Sterling, to and from all points now authorized to be served by it on its present route.

It does not desire to enlarge the scope of its authority, except that it may be authorized to render the same service with respect to Julesburg and points intermediate to it and Sterling that it now renders with respect to the City of Sterling. In addition it seeks authority to transport freight moving in interstate commerce from and to Julesburg to and from all other points on its route, to be carried by other transportation from and to Julesburg, to and from points east and north thereof,

situated in other states.

Heretofore there has been a certificated carrier operating between Sterling and Julesburg. The evidence showed that he ceased his operations on May 15. While he appeared at the hearing at the time and place the case was set for hearing, he and his attorney left before the case was called without having made any formal appearance. No other person appeared in opposition.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the extension of the motor vehicle operations of the applicant to and from Julesburg and points intermediate thereto and Sterling, from and to other points now authorized to be served by it.

The Commission further finds that under the Constitution of the United States and the laws of the State of Colorado, the applicant is entitled to a permit authorizing the transportation of freight moving in interstate commerce to and from Julesburg, at which point the same will be delivered to or received from the applicant.

O R D E R

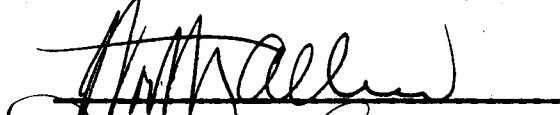
IT IS THEREFORE ORDERED, That the public convenience and necessity require the extension of the motor vehicle operations of the applicant, Northeastern Motor Freight, Inc., a corporation, to and from Julesburg and points intermediate thereto and Sterling, from and to other points now authorized to be served by it, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

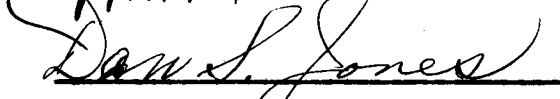
IT IS FURTHER ORDERED, That the Constitution of the United States and the laws of the State of Colorado require the motor vehicle operations of the said applicant for the transportation of freight moving in interstate commerce to and from Julesburg, at which point the same will be delivered to or received from the applicant.


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 5th day of June, 1933.

(Decision No. 5049)

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.)

June 5, 1933

Appearances: Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

The Commission made an order requiring the respondent to show cause why this certificate of public convenience and necessity should not be revoked for failure to comply with Rule 37 of the Commission, requiring motor vehicle carriers operating under certificates of public convenience and necessity issued by the Commission to remit all C.O.D. moneys within five days after collection. The respondent did not file any answer. Neither did he appear at the hearing.

The evidence at the hearing showed that one shipment was made by The DeLine Manufacturing Company of Denver, from Denver to the Four Square Hatchery at Yuma, Colorado. The evidence further showed that the DeLine Company attempted to collect the money, which the evidence showed was paid to the respondent on March 5, and that the respondent "got impudent"; that the DeLine Company then informed him that he would be given a certain length of time in which to make payment; that payment was not made within that time and that it was only made after the DeLine Company had written to this Commission about the matter.

The evidence further showed that The Moore Hardware and Iron Company made a C.O.D. shipment to one Alex Kozak in Yuma on November 22 or 23, and that the amount of the C.O.D. collection, which was made within

a day or two thereafter by the respondent, was \$4.10; that telephone conversations and written correspondence were resorted to in an effort to collect said money; that the respondent said he had paid the same by check and that thereafter a bookkeeper or some other person representing the respondent admitted that the same had not been paid and that there had been some confusion with some other account. However, this conversation, in which the said confusion was admitted, took place some three weeks before the date of the hearing, which was held on May 8, and the money had not been paid over to the Moore Company by the respondent at that time.

In order that the record may be complete, Rule No. 37 of the Rules and Regulations of this Commission which had been duly promulgated by the Commission and with which all certificated carriers are familiar, reads as follows:

"All moneys collected on C.O.D. shipments by motor vehicle carriers, as defined in House Bill No. 430, Colorado Session Laws 1927, shall be kept in a separate fund and shall under no conditions be mingled with other funds or deposited in any bank to the credit of a general account.

"All such carriers immediately upon collection of any and all C.O.D. moneys, and in no event later than five days after delivery of the C.O.D. shipment or shipments, unless otherwise authorized by the consignor, shall remit in cash or currency, by money order, cashier's check, certified check, or a check drawn on a bank account in which only C.O.D. moneys are deposited."

The Commission has tried to show all proper consideration to carriers, who these days, like other people, experience considerable difficulty in keeping their business going. However, poor business and difficulty in paying the bills and running expenses cannot be sufficient excuse to permit a carrier who has collected money which belongs to somebody else, and who is expressly forbidden to mingle the same with his own funds, to hold said money, and possibly use the same for an indefinite length of time. Such practice simply cannot be tolerated.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the certificate of public convenience and

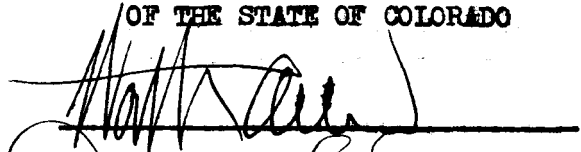
necessity under which the respondent is now operating should be revoked and cancelled.


O R D E R


IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1502 to the respondent Fred S. Kalso be, and the same is hereby, cancelled and revoked.

IT IS FURTHER ORDERED, That the effective date of this order shall be ten days from this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 5th day of June, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
W. B. BURROWS AND CLARENCE TANGEMAN,)	
CO-PARTNERS, DOING BUSINESS UNDER)	CASE NO. <u>1165</u>
THE NAME AND STYLE OF GENOA)	
TRANSPORTATION COMPANY.)	

June 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 respondents, authorizing their operations as a motor vehicle carrier, in Application No. 1252-A.

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

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>	
1932	March		.43	.43	
	April	11.32	1.87	13.19	
	May	18.73	2.80	21.53	
	June	12.19	1.65	13.84	
	July	10.17	1.22	11.39	
	August	16.97	1.78	18.75	
	September	21.28	1.92	23.20	
	November	13.04	.78	13.82	
	December	13.84	.62	14.46	
	1933	January	13.06	.39	13.45
		February	13.63	.20	13.83
		March	11.02		11.02
April		<u>8.53</u>		<u>8.53</u>	
		<u>163.78</u>	<u>13.66</u>	<u>177.44</u>	

The records of the Commission also disclose that the respondents have failed to keep on file with the Commission 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 carriers.

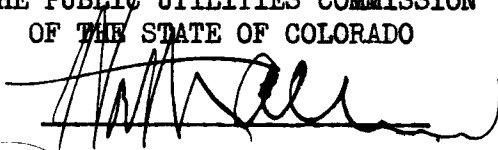

O R D E R

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 pay highway compensation taxes as above set forth in violation of law and of the Rules and Regulations of the Commission, and have failed to keep on file with the Commission an effective 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 five days from this date, why it should not enter an order suspending or revoking the certificate of public convenience and necessity, heretofore issued to said respondents in Application No. 1252-A 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 A. M. o'clock, on Tuesday, the 13th day of June, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of June, 1933.


Commissioners.

(Decision No. 5051)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. B. MINER, DOING BUSINESS AS) CASE NO. 1152
H. B. MINER TRANSPORTATION COM-)
PANY.)

June 6, 1933

Appearances: Mr. H. B. Miner, Denver, Colorado
Pro se
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

An order was made by the Commission requiring the respondent, H. B. Miner, to show cause why his certificate of public convenience and necessity should not be revoked because of his failure, refusal and neglect to remit some \$8.85, the amount of a C.O.D. collection made on a shipment of freight by The Colorado Honey Producers' Association.

The evidence showed that a shipment was made by said association over the line of the respondent and that he received the amount of the C.O.D. charges during the latter part of November, 1932. The evidence further showed that the bookkeeper for the shipper called the respondent several times without any results; that finally the said shipper complained to this Commission, and that the respondent did not make payment until after the said shipper had written the letter of complaint to the Commission, said letter being written on April 19. The respondent made a payment of \$8.00 on April 20, and the balance of eighty-five cents later.

Respondent made a weak defense, claiming that he had asked the lady bookkeeper for the shipper to come and get the money. This she denied. The burden was on the respondent to make his showing.

We doubt whether he would have made a proper showing even if he had convinced the Commission, which he did not, that he had asked the shipper to come and get its money.

We have had other complaints against the respondent on account of his failure to account for C.O.D. collections and have had one or two other cases against him.

One of the rules of the Commission, which the respondent has been solemnly warned he must comply with, requires the remission of C.O.D. collections to the shipper within five days after delivery of the shipment. While the shipment in question was one to a point outside of the State, the respondent is operating in this State in intrastate commerce under a certificate of public convenience and necessity. The Commission is of the opinion, and so finds, that such conduct as this is totally inconsistent with the proper service of respondent to his customers in Colorado, who are served by him in intrastate commerce. If the respondent will keep money on an interstate shipment, which he owes a duty promptly to account for, with or without any such rule as we have promulgated, he will undoubtedly do the same thing with money collected on an intrastate shipment. The point we think material is that he is proving himself to be wholly irresponsible and we feel it incumbent upon us to take reasonable steps to protect persons served by him in intrastate commerce.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the intrastate certificate of the respondent should be suspended for a period of thirty days from the effective date of this order, which shall be ten days from the date hereof.

O R D E R

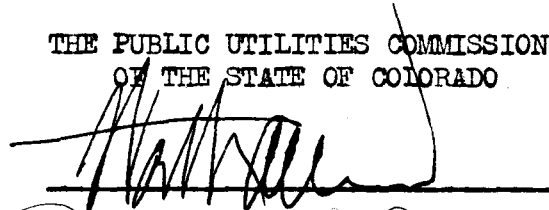
IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to H. B. Miner, authorizing the transportation of freight in intrastate commerce in Colorado, be,

and the same is hereby, suspended for a period of thirty days from the effective date of this order.


IT IS FURTHER ORDERED, That the respondent shall not permit the use of his equipment in the transportation of freight in intrastate commerce to or from any persons on his route in Colorado during said period of thirty days.

IT IS FURTHER ORDERED, That the effective date of this order shall be ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,
this 6th day of June, 1933.

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J.L.

(Decision No. 5052)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

THE TOWN OF CORTEZ, COLORADO,)
A MUNICIPAL CORPORATION,)
)
Complainant,)
)
vs.)
)
THE HIGHLAND UTILITIES COMPANY,)
A CORPORATION,)
)
Defendant.)

CASE NO. 1061

June 6, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Mr. J. J. Downey, Attorney for the complainant in the above entitled case, which reads as follows:

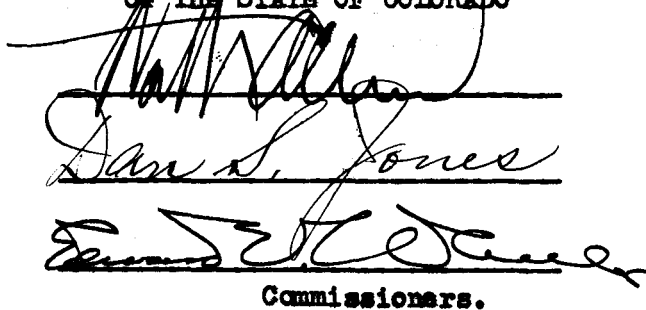
"The town of Cortez has decided to dismiss its complaint against The Highland Utilities Company upon the company's filing new schedule of rates as proposed under date of April 15th, 1933. Please dismiss complaint upon the filing of such schedule."

The said schedule of rates has been duly filed. 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


Commissioners.

Dated at Denver, Colorado
this 6th day of June, 1933.

(Decision No. 5053)

At a General Session of the Public Utilities Commission of the State of Colorado, held at its office at Denver, Colorado, June 6, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 197

IT APPEARING, That on May 18, 1933, the Denver and Rio Grande Western Railroad Company, in compliance with General Order No. 15, filed with the Commission a notice of its intention to discontinue its agency station at Sapinero, Colorado on June 21, 1933, alleging that "neither the public convenience and necessity nor the safe, efficient and economical operations of the applicant's system requires or justifies the maintenance of said agency station at Sapinero."

IT APPEARING FURTHER, That on May 31, 1933, the Commission received a letter from the President of the Delta County Livestock Association protesting the discontinuance of said agency station, stating that such action would result in great inconvenience and expense to the shippers of livestock who have been accustomed to shipping their livestock from the said station of Sapinero, and

IT APPEARING FURTHER, That the Commission finds the proposed discontinuance of said agency station might injuriously affect the rights and interests of the livestock patrons of said carrier, and

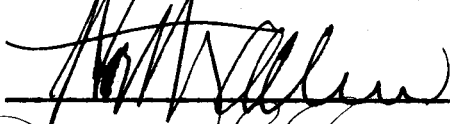
IT IS THEREFORE ORDERED, That the proposed date of the discontinuance of the agency station at Sapinero, Colorado be suspended One Hundred and Twenty Days from June 21, 1933, or until October 19, 1933, unless otherwise ordered by the Commission.

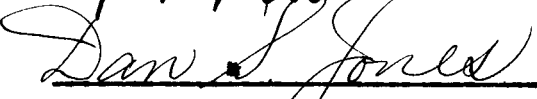
IT IS FURTHER ORDERED, That the proposed discontinuance of said agency station at Sapinero, Colorado be made a subject of investigation and determination by the Commission within said period of time or such further time as the same might be suspended,


IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid petition for the proposed discontinuance of the agency

station at Sapinero, Colorado and copies hereof be forthwith served on the Denver and Rio Grande Western Railroad Company, the applicant, and Mr. Robert F. Rockwell, President of the Delta County Livestock Association, at Delta, Colorado, the protestant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado
this 6th day of June, 1933.

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JL

(Decision No. 5054)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE MOTOR VEHICLE)
OPERATIONS OF FRANK BARBERO.) APPLICATION NO. 878-A

June 6, 1933

S T A T E M E N T

By the Commission:

Frank Barbero, to whom the certificate originally issued in Application No. 878 to Levo Pedri, was assigned and transferred under the authority of this Commission, has written the Commission requesting the Commission to grant him authority to suspend operations "until business picks up."

After careful consideration of the matter the Commission is of the opinion, and so finds, that authority should be granted to Frank Barbero to suspend his operations.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Frank Barbero to suspend operations under his certificate for a period of six months from the date of this order, provided, however, that if within that time or at the end of said period the applicant resumes operations, he shall first give written notice thereof to the Commission and file the insurance required by the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

David S. Jones

Edward J. Decker

Commissioners.

Dated at Denver, Colorado,
this 6th day of June, 1933.

(Decision No. 5055)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY SHANNON, DOING BUSINESS AS)
DENVER-CHEYENNE TRUCK LINE.)

CASE NO. 1158

June 6, 1933

Appearances: Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

Respondent was required to show cause why the certificate of public convenience and necessity, heretofore issued to him, should not be cancelled or revoked for his failure to file an insurance policy or surety bond as required by law.

The evidence disclosed that the necessary insurance had been filed with the Commission on May 13, 1933. Respondent was excused from appearing at the hearing because of the fact that it was necessary for him to leave on his regular scheduled trip to Wyoming, and it was difficult to secure anyone to take his place.

The Commission does not desire to be arbitrary or too technical in enforcing the provisions of the motor vehicle laws relating to the filing of insurance, but operators should realize that these requirements must be complied with if we are to have an orderly enforcement of said laws. It is unfair to require some operators to file insurance and to permit others to operate without the same, as the carrying of insurance is one of the major items of overhead expense in connection with any motor vehicle operation under our jurisdiction.

Respondent has finally complied with our requirements in this respect, and we have decided not to penalize him at this time, but desire

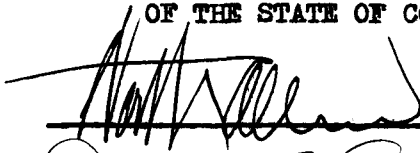
to warn him that in future all rules and regulations of the Commission applicable to his operations must be more promptly complied with.

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 6th day of June, 1933.

(Decision No. 5056)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE MIDWEST REFINING COMPANY) APPLICATION NO. 1357-A
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

June 5, 1933

S T A T E M E N T

By the Commission:

On September 19, 1929, the Commission issued a certificate of public convenience and necessity to The Midwest Refining Company, a corporation, authorizing said corporation to construct, maintain and operate an oil pipe line as a common carrier in the County of Moffat, State of Colorado, running from the Iles oil field to the town of Craig. The Commission now has on file an application for authority to assign such certificate of public convenience and necessity to Stanolind Oil and Gas Company, a corporation. The latter corporation has been issued authority by the Secretary of State of Colorado to do business in the State of Colorado.

The showing as to financial responsibility of the proposed transferee is satisfactory.

After careful consideration of the matter, the Commission is of the opinion, and so finds, that authority should be granted to The Midwest Refining Company to transfer to Stanolind Oil and Gas Company the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1357.

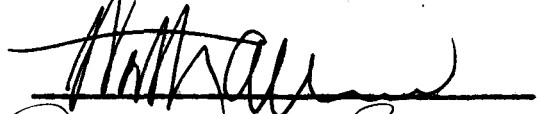
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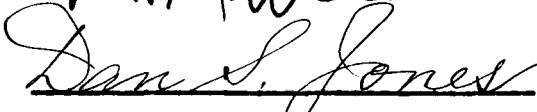
IT IS THEREFORE ORDERED; That authority be, and the same is


hereby, granted to The Midwest Refining Company to transfer to Stanolind Oil and Gas Company the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1357.

IT IS FURTHER ORDERED, That the tariffs, rate schedule and rules and regulations of the transferor herein shall become and remain those of the transferee until and unless the same shall be changed according to the rules of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Nathan


Dan S. Jones


Edward E. Decker
Commissioners.

Dated at Denver, Colorado,
this 5th day of June, 1933.

(Decision No. 5057)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
P. M. RAGLAND,) CASE NO. 1151
GROVER, COLORADO.)

June 9, 1933

Appearances: P. M. Ragland, Grover, Colorado,
pro se.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, P. M. Ragland, to show cause by written statement, to be filed with the Commission, why the Commission should not revoke or suspend his private motor vehicle permit No. 202-A, upon the ground that he had been operating as a motor vehicle carrier under same.

The Commission had a hearing at which the respondent testified that he was given the impression by some representative of the Commission in the offices of the Commission that he could haul for anybody. This obviously is not true and it is difficult to understand how any person employed by the Commission could have given any such information.

The respondent expressed a willingness to confine his activities to those permitted by law to a private carrier. He has since filed with the Commission a list of customers whom he proposes to serve. While the list is large, being twenty in number, we are unable to say at this time that one serving that many farmers is, under the law, a common carrier.

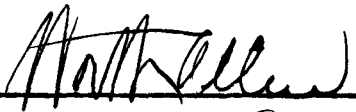
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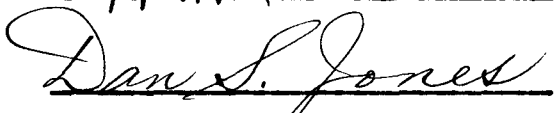
The Commission has concluded to dismiss the case with a warning to the respondent that he should keep the Commission advised by written communication, as well as by his monthly highway compensation tax reports, of the names of his customers.


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 9th day of June, 1933.

(Decision No. 5058)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES ON COAL TO POINTS IN)
CRIPPLE CREEK DISTRICT.)

CASE NO. 1149

June 9, 1933

S T A T E M E N T

By the Commission:

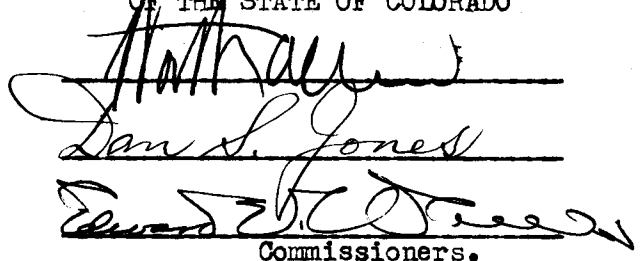
The Commission, acting on complaints of Bruington Fuel Company and Cripple Creek Motor and Commercial Club, on March 2, 1933, made an order on its own motion by which it instituted a complaint against the reasonableness of the rates and charges of the respondents named in said order on coal transported from Walsenburg and Canon City coal regions to points on The Midland Terminal Railway Company's line running west of Colorado Springs.

The Commission is now in receipt of a letter dated May 28, 1933, signed by Bruington Fuel Company, Cripple Creek Motor and Commercial Club and Hon. Vernon Peiffer, State Senator from the 20th senatorial district of Colorado, in which they say that they have "decided to not ask for the hearing to be held on this matter." The Commission is, therefore, 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


Commissioners.

Dated at Denver, Colorado,
This 9th day of June, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. H. GREINER, DOING BUSINESS AS)
GREINER TRUCK LINE.)

CASE NO. 1166

June 10, 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. 2078)

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

Months of December, 1932, January, February, March, April and May, 1933.

Highway Compensation Taxes Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	November	\$16.39	\$1.23	\$17.62

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 June 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of the Commissioners.

Commissioners.

(Decision No. 5061)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO,

Complainant,

vs.

WESTERN UNION TELEGRAPH COMPANY
and THE DENVER AND RIO GRANDE
WESTERN RAILROAD COMPANY,

Defendant.

CASE NO. 1159

June 15, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Mr. T. R. Woodrow, General Attorney for The Denver and Rio Grande Western Railroad Company, in which he states that his company has restored agent-telegraphers at all of the stations named in the original order herein.

The Commission is, therefore, of the opinion, and so finds, that there is nothing now before the Commission and that the 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

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Commissioners.

Dated at Denver, Colorado,
this 15th day of June, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ABANDONMENT BY THE HIGHLAND)
UTILITIES COMPANY OF ELECTRIC LIGHT)
AND POWER SERVICE IN THE TOWN OF) CASE NO. 1168
KIT CARSON, CHEYENNE COUNTY, COLO-)
RADO, AND ADJACENT TERRITORY.)

June 10, 1933

S T A T E M E N T

By the Commission:

Complaint has been made to the Public Utilities Commission of the State of Colorado by the Town of Kit Carson, Colorado, and by various citizens thereof, against the proposed abandonment and discontinuance of electric light and power service by the respondent, The Highland Utilities Company, a corporation in the town of Kit Carson and vicinity.

It appears that respondent has served written notice dated April 25, 1933 upon the Mayor and Board of Trustees of the town of Kit Carson, Colorado, as well as individual consumers of electrical energy in that vicinity, that at the hour of 11:59 P. M. on the 30th day of June, A. D. 1933, said respondent, The Highland Utilities Company, will discontinue the furnishing of electrical energy and power and all of its service to said town and community, and that immediately after discontinuance of service on said date, said company will proceed forthwith to dismantle and remove its plant, equipment and distribution system from the town of Kit Carson. It further appears to the Commission that heretofore, on the 23rd day of February, 1932, in Application No. 1896, the Commission entered an order preliminary to the issuance of a certificate of public convenience and necessity, declaring that it would thereafter, upon application by the above named respondent and the making of satisfactory proof, issue a certificate of convenience and necessity authorizing respondent company to exercise

franchise rights after it had obtained a franchise from the Town of Kit Carson then being sought, and that said company for some time prior thereto and ever since has been and now is operating as a public utility in the town of Kit Carson, and vicinity.

Thereafter, on April 10, 1933, by Decision No. 4986, the Commission dismissed the above entitled application upon the failure of said respondent company to obtain the proposed franchise from the town of Kit Carson.

No application has been made to this Commission for authority to abandon, discontinue, alter or change the service, plant or facilities of the respondent company in the town of Kit Carson, and no such authority has been granted by this Commission.

The Commission is of the opinion, and so finds, that an investigation should be had, on its own motion, and that the respondent should be required to show cause by written answer to be filed with the Commission within ten days from date of service of this order, why it should not be required to continue to render electric light and power service to its consumers in the town of Kit Carson, Cheyenne County, Colorado, and vicinity, until authority to discontinue said service has been given by the Commission or the right to abandon and dismantle its plant, equipment and distribution system in the town of Kit Carson has been obtained.

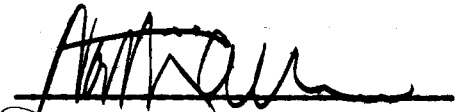
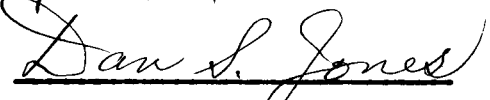

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that respondent, The Highland Utilities Company, a corporation, be, and it is hereby, required to show cause by written answer to be filed with the Commission within ten days from this date, why it should not be required to continue to render electric light and power service to its consumers in the Town of Kit Carson, Colorado, and the vicinity thereof, until authority to discontinue or abandon its plant, equipment and distribution system has been first had and received from the Public Utilities Commission of the State of Colorado.

IT IS FURTHER ORDERED, That respondent, The Highland Utilities Company, a corporation, be, and it is hereby, ordered and required to refrain from discontinuing said electric light and power service or dismantling and removing its plant, equipment and distribution system from the town of Kit Carson, Colorado, until the further order of the Commission in the premises.

IT IS FURTHER ORDERED, That this 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 Wednesday, the 21st day of June, A. D. 1933, at 10:00 o'clock in the forenoon of said day.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of June, 1933.

Ex. No. 6
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(Decision No. 5063)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE TOWN OF GRANADA, A)
MUNICIPAL CORPORATION,)
)
Complainant,)
)
vs.)
)
THE CITY OF LAMAR, A)
MUNICIPAL CORPORATION,)
)
Defendant.)

CASE NO. 729

June 6, 1933

S T A T E M E N T

By the Commission:

On April 3, 1933, the Commission made an order requiring the defendant, the City of Lamar, to cease and desist from charging the complainant, the Town of Granada, a rate in excess of 3.5 cents per KWH per month for all electric energy purchased by complainant from defendant for distribution to its citizens. The defendant has filed a petition asking for vacation of the order of April 3 and for a rehearing, and upon rehearing, the ordering of a new rate proposed by the defendant. A number of grounds have been set up in the application, all of which have been carefully considered by the Commission.

On Page 2 of the application a new rate schedule is proposed, which, as we understand, would apply both to Granada and all other customers. This new rate schedule is not quite as simple as it might appear on its face. Moreover, the schedule stated in the application is somewhat ambiguous, as it does not appear whether the charge of 2 cents per "Next 500 KWH." is based upon the unit or upon the total in excess of 25 KWH. Moreover, the application does

not show in what month the number of units would be determined for Granada. If it should be determined in the month of January, then in the succeeding months when the kilowatt hour consumption might be considerably less than in the month of January, the average charge per KWH might be considerably in excess of 3.5 cents per KWH.

Under all the facts and circumstances the Commission was of the opinion at the time it made its original opinion and is still of the same opinion that a charge of more than 3.5 cents per kilowatt hour would be unreasonable. In fact, we seriously considered making the charge less. We appreciate that rate schedules frequently are based on a sliding scale and upon the load factor, etc. We took those factors into consideration and still arrived at the conclusion that in view of all the facts in this case, however the rate might be constructed, a charge of more than 3.5 cents for any one month would be unreasonable.

If the defendant desires to prepare a rate which will have the result of not charging more to Granada than 3.5 cents per KWH in any one month, the Commission will have no objection. But whatever the rate schedule prepared, it must not violate the order of April 3. If, as a matter of fact, the rate schedule proposed in defendant's application for a rehearing does not violate the Commission's order of April 3, 1933, and would not result in a higher charge than 3.5 cents per KWH in any one month to Granada, the Commission would approve said schedule.

While we know that the application was prepared in the best of faith, there is quite a question whether or not the Town of Granada could make an effective offer to any consumer of a rate as low as 1 cent plus the cost of distribution and losses, or even as low as 3.5 cents. It would rather appear to the Commission that the rate to the Town of Granada might and probably would exceed on an average 3.5 cents per KWH. Of course, as we have suggested, a great deal would

depend on what month is taken for the determination of the number of units upon which the charge to Granada is to be based.

We are not convinced that it is impossible for the City of Lamar to construct what it might deem a scientific rate which would not conflict with the order heretofore made by the Commission. In fact, it appears obvious to the Commission that a scientific rate can be so constructed.

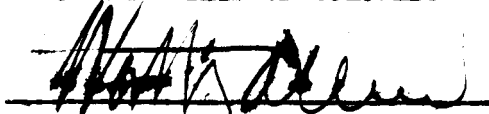
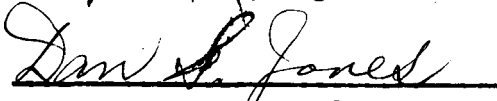

We do not mean to say that a rate to a municipal corporation has got to be based on the ordinary rate to private consumers. Most consumers could not properly be placed in the same class as the Town of Granada if attributes of use generally considered are resorted to in making a classification. Moreover, as we have pointed out before (Re Public Service Co. of Colorado, 7 Colo. P.U.C. 1304) what the law forbids is unreasonable or undue discrimination.

After careful consideration of the application for vacation of the Order of April 3 and a rehearing, the Commission is of the opinion, and so finds, that the application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application in Case No. 729 be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 6th day of June, 1933.

553

Handwritten initials and scribbles in the top right corner.

(Decision No. 5065)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)
OF FAST FREIGHT LINES, INC., AND CON-)
SOLIDATED FAST FREIGHT, INC., TO TRANS-)
FER AN INTERSTATE CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1554-AA

June 10, 1933

- Appearances: Jack G. Scott, Esq., Denver, Colorado,
attorney for applicants;
A. D. Anderson, Denver, Colorado,
for Montgomery Ward & Company;
✓ D. J. Cunningham, Denver, Colorado,
for Butler Paper Company;
J. P. Young, Denver, Colorado,
for Graham Paper Company;
R. G. Krueger, Denver, Colorado,
for Western Scientific Supply Company;
L. M. Gjerde, Denver, Colorado,
for Grauman Supply Company;
George Dunn, Denver, Colorado,
for J. P. Dunn Shoe & Leather Company;
✓ I. L. Fine, Denver, Colorado,
for Chemical Sales Company.

S T A T E M E N T

By the Commission:

This is an application by Fast Freight Lines, Inc., a corporation,
and Consolidated Fast Freight, Inc., a corporation, for authority to said
Fast Freight Lines, Inc., to transfer to said Consolidated Fast Freight, Inc.,
the certificate of public convenience and necessity heretofore transferred to
Fast Freight Lines, Inc., by the Commission in Application No. 1554-A.

The evidence disclosed that the terms and conditions of said transfer
were governed by a written agreement dated March 1, 1933, and introduced in
evidence as Exhibit "B". Under the terms of said agreement, it appears that
Consolidated Fast Freight, Inc., is purchasing from Fast Freight Lines, Inc.,
not only the certificate of convenience and necessity heretofore mentioned,
but also three motor trucks and one semi-trailer. The consideration for the
transfer of said certificate, as well as said motor vehicle equipment, includes

the assumption by Consolidated Fast Freight, Inc., of all existing encumbrances against said motor equipment, and the further agreement to pay to Fast Freight Lines, Inc., two per cent of the gross revenues derived by Consolidated Fast Freight, Inc., from the operation of its motor freight line on all business originating in and between Denver and points south of the Colorado-Wyoming State Line and destined to all points north of said State Line on the route between Cheyenne, Wyoming, to and including Casper, Wyoming, as well as on all business originating north of said Colorado-Wyoming State Line in the territory Cheyenne to Casper, inclusive, and destined to points south thereof. The said two per cent payment is to cover a period of five years from the date of said agreement. It is further provided that said payments shall not be less than \$200 for any one month and same are to be made on or before the 15th day of each month and computed on the volume of gross revenues derived from such business the preceding month. Said agreement contains further provisions relative to the issuing to Fast Freight Lines, Inc., certain capital stock of Consolidated Fast Freight, Inc., and a further provision of said contract sets forth that Consolidated Fast Freight, Inc., will employ Fast Freight Lines, Inc., as its agent at Casper, Wyoming, for a period of five years, and as such agent it will perform the necessary pick-up and delivery service required by Consolidated Fast Freight, Inc., at Casper, Wyoming, for which services it shall be paid at the rate of 7 cents per hundred pounds of said freight so picked up and handled.

The evidence further disclosed that Fast Freight Lines, Inc., is indebted to various and sundry persons in the sum of approximately \$1,200.00 for unpaid C. O. D. shipments made over its lines. In addition to this indebtedness, highway compensation taxes in the sum of approximately \$161.94 are due this Commission as of April 1, 1933.

The testimony developed that Consolidated Fast Freight, Inc., is in much better financial condition to conduct this motor vehicle operation than Fast Freight Lines, Inc.

Mr. Jack Garrett Scott, attorney for the applicants, agreed at the hearing to serve as trustee for the creditors of Fast Freight Lines, Inc., without compensation, and it was further agreed that the two per cent monthly

payment, which is to be not less than \$200.00 per month, may be paid to a trustee for the creditors until such time as the outstanding indebtedness of Fast Freight Lines, Inc., is fully liquidated.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to said Fast Freight Lines, Inc., to transfer to said Consolidated Fast Freight, Inc., the certificate of public convenience and necessity heretofore transferred by the Commission to the former in Application No. 1554-A, subject to the conditions hereinafter stated which in the opinion of the Commission should be imposed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Fast Freight Lines, Inc., to transfer to Consolidated Fast Freight, Inc., the certificate of public convenience and necessity heretofore transferred by the Commission in Application No. 1554-A, to said Fast Freight Lines, Inc., subject to the following conditions:

(a) Two per cent of the gross revenues derived by Consolidated Fast Freight, Inc., as provided for in Paragraph 2 of the agreement dated March 1, 1933, and which is not to be less than \$200.00 per month, shall be paid monthly by Consolidated Fast Freight, Inc., to Jack Garrett Scott, of Denver, Colorado, as trustee, for the various creditors of Fast Freight Lines, Inc., (exclusive of any equipment creditors).




(b) From said trustee funds, the said Jack Garrett Scott, as trustee, shall first pay any highway compensation taxes due the State of Colorado from the operations of Fast Freight Lines, Inc., to March 1, 1933, and thereafter from said fund shall monthly apportion and pay ratably all outstanding C.O.D. claims against said Fast Freight Lines, Inc., including the account of Montgomery Ward & Company, of Denver, Colorado, in the sum of \$42.11, and thereafter shall pay proportionately and ratably any other outstanding obligations of said Fast Freight Lines, Inc., exclusive of any equipment creditors.

(c) Any issue of capital stock of Consolidated Fast Freight, Inc., which is to be delivered under the terms of said agreement of March 1, 1933, to Fast Freight Lines, Inc., shall be held by the said Jack Garrett Scott as trustee, for the creditors of said Fast Freight Lines, Inc., until such time as said indebtedness shall be fully liquidated as hereinbefore provided.

(d) It is further provided that jurisdiction of the instant case shall be retained by the Commission to the end that such further orders may be entered herein as conditions may require.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Fast Freight Lines, Inc., transferor herein, shall become and remain those of Consolidated Fast Freight, Inc., 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 10th day of June, 1933.

[Handwritten signature/initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK BARCROFT AND EDITH BARCROFT,)
CO-PARTNERS, DOING BUSINESS AS THE) CASE NO. 1169
BROWN AND WHITE CAB COMPANY.)

June 12, 1933

S T A T E M E N T

By the Commission:

On March 7, 1927, in Application No. 544, a certificate of public convenience and necessity was issued to said respondents, Frank Barcroft and Edith Barcroft, doing business as a co-partnership under the name of The Brown and White Cab Company, for the transportation of passengers in the conduct of their tourist and sightseeing business between Denver and Estes Park, in the County of Larimer, Colorado, and between Denver and various other points in the State of Colorado, subject to the terms and conditions stated in the order of the Commission, being Decision No. 1114.

Applicants were required to file tariffs of rates, rules and regulations, and to operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations, which they filed. That thereafter, and on May 26, 1932, there was filed a passenger tariff of the Colorado Sightseeing Operators' Association, naming round trip passenger fares between Denver, Colorado, and Estes Park, Colorado, and other points, together with rules and regulations governing same, being "Colo. P.U.C. No. 4" and effective June 1, 1932; that authority was granted by the Commission on said May 26, 1932, being Authority No. 7001, authorizing the publication of said tariff effective on the 1st day of June, and that as a member of said The Colorado Sightseeing Operators' Association, the respondents above named participated in and adopted the provisions of said tariff, which now remains in full force and effect, governing the rates to be charged by respondents between Denver and Estes Park, Colorado, and other points within the State of Colorado.

Information has come to the Commission that respondents have been and now are transporting passengers from Denver to Estes Park and return at a rate of \$5.00 per person, and particularly that on Friday the 9th day of June, respondents transported one Frank Powell, together with five other persons, whose names are unknown, from Denver to Estes Park and return for the said sum of \$5.00 per passenger, which said fare so charged by respondents does not conform to the aforesaid tariff participated in and adopted by respondents in that said tariff provides that the fare shall be \$7.00 per passenger for the trip on which said Powell and said other persons were transported.

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 said respondents have violated the terms of their certificate by transporting said Powell, or any other person from Denver to Estes Park, Colorado, and return for a fare less than \$7.00 per passenger.

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 respondents, Frank Barcroft and Edith Barcroft, co-partners, doing business as The Brown and White Cab Company, have violated the terms and conditions of their certificate of public convenience and necessity by transporting Frank Powell, or any other person, from Denver to Estes Park, Colorado, and return for a fare of less than \$7.00 per passenger.

IT IS FURTHER ORDERED, That said respondents show cause by written statement filed with the Commission immediately upon service of this order, why the Commission should not enter an order suspending or revoking the certificate of public convenience and necessity heretofore issued to said respondents, 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 in the Hearing Room of the Commission,
330 State Office Building, Denver, Colorado, on Wednesday, the 14th
day of June, at 10:00 o'clock A. M. 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

David S. Jones

Edward E. Wheeler
Commissioners.

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

668 ✓

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(Decision No. 5067)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
McANELLY-JAMES, DOING BUSINESS) CASE NO. 1161
AS FEDERAL MOTOR EXPRESS LINES.)

June 10, 1933

S T A T E M E N T

By the Commission:

On May 24, 1933, the Commission entered its order requiring the above named respondents to show cause why interstate permit No. 668-I, heretofore issued to them in Application No. 2080-I, should not be cancelled or revoked for their failure to file monthly reports for the months of November and December, 1932, and January to April, 1933, inclusive, and pay highway compensation taxes due for the month of October, 1932, in the amount of \$23.99, and also for their failure to file the necessary insurance policy or surety bond required by law.

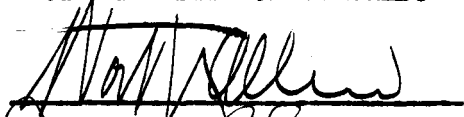
The evidence disclosed that respondents had failed to file monthly reports for the months in question or pay the highway compensation taxes due, and had no effective insurance on file. It was also disclosed that said respondents have ceased operations.

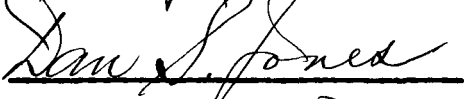
After careful consideration of the record, the Commission is of the opinion, and so finds, that the common carrier interstate permit, heretofore issued to the above named respondents should be cancelled and revoked for failure to make monthly reports, pay highway compensation taxes and to file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the common carrier interstate permit, heretofore issued to McAnally-James, doing business as Federal Motor Express Lines, in Application No. 2080-I, 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 June, 1933.

(Decision No. 5068)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BETHEL TRANSFER COMPANY.) CASE NO. 1163

June 13, 1933

S T A T E M E N T

By the Commission:

On May 24, 1933, the Commission entered its order requiring the above named respondent to show cause why permit No. A-309, heretofore issued to it, should not be cancelled or revoked for its failure to file monthly reports for the months of January, 1933, to April, 1933, both inclusive, and pay highway compensation taxes for the month of December, 1932, in the amount of \$2.77.

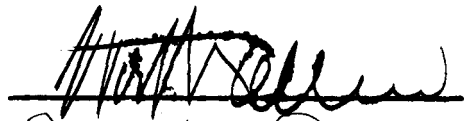
The evidence disclosed that respondent has failed to file the monthly reports in question and has failed to pay the taxes due. It was also disclosed that respondent has ceased operations.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-309, heretofore issued to the above named respondent, should be cancelled and revoked for failure to file monthly reports and pay highway compensation taxes as above set forth.

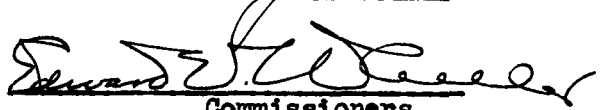
O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-309,
heretofore issued to Bethel Transfer Company, be, and the same
is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Daniel S. Jones



Commissioners.

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

(Decision No. 5069)

MAKE NO

COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. H. AND E. N. RICHMOND, ROY HOLT)
AND W. R. RICHARDSON, DOING)
BUSINESS AS SILVER STREAK EXPRESS.)

CASE NO. 1164

June 13, 1933

S T A T E M E N T

By the Commission:

On May 24, 1933, the Commission entered its order requiring the above named respondents to show cause why private permit No. A-424, heretofore issued to them, should not be cancelled or revoked for their failure to file monthly reports for the months of April, 1932, to February, 1933, inclusive, and April, 1933, and for their failure to file the necessary insurance policy or surety bond required by law.

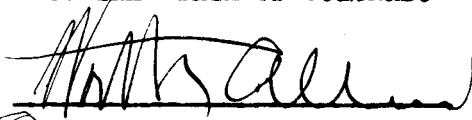
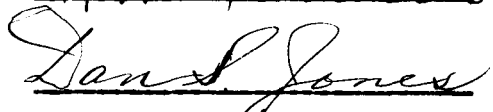
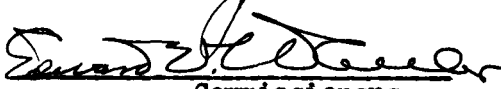
The evidence disclosed that respondents had failed to file the monthly reports in question. Evidence was also introduced to the effect that respondents have no effective insurance or surety bond on file. It was further disclosed that respondents have gone out of business.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-424, heretofore issued to the above named respondents, should be cancelled and revoked for their failure to make monthly reports and to file the necessary insurance or surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-424, heretofore issued to L. H. and E. N. Richmond, Roy Holt and W. R. Richardson, doing business as Silver Streak Express, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DWIGHT CHAPIN JR. AND THE MOUNTAIN)	APPLICATIONS NOS. 1878-A, 1879-A,
UTILITIES CORPORATION FOR AUTHORITY)	<u>1880-A, 2000-A, 2001-A and 2002-A</u>
TO TRANSFER CERTAIN CERTIFICATES OF)	
PUBLIC CONVENIENCE AND NECESSITY.)	
-----)	

June 13, 1933

Appearances: Dwight Chapin, Jr., Wichita, Kansas,
pro se and for The Mountain Utilities
Corporation.

S T A T E M E N T

By the Commission:

On August 22, 1931, the Commission issued a certificate of public convenience and necessity to Dwight Chapin, Jr., in Applications Nos. 1878, 1879, and 1880 authorizing said Chapin to exercise certain franchise rights in the towns of Elizabeth and Kiowa and to construct a transmission line between the towns of Elbert, Kiowa and Elizabeth, as well as to construct a generating plant in either the town of Elizabeth or the town of Kiowa. Further authority was also granted to construct a distribution system in the town of Elizabeth. On June 10, 1932, the Commission issued a certificate of public convenience and necessity to the said Dwight Chapin, Jr., in Applications Nos. 2000, 2001 and 2002, authorizing the said Dwight Chapin, Jr., to exercise certain franchise rights in the towns of Monument and Palmer Lake, Colorado, as well as to construct a transmission line and the necessary distribution systems to serve the towns of Franktown, Parker, Larkspur and Monument, Colorado, and farms and ranches adjacent to such lines.

In the instant case, application has been filed seeking authority to assign such certificates of public convenience and necessity from Dwight Chapin, Jr., to The Mountain Utilities Corporation, which has been organized and is now existing under and by virtue of the laws of the State of Colorado.

The evidence disclosed that The Mountain Utilities Corporation has been formed by the said Dwight Chapin, Jr., for the purpose of taking over and operating the various electric utility projects now being conducted in Colorado by the said Chapin. Said corporation has an authorized capitalization of 100,000 shares of common stock at a par value of \$1.00 each, and 500 shares of preferred stock of a par value of \$100.00 per share. All of the preferred stock and 50,000 shares of the common stock have been issued to the said Dwight Chapin, Jr., in consideration of his assignment to said corporation of all of the real estate, personal property, transmission lines, franchises, certificates of public convenience and necessity, and other assets of the said Chapin within the State of Colorado. These assets, which are valued at approximately \$75,000, are subject to mortgage or contract indebtedness of \$3,600.00. The said Chapin has agreed to pay all outstanding obligations in connection with his operations in Colorado, except the above named contract indebtedness of \$3,600.00. He is also advancing to the corporation the sum of \$1,000 in cash, which the evidence discloses will be more than sufficient to take care of one month's operating expenses.

No notice has been given to any of the communities now served by the said Dwight Chapin, Jr., of the proposed transfer herein sought, and the said Chapin agreed that before any order authorizing said transfer should become effective, he would procure and file with the Commission the written consent of the proper officials of all incorporated towns now served by him to said transfer, and would also post a notice at the postoffice in the town of Elbert, Colorado, (which is not incorporated) to the effect that said transfer was being sought from the Commission, and that any objections thereto

should be filed with the Commission within ten days from the date of said notice.

After careful consideration of the matter the Commission is of the opinion, and so finds, that authority should be granted to Dwight Chapin, Jr., to transfer to The Mountain Utilities Corporation the certificates of public convenience and necessity heretofore issued by the Commission in Applications Nos. 1878, 1879, 1880, 2000, 2001 and 2002, subject to the conditions hereinafter stated.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Dwight Chapin, Jr., to transfer to The Mountain Utilities Corporation the certificates of public convenience and necessity heretofore issued by the Commission in Applications Nos. 1878, 1879, 1880, 2000, 2001 and 2002, subject to the following conditions:

(a) That before said transfer shall become effective, written consent to said transfer from all incorporated communities now served by Dwight Chapin, Jr., shall be filed with the Commission.

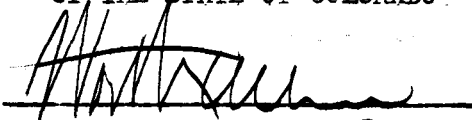

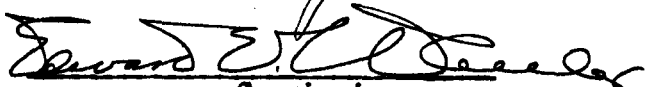
(b) Written evidence under oath shall be submitted to the Commission showing the posting of a notice at the Postoffice in the community of Elbert, Colorado, to the effect that the said transfers are being sought, and advising anyone objecting thereto to file said objections with this Commission within ten days from the date of said notice.

IT IS FURTHER ORDERED, That jurisdiction of the instant case be, and the same is hereby, retained to the end that such further order or orders may be issued as occasion may require.

IT IS FURTHER ORDERED, That the rate schedules, rules and regulations of the transferor shall become and remain those of the transferee

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 13th day of June, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY RYFF.) CASE NO. 1160

June 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:

On May 24, 1933, the Commission entered its order requiring the above named respondent to show cause why permit No. A-322, heretofore issued to him, should not be cancelled or revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond required by law.

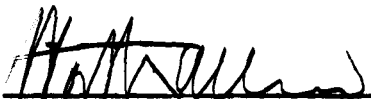
The evidence disclosed that respondent has failed to file monthly reports for the months of December, 1932, to April, 1933, both inclusive. Evidence was also introduced to the effect that respondent has no effective insurance policy or surety bond on file. It was further developed that respondent has ceased his operations.

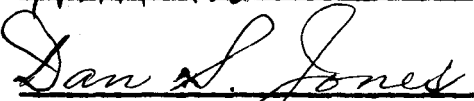
After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-322, heretofore issued to the above named respondent, should be cancelled and revoked for failure to make monthly reports and to file the necessary insurance policy or surety bond required by law.


O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-322, heretofore issued to Harry Ryff, be, and the same is hereby, cancelled and revoked for the above named delinquencies.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

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

(Decision No. 5073)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE COLORADO SPRINGS BUS COMPANY)
TO ABANDON A PORTION OF THE SERVICE)
BEYOND THE LIMITS OF THE CITY OF)
COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 2105

June 13, 1933

Appearances: Strachan and Horn, Esqs., Colorado Springs,
Colorado, attorneys for applicant;
J. A. Carruthers, Esq., Colorado Springs,
Colorado, attorney for Cheyenne Improvement
Society, et al., protestants.

S T A T E M E N T

By the Commission:

Applicant seeks authority to discontinue its bus service from Cresta Road to Stratton Park or Cheyenne Canon. This service has been rendered by what is known as a "shuttle" operation, which extends 9/10 of a mile from Cresta Road to Stratton Park. Said operation is entirely outside of the limits of the City of Colorado Springs.

The grounds upon which said abandonment of operation is sought are alleged to be that the territory served by said "shuttle" bus is sparsely settled and that the revenue derived therefrom is insufficient to meet the operating costs, causing a severe drain upon the entire system operated by applicant.

On behalf of applicant, the evidence disclosed that for the period from April 1, 1932, to April 30, 1933, the total operating revenue of applicant amounted to the sum of \$145,450.66, while total operating expenses amounted to \$149,801.33, leaving a net operating deficit of \$4,350.67 for the entire system of applicant. Upon the so-called "shuttle" bus operation, the applicant's revenue from June 30, 1932, to April 30,

1933, amounted to \$1,453.69, while its total operating expense for the same period amounted to \$4,360.70, leaving an excess of cost over revenue of \$2,907.01. For the month of May, 1933, the gross income per day in the operation of said "shuttle" bus was \$2.47 $\frac{1}{2}$, which would mean an average of 14 passengers carried per day.

On May 30, 1933, the total receipts derived from the operation of said "shuttle" bus amounted to only \$1.75.

According to the exhibits, the total loss suffered by applicant upon its Broadmoor-Stratton Park run, which includes the so-called "shuttle" bus operation, was \$12,895.61. In estimating its depreciation for the period from April 1, 1932, to April 30, 1933, applicant has charged the sum of \$35,853.93. Its total investment is \$107,000.00, which would make the depreciation in excess of 33- $\frac{1}{3}$ per cent. It was testified that this depreciation would not be estimated at such a high figure for succeeding years. The busses used by applicant are given an estimated life of 200,000 miles, and averaged 65,000 miles for their first year of operation, which commenced on April 1, 1932.

The evidence further disclosed that the City of Colorado Springs had passed a resolution permitting applicant to eliminate said "shuttle" bus operation, subject to the approval of this Commission.

On behalf of protestants, evidence was introduced to the effect that the bus line was not patronized on account of the fact that two fares are charged into Colorado Springs, and from Colorado Springs to Stratton Park. It was further disclosed that passengers can ride upon the line of applicant from Colorado Springs toward Manitou, 1.4 miles beyond the city limits for one fare, but in going west toward Stratton Park a second fare is charged at the city limits. However, it was further disclosed that there is fifty per cent more traffic on the Manitou line than upon the Stratton Park line.

A number of residents and property owners from the Stratton Park district testified as to the inconvenience that would be suffered if

this "shuttle" bus operation is discontinued, and it was disclosed that an average of between five and six blocks would have to be walked by prospective passengers from the Stratton Park district to connect with the regular line of applicant at Cresta Road if said "shuttle" line should be discontinued. The district served by the "shuttle" line has a population of between 500 and 600 people, and while some of the houses are occupied only in the summer time, a majority of them are occupied the year round. One small grocery store is located in the district, but in the main the people in Stratton Park must go to Colorado Springs for their shopping. Apparently, the main cause for the lack of patronage of the bus line, outside of the question of the two fares, is the fact that many people own their own private cars and use the same in preference to riding upon the bus.

Some testimony was given to the effect that if the county commissioners would fix a bridge over one of the other highways, applicant could route one of its Broadmoor busses through the Stratton Park territory and eliminate the "shuttle" bus. Applicant stated that it would be willing to do this even though it increased its mileage somewhat. However, no definite evidence was submitted as to when said repairs would be made.

The Commission dislikes exceedingly to permit the abandonment of the "shuttle" bus operation, as we realize that it will mean considerable inconvenience to the residents of Stratton Park who do occasionally use the bus. However, the question we must determine is whether the inconvenience suffered by the public will more than offset the injury done to applicant by requiring it to operate a part of its service at a substantial loss. Even if applicant charged but one fare to Stratton Park, the fact remains that the patronage would have to double in order for it to obtain the same revenue as at present, and in order to break even upon said operation, the patronage would have to increase materially beyond the amount that we believe Stratton Park capable of furnishing.

As was stated by the Commission in Re Colorado Springs and Interurban Railway Company, 6 Colo. P.U.C. 615:

"This Commission has repeatedly held, in conformity with the holdings of other commissions and courts, that a public utility whose operations as a whole are not on a paying basis not only has the right, but it is its legal duty to curtail its operating expenses by dispensing with that part of the service that is operated at the greatest loss in an endeavor to save the operation of the system as a whole. This principle is so well established that citation of authority is not necessary."

The Commission is hopeful that some plan may be worked out whereby applicant can serve the Stratton Park district without too great a drain upon its income, and we suggest that we feel it incumbent upon the applicant to use all reasonable endeavors to bring about such a situation, and to that end we proposed to retain jurisdiction of the instant case in order that such future orders may be entered as conditions may justify.

After careful consideration of the record the Commission is of the opinion, and so finds, that authority should be granted to applicant to discontinue its so-called "shuttle" bus operation from Cresta Road to Stratton Park and Cheyenne Canon, effective June 25, 1933.

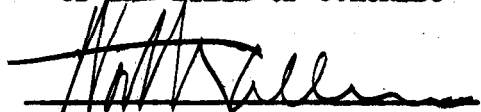
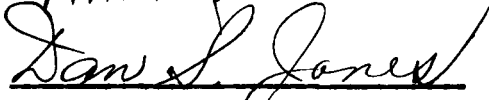

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Colorado Springs Bus Company to abandon that portion of its service known as its "shuttle" bus operation extending from Cresta Road to Stratton Park and Cheyenne Canon, effective June 25, 1933.

IT IS FURTHER ORDERED, That jurisdiction of the instant case be, and the same is hereby, retained to the end that such further order or

orders may be entered herein as conditions may require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

(Decision No. 5074)

At a General Session of The Public Utilities Commission of The State of Colorado, held at its office at Denver, Colorado, June 15, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 198

IT APPEARING, That on May 18, 1933, The Denver and Rio Grande Western Railroad Company, in compliance with General Order No. 13, filed a notice of its intention to discontinue its agency station at Doyle, Colorado, on June 21, 1933, alleging that "neither the public convenience and necessity nor the safe, efficient and economical operation of applicants system required or justifies the maintenance of said agency station at Doyle."

IT APPEARING FURTHER, That on June 12, 1933, Clifford H. Stone, attorney for residents of Gunnison County, doing business with The Denver and Rio Grande Western Railroad Company through the aforesaid station at Doyle, Colorado, filed a formal protest signed by said residents against the discontinuance of said agency station, alleging that such action would result in great inconvenience to the patrons of said rail carrier, and

IT APPEARING FURTHER, That the Commission finds that the proposed discontinuance of said agency station might injuriously affect the rights and interests of the shippers of said rail carrier,

IT IS THEREFORE ORDERED, That the proposed date of the discontinuance of the agency station at Doyle, Colorado, be suspended one hundred twenty days from June 21, 1933, or until October 19, 1933, unless otherwise ordered by the Commission.




IT IS FURTHER ORDERED, That the proposed discontinuance of said agency station 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 the aforesaid protest of the residents of Gunnison County be, and the same is hereby, set down for hearing before the Commission at the Gunnison County Court House at two o'clock P. M. on July 13, 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 discontinuance of the agency station at Doyle, and copies hereof be forthwith served on said The Denver and Rio Grande Western Railroad Company, the applicant, and Clifford H. Stone, attorney for the protestants, Gunnison, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of June, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

June 16, 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 January 27, 1933, the Commission entered 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. 1955, should not be suspended or revoked on account of his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance required by law and the rules and regulations of the Commission.

At the hearing held February 18, 1933, the evidence disclosed that reports had not been filed by respondent for the months of June, November and December, 1932. It also appeared that highway compensation taxes for the months of July to October, 1932, both inclusive, in the amount of \$33.32, as of February 18, 1933, were due and unpaid, and that no effective insurance or surety bond was on file. The respondent was present at said hearing and testified that he would file his reports and pay his taxes by February 20, 1933.

The Commission has delayed making an order in the instant case in the hope that respondent might keep the promise made at the hearing, but our records disclose that no effort has been made by said respondent to comply with the agreement made at said time. The Commission dislikes to revoke the certificate of any motor vehicle operator, but as it has been four months since the date of said hearing

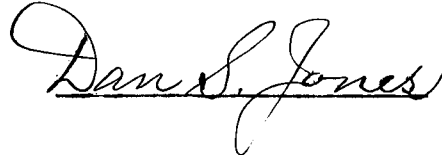
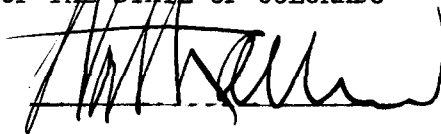
and no effort has been made by respondent to comply with our rules and regulations, we feel that no other course is open to us.

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 respondent in Application No. 1955, should be revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Harold O. Stockton, respondent herein, 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 June, 1933.

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(Decision No. 5076)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY BARNER, DOING BUSINESS AS) PRIVATE PERMIT NO. A-438
CASEY TRUCK LINE.)

June 17, 1933

S T A T E M E N T

By the Commission:

We are in receipt of a request by the holder of this permit to suspend the same until further notification. The Commission is, therefore, of the opinion, and so finds, that the said private permit should be suspended until further order of the Commission, which will be issued upon notice that the applicant has filed the proper insurance and is in good standing with the Commission.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-438, heretofore issued to Roy Barner, doing business as Casey Truck Line, be, and the same is hereby, suspended until further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

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

(Decision No. 5077)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY E. BARNER.)

PRIVATE PERMIT NO. A-360

June 17, 1933

S T A T E M E N T

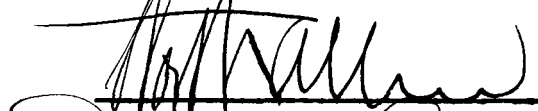
By the Commission:


We are in receipt of a letter from the holder of the above private permit asking that the same be cancelled.


O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-360, heretofore issued to Roy E. Barner, 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 June, 1933.

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(Decision No. 5078)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER G. ELDRIDGE, JR.) PRIVATE PERMIT NO. 437-A

June 19, 1933

S T A T E M E N T

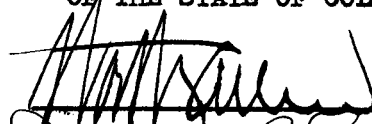
By the Commission:


The Commission is in receipt of a request made by Walter G. Eldridge, Jr., that we revoke his private motor vehicle permit No. 437-A, he having received a certificate of public convenience and necessity.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 437-A, heretofore issued to Walter G. Eldridge, Jr., be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Sam S. Jones


Commissioners.

Dated at Denver, Colorado,
this 19th day of June, 1933.

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

June 22, 1933.

S T A T E M E N T

By the Commission:

The Commission made an order herein on June 6, 1933, suspending the certificate of public convenience and necessity of respondent for a period of thirty days from June 16, 1933.

Respondent has requested that the Commission accept a payment to be made to the treasurer of the State of Colorado in some reasonable sum in lieu of said suspension. This order of procedure is in accord with precedent heretofore established by the Commission.

After careful consideration of the matter the Commission is of the opinion, and so finds, that it should receive a payment of \$15.00, to be made to the treasurer of the State of Colorado, in lieu of the suspension heretofore ordered. The Commission has received said amount, which it will immediately turn over to the State Treasurer.

The Commission feels that it should solemnly warn the respondent that in future he must conduct his operations according to law and the rules and regulations of the Commission if he desires to avoid a permanent revocation of his certificate.

O R D E R

IT IS THEREFORE ORDERED, That the suspension heretofore made in the above entitled case by the Commission on June 6, 1933, be, and the same is hereby, vacated and set aside.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
Dan S. Jones
[Handwritten signature]

Dated at Denver, Colorado,
this 22nd day of June, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
 COLORADO-UTAH MOTOR WAY, INC., FOR)
 A CERTIFICATE OF PUBLIC CONVENIENCE)
 AND NECESSITY TO OPERATE MOTOR) APPLICATION NO. 2110
 VEHICLE PASSENGER SERVICE BETWEEN)
 GRAND JUNCTION AND PUEBLO, COLORADO.)

June 21, 1935

S T A T E M E N T

By the Commission:

Applicant, Colorado-Utah Motor Way, Inc., seeks a certificate of public convenience and necessity authorizing the transportation of passengers in interstate commerce between Grand Junction and Pueblo, Colorado. Said applicant has heretofore been authorized to transport passengers in interstate commerce between Grand Junction, Colorado, and the Colorado-Utah state line at a point where Highway No. 50 crosses said line.

Applicant now desires to extend its motor vehicle passenger service from its present eastern terminus of Grand Junction to Pueblo, Colorado, via Glenwood Springs, Tennessee Pass, Leadville, Buena Vista, Salida and Canon City.

The matter was originally set for hearing at Grand Junction, Colorado, on June 19, 1935. However, the Commission is in receipt of a letter from T. R. Woodrow, General Attorney for the Denver-Colorado Springs-Pueblo Motor Way, Inc., and The Denver and Rio Grande Western Railroad Company, in which it is stated that no protest against said application will be made with the distinct understanding that only interstate transportation is involved.

In view of this letter, the Commission was of the opinion that no formal hearing need be held in the matter, and therefore the hearing scheduled for Grand Junction was vacated.

After careful consideration of the matter the Commission has determined, and so finds, that the Constitution of the United States and the laws of the State of Colorado require that authority be granted to said applicant to extend its eastern terminus from Grand Junction to Pueblo as prayed for in its said application.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Colorado-Utah Motor Way, Inc., to extend the eastern terminus of its present interstate operation between Grand Junction, Colorado, and the Colorado-Utah state line, to Pueblo, Colorado, via Glenwood Springs, Tennessee Pass, Leadville, Buena Vista, Salida and Canon City, and this order shall be taken, deemed and held to be a common carrier interstate permit therefor.

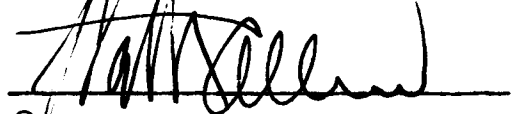
IT IS FURTHER ORDERED, That this permit is issued with the understanding that no passengers shall be transported in intrastate commerce, that is, from one point to another within the State of Colorado, and with the further understanding that if such commerce is carried on without a certificate of public convenience and necessity or a permit, depending on whether the operation is that of a common or private carrier, the violator will be subject to prosecution under the laws of the State of Colorado.

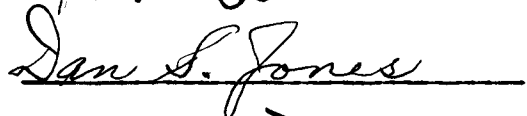
IT IS FURTHER ORDERED, That the permit holder will give prompt attention to the filing of monthly highway compensation reports and to payment of highway compensation taxes and to marking of vehicles, as set out in Rules 24, 26 and 31, respectively of the Rules and Regulations Governing Motor Vehicle Carriers.

IT IS FURTHER ORDERED, That no operation shall be carried on under this permit at any time when public liability and property damage

insurance is not in effect and the policy or policies of insurance are not on file with this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

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

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,)	
)	
THE TOWN OF CROWLEY, A MUNICIPAL CORPORATION,)	
)	
Intervener.)	

CASE NO. 1082

June 15, 1933

Appearances: Henry E. Mast, Ordway, Colorado, attorney for the Complainant and Intervener; Messrs. Foard Brothers, Colorado Springs, Colorado, attorneys for the Defendant.

S T A T E M E N T

By the Commission:

This proceeding arises from a complaint filed with the Commission on December 22, 1932, by the town of Ordway, Colorado, a municipal corporation, as complainant and the town of Crowley, a municipal corporation, as intervener against the Pure Springs Water Supply Company, a corporation.

The complainant alleged that the Pure Springs Water Supply Company entered into a twenty year contract in 1925 with the towns of Ordway and Crowley to supply said towns with domestic water at the following wholesale metered rates at the corporate limits of the towns: For Ordway the rates were to be

"\$1.50 per 1,000 gallons up to 10,000 gallons per day;
1.25 per 1,000 gallons in excess of 10,000 gallons per day;
A minimum of 8,000 gallons per day shall be paid for during the first year of contract, 9,000 gallons per day third year of contract, 11,000 gallons per day fourth year of contract and 12,000 gallons per day thereafter during life of contract."

The rates for Crowley were to be

"\$1.50 per 1,000 gallons up to 10,000 gallons per day;
1.25 per 1,000 gallons in excess of 10,000 gallons per day;
A minimum of 4,000 gallons per day shall be paid for during the first year of contract, 5,000 gallons per day second year of contract, 6,000 gallons per day third year of contract, 7,000 gallons per day fourth year of contract and 7,500 gallons per day thereafter during life of contract."

Under this contract which has been in full force and effect since the effective dates of the contracts the town of Ordway is now paying on a basis of 12,000 gallons per day and the town of Crowley on a basis of 7,500 gallons per day.

The complainant alleged that the rates charged these towns are excessive, unjust and unreasonable and also it was alleged that the rates charged these towns were discriminatory as against rates of the water company in effect with other localities that it supplies.

The defendant company made answer to the complaint denying the unreasonableness of the rates, and charged that the town of Ordway distributes the water that it purchases from the company to the citizens of Ordway and charges them \$3.00 per one thousand gallons which rate enables the town to make an unfair profit from the distribution of this water. The answer also goes into other details to justify the rates in effect for the domestic water supplied these towns.

The Commission, therefore, set the matter down for hearing in the City Hall of Fowler, Colorado at 9:00 o'clock A. M., June 14, 1933.

The complainant presented testimony by the mayor of Ordway and the town clerks of Ordway and Crowley to justify the complaint, but during a recess of the hearing the parties to the proceedings, after some discussion among themselves, entered into an agreement as to a readjustment of the rates for the water to be supplied to these towns by the defendant company, subject to the approval of the Commission.

In the agreement it was stipulated that in lieu of the water rates of the Pure Springs Water Supply Company in effect in the towns of Ordway and Crowley the following rates should be in effect on and after June 25, 1933, until otherwise changed, in accordance with the law and rules of the Commission:

For Ordway:

\$1.12 $\frac{1}{2}$ per 1,000 gallons with a minimum of 12,000 gallons per day, or not less than \$13.50 per day.

For Crowley:

\$1.00 per 1,000 gallons with a minimum of 5,000 gallons per day, or not less than \$5.00 per day.

It was also stipulated that proportionate reductions should be made to the users of the Pure Springs Water Supply Company's water from the town of Ordway by the town of Ordway in its rates charged for this water to these users. In other words, proportionate reductions in water rates were to be made by the distributing municipalities with the reductions made by the supplying company for Pure Springs Water Supply Company's water.

In presenting the proposed agreement and stipulation the attorney for the company stated that the company was willing to make the reductions on account of the general depression in business, even though it meant a sacrifice by the company, but that when conditions became better the company would ask for a general readjustment of their rates to provide a proper return on their investment.

The Commission has given the proposed agreement and stipulation careful consideration and fully appreciates the spirit and intentions of the parties in these proceedings. The Commission, of course, always tries to make its findings in a case with due regard to the rights of the parties at issue upon all the facts in the matter. In this case sufficient facts were not developed to enable the Commission to make any decision based upon the rights of the parties at issue. However, it is realized that there has been a general decline in prices of all commodities but just what this means in the reduction of the rates of this particular company at this time the Commission is unable to say, or whether the reductions proposed are just and proper or not. But since the


reductions proposed are satisfactory to the complainant the Commission finds sufficient grounds for approval of the proposed agreement and stipulation. It is done, however, with the distinct understanding that the actual users of the water shall be the sole beneficiaries of the reductions in the rates that the company has consented to make. The Commission also approves the agreement and stipulation with the understanding that it has no authority to bind itself to any future changes in the rates. This is a matter that under the law remains an open question and can only be done after due proceedings before the Commission. These proceedings can be initiated at any time when there is just cause. With these findings the Commission will now issue its order.

O R D E R

IT IS THEREFORE ORDERED, That the agreement and stipulation proposed between the complainant, the town of Ordway, and the intervener, the town of Crowley, and the Pure Springs Water Supply Company, defendant, as given herein, are hereby approved and that any further proceedings in this case are hereby dismissed.

IT IS FURTHER ORDERED, That within ten days the Pure Springs Water Supply Company shall file a new or revised rate schedule, in accordance with the aforesaid agreement and stipulation, for the towns of Ordway and Crowley to be effective June 25, 1933, in accordance with the rules of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,
this 15th day of June, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

87

* * *

IN THE MATTER OF THE APPLICATION)
OF ARTHUR BAWDEN AND OTHERS FOR)
CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATIONS NOS. 1515, 1606,
1621, 1634, 1635, 1649, 1626,
1717, 1757 and 1748.

June 22, 1935

- Appearances: J. G. Scott, Esq., Denver, Colorado,
for Western Greyhound Lines, Inc., and
Greeley Transportation Company;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company and Denver-Colorado
Springs-Pueblo Motor Way, Inc.;
- E. G. Knowles, Esq., Denver, Colorado,
for Union Pacific Railroad Company,
Interstate Transit Lines and Denver
Tramway Corporation;
- D. Edgar Wilson, Esq., Denver, Colorado,
for Rocky Mountain Motor Company, The
Rocky Mountain Parks Transportation Com-
pany, Colorado Motor Way, Inc., and
The Denver Cab Company;
- Arthur Bawden, Denver, Colorado,
for Arthur Taxi & Sightseeing Service;
- T. S. Wood, Rate Expert, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

In the statement and order (Decision No. 5016, dated May 9, 1935) we prescribed base fares of 4.8 cents per passenger per car mile in valley territory and 5.5 cents per passenger per car mile in mountain territory, subject to a minimum charge of three fares and a further qualification that at competitive points with scheduled carriers the base fare of the motor vehicle carrier shall be increased by an amount equal to twenty per cent of the scheduled carriers' round trip fare currently in effect.

Upon further consideration of the record, and for the purpose of elucidating the intent of the statement and order (Decision No. 5016, dated May 9, 1935), findings in the said report are hereby clarified in some instances and corrected and modified in others, as follows, viz:

We find that a base fare of 4.8 cents per passenger per car mile will be reasonable for application in the valley territory, and that a base fare of 5.5 cents per passenger per car mile will be reasonable for application in the mountain territory, except in those cases where the mountain point to or from which the trip is made is served by schedule rail or motor vehicle carriers operating between said point and the place of business of the operator, in which cases the base fare of the motor vehicle carrier (applicants herein) shall be increased by twenty per cent of the amount of the scheduled carriers' round trip fare currently in effect.

We further find that in the application of the twenty per cent excess set forth in the next preceding paragraph, one-day, week-end, or other short-limit (not exceeding ten days) special excursion fares shall not be used in determining the amount to be added to the base fare.

We further find that the public convenience and necessity do not require the applicants herein, or any of them, during the period May 15 to September 15 of each year to make any trips now described in the tariff of the Colorado Sight Seeing Operators Association, Colo. P.U.C. No. 4, and by the tariff of The Rocky Mountain Parks Transportation Company, Colo. P.U.C. No. 10, except as they may heretofore have been authorized in other applications than those now before the Commission to render such service.

The findings herein are confined to operations by the use of passenger cars with a maximum capacity of seven passengers.

O R D E R

IT APPEARING, That the Commission having on May 9, 1935, made and filed its statement, containing its findings of fact and conclusions thereon, and having on that date entered its order, effective 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, in

which the said 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 May 9, 1933, statement and order, which said 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 statement and order dated May 9, 1933, be, and they are hereby, corrected, modified and supplemented according to the findings contained in the said supplemental statement.

IT IS FURTHER ORDERED, That said applicants are hereby authorized to establish, on or before June 26, 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, rates which shall be in accord with the findings in said statement.

IT IS FURTHER ORDERED, That in all other respects our statement and order, dated May 9, 1933, shall be and remain in full force and effect until the further order of the Commission herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 22nd day of June, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. G. COLLINS AND THE HAMMOND)
SCENIC AUTO COMPANY FOR AUTHORITY)
TO TRANSFER A PORTION OF A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 581-AA

June 22, 1933

Appearances: Mr. W. G. Collins, Manitou, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an application by which The Hammond Scenic Auto Company seeks authority to transfer to W. G. Collins a portion of the certificate of public convenience and necessity issued to the former relating to the operation of one automobile.

The certificate of public convenience and necessity, as originally issued, authorizes the said The Hammond Scenic Auto Company to use nineteen automobiles in the conduct of its sightseeing operation. The applicant Collins would secure the certificate as to one automobile only.

The evidence showed the proposed transferee to be a responsible operator and that there are no debts arising out of the operation of the transferor except one which is secured by chattel mortgage.

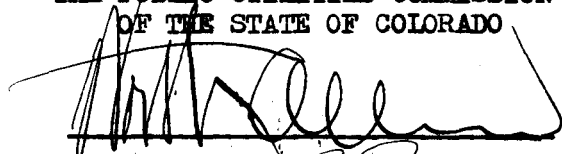
After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to said The Hammond Scenic Auto Company to transfer a portion of its certificate of public convenience and necessity, heretofore issued by the Commission in Application No. 581, so far as the same relates to and authorizes the use of one automobile to said W. G. Collins.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Hammond Scenic Auto Company to transfer a portion of its certificate of public convenience and necessity, heretofore issued by the Commission in Application No. 581, so far as the same relates to and authorizes the use of one automobile to W. G. Collins.

IT IS FURTHER ORDERED, That the rules and regulations and tariff of rates of said transferor company shall become and remain those of the transferee until he may lawfully change the same.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,
this 22nd day of June, 1933.

✓

ever
402 ✓
J.P.

(Decision No. 5085)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRED MATZ TO TRANSFER CERTIF-)
ICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO BYRON S. BUNKER AND)
EVERETT DAVIS, CO-PARTNERS.)

APPLICATION NO. 1085-A

June 26, 1933

Appearances: Fred Matz, Flagler, Colorado,
pro se;
Byron S. Bunker, Deertrail, Colorado,
pro se;
Everett Davis, Deertrail, Colorado,
pro se;
D. Edgar Wilson, Esq., Denver, Colorado,
for The Chicago, Rock Island & Pacific
Railway Company.

S T A T E M E N T

By the Commission:

Applicant Fred Matz seeks authority to transfer certificate of public convenience and necessity granted him by the Commission in Application No. 1085, to Byron S. Bunker and Everett Davis. Said Certificate authorizes a motor vehicle operation for the transportation of freight between Flagler, Colorado, and a radius of 20 miles south, 6 miles west, 6 miles east and 30 miles north thereof, to Denver, Colorado.

On January 17, 1933, in Case No. 1012, the certificate granted to Fred Matz was suspended for a period of six months from said date. It was provided in said order, however, that if respondent filed the necessary insurance and a written statement to the effect that he had not operated for hire during said period of suspension, the certificate of public convenience and necessity would automatically become effective.

The evidence disclosed that Matz had been confined to the hospital and had not been operating under his certificate since the date of the order

suspending same. All of the necessary insurance with the exception of cargo insurance has been properly filed.

In view of these circumstances the Commission will hold that the certificate has automatically become reinstated.

The evidence further disclosed that Bunker and Davis will be jointly interested in said operation as co-partners. The consideration to be paid, including the transfer of one three-ton Reo truck, is the sum of \$1100.00, payable in monthly installments of \$50.00 each. According to the evidence any outstanding reports or highway compensation taxes up to May 1, 1933, are to be filed and the taxes paid by Matz. No other indebtedness exists against said operation. The transferees have actually been operating said line since May 1, 1933. The financial responsibility and general reliability of said transferees was established to the satisfaction of the Commission.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed, subject to the conditions hereinafter set forth.

O R D E R

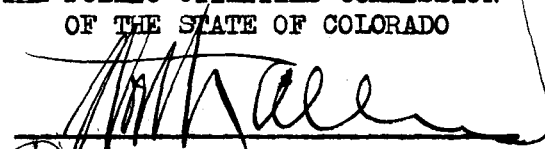
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Fred Matz to transfer the certificate of public convenience and necessity, heretofore issued to him in Application No. 1085, Decision No. 2486, to Byron S. Bunker and Everett Davis, co-partners.

IT IS FURTHER ORDERED, That the authority herein granted shall not become effective until all reports and highway compensation taxes due and payable up to May 1, 1933, from the transferor, Fred Matz, shall have been filed and paid.

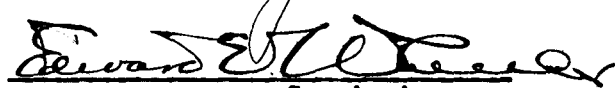
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferees herein until changed according to law and the rules and regulations

of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

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

101
H.B.D.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ABANDONMENT OF SERVICE BY)
HIGHLAND UTILITIES COMPANY, A)
CORPORATION.)

CASE NO. 1168

June 28, 1933

Appearances: Lowell D. Hunt and Jean Breitenstein, Esqs.,
Denver, Colorado, attorneys for respon-
dent, Highland Utilities Company;
J. P. Deatherage, Esq., Hugo, Colorado,
attorney for the Town of Kit Carson;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

Complaint was made to this Commission by the Town of Kit Carson, Colorado, and the various citizens thereof that Highland Utilities Company, a corporation, had threatened and is planning to cease the generation and distribution of electric energy in said town at the hour of 11:59 o'clock P.M. of June 30 of this year. The utilities company, hereinafter referred to as the respondent, having received no authority from the Commission to abandon service, the Commission made an order on June 10 requiring the respondent to show cause by written answer why it should not be required to continue to render service. The respondent appeared specially for the purpose of contesting the jurisdiction of the Commission.

The Commission on February 17, 1930, in Application No. 1542 granted a certificate of public convenience and necessity to P. J. Meier, and E. L. Law authorizing the construction and operation by them of an electric light plant for the generation and distribution of electric energy in the town of Kit Carson. Thereafter (the answer of the respondent says in the month of May, 1931) the respondent purchased the generating plant and distribution system constructed under the authority of the Commission's said

order. In the month of July, 1931, the Town of Kit Carson was incorporated. In August, 1931, the respondent filed with the Commission an application, pursuant to which this Commission made an order preliminary in accordance with the terms of the statute, Section 2946 (c) C. L. 1921, providing, inter alia, as follows:

"IT IS THEREFORE ORDERED, That the Commission will hereafter, upon application, and making of satisfactory proof, issue the desired certificate to the applicant, after it has obtained the contemplated franchise from the town of Kit Carson, Colorado."

The contemplated franchise was never granted by the Town of Kit Carson. We rather understood from the evidence that probably the town wanted to have the franchise fix rates, which apparently was objected to by the respondent. However, at the hearing we asked one of the attorneys for the respondent if the respondent would accept a franchise at this time, and received a negative answer. It may be added that on April 10 of this year this Commission dismissed, on its own motion, the application in which it had made the order preliminary, there apparently being no occasion for holding the same on our docket.

The Town of Kit Carson has not requested or ordered the utility to move its poles and wires and to cease service. On the contrary, it objects to such movement and cessation.

The contention made by the respondent is that a utility operating in an incorporated town without any franchise may cease service at any time it desires.

In People, ex rel. vs. Colorado Title and Trust Company, et al., 65 Colo. 472, our Supreme Court held "that the Public Utilities Act confers exclusive jurisdiction upon the (this) commission to determine whether a railroad company may abandon service upon and dismantle a railroad, lying wholly within the state." There is no different treatment in the Public Utilities Act of an electric utility, so far as this question is concerned.

In Cleveland vs. East Ohio Gas Company, 34 Ohio App. 97, 170 N.E. 586, P.U.R. 1929E, 29, it was held that the so-called Miller Act, passed in 1919, required a gas utility to secure authority from the Ohio Public

Utilities Commission before discontinuing service. In that case it appeared that the contract entered into between the City of Cleveland and the East Ohio Gas Company provided that "the gas company should have the right, nay, should be compelled, to withdraw its service and terminate its relation with the city of Cleveland" at the end of the period of the contract made with the city. The Ohio court held that the provision in question in the contract was inserted in "an attempt to evade the provisions of the Miller Law, because the counsel had before it the decision of the supreme court, not only in East Ohio Gas Co. v. Cleveland, 106 Ohio St. 489, 140 N.E. 410, but in the case of St. Clairsville v. Public Utilities Commission, 102 Ohio St. 574, 589, P.U.R. 1921E, 459, 470, 132 N. E. 151, in which Judge Marshall, speaking for the court, said at page 589:

St. Clairsville case

"It is, however, contended on the part of the village that those decisions no longer have any force or effect and that the doctrines therein promulgated have been annulled by the provisions of Section 504-3, General Code (the Miller Act) and that since such enactment the question of the right to withdraw service must be submitted to the Commission for determination. This view is undoubtedly correct, but it is not important in the instant case because there has been no disposition to evade the authority of the Commission."

The court also said in that case:

*Cleveland - East Ohio case
1939 E. 29,
39*

"If, then, a utilities corporation, when its contract has expired, if it be one of those utilities named within the utilities act after its amendment in 1919, undertakes to withdraw its service, it must first make an application to the Utilities Commission, and the learned counsel for the gas company undoubtedly had that in mind when they put the eleventh section, above quoted, in their contract, and if the Miller law is unconstitutional and affects the contract in question, did they relieve themselves against it by inserting this clause; namely, clause eleven of their contract. In other words, if the legislature has seen fit, under the broad power known as the police power, in order to regulate the utilities in the interest of the health, comfort, and convenience of the people, to impose certain restrictions upon the discontinuing of service of a utility, can that legislative act be defeated by a contract between the contracting parties? We think not, and we think the supreme court of Ohio has recently spoken upon that question.

"In the case of Southern Surety Co. v. Chambers, 115 Ohio St., 434, 154 N. E. 786, the supreme court, in affirming the court of appeals of the eighth district, held that a contract made between parties, when they ignored a statute, the statute on that subject became a part of the contract, regardless of the terms and conditions written into the contract by the contracting parties." (P.U.R.39-40)

"Assuming that that power existed and does still exist, was it not more consistent with the present trend of government and the relation of utilities to the government to have a body that was created for, and having jurisdiction over, not only one part of the state but the entire state to regulate the withdrawal of service by public utilities? Was not that one reason why the Miller Act was passed? Prior to that time the Utilities Commission had control over certain utilities named in the statute, and then the legislature's attention being called to the danger of withdrawal of service of the gas company in the Akron Case, supra, extended jurisdiction of the Utilities Commission to include gas companies.

"In this connection it is interesting to quote from the brief of the counsel in that case, which, by the way, was the same counsel that now represent the East Ohio Gas Company. They said in their brief, in effect, that one of the ways in which the obligations of continuing service could be imposed upon such utility was by a statute of the state specially imposing such a duty which thereby became a part of the utility's contract either with the state or with the city, or both. That is apparently what the legislature did, acting upon that suggestion, when it passed the Miller Act which amended the general utilities statute by including within its provisions gas companies. . . .

"The Miller Act was in keeping with the general trend of the public thought upon this question. If you recognize the monopoly and the crowding out of all competitors, there must be some way in which the public may be protected, otherwise the public will be subject to what Justice Stone of the United States Supreme Court said, be compelled to yield to an unconscionable contract because of their utter inability to cope with the utility who had the very necessities of life in its control and refused to contract with the public, no matter how urgent the need, unless it could have its own price, and they could make that price so high that it would be inimicable to the interest of the people who were compelled to yield to their exactions." (P.U.R.36-37)

East Ohio Gas Company vs. Cleveland, 106 Ohio St. 489, 140 N. E. 410, was distinguished on the ground that the contract there under consideration was in force and effect before the Miller Act was passed.

In the case before us the certificate authorizing the construction and operation by the respondent's predecessors was issued years after the Public Utilities Act of Colorado was passed. Moreover, neither respondent nor its predecessors ever had any franchise. They both were content to enter upon service to the public without a franchise. When respondent bought the electric system it knew the town was about to incorporate and took a chance on securing a franchise.

There may be a legal question whether this property, having been lawfully constructed so recently, the town upon incorporating could require it to remove its poles, wires, etc., and cease service.

The utility may conceivably take the position, we understand it

probably does, that without a franchise it is not warranted in making extensions and further outlays of capital. It may be said in passing that there is no evidence of the necessity of any further outlays at this time and, if there were, this Commission, which has power over the matter, would, as it always does, give reasonable consideration to the situation and rights of the utility.

Of course, the matter of the outlay of further capital frequently has to be considered by utilities when the end of a franchise secured is not far away. Moreover, there are some risks a utility has to incur even though it has just secured a franchise. One in Colorado is that of having a municipality construct and operate its own plant and system whenever it sees fit. Another is that a franchise may be issued to a competing utility. Of course, in the latter case it would be the duty of this Commission to pass upon the matter of the exercise by the second utility of the rights granted it. We would have nothing to do with the construction of the municipal utility.

It is significant that no showing has been attempted to be made of the loss from operations in Kit Carson. It is elementary that "the primary duty of a public utility is to serve . . . ". United Fuel Gas Company vs. Railroad Commission, 278 U. S. 300. This fact is too frequently overlooked. Many utilities are called service companies. A number of state commissions are called "Public Service Commissions." The respondent has voluntarily undertaken to assume the burden of serving Kit Carson. So far as we know, the service is profitable. But with the independence and desire for action which characterized the pioneer for whom the town was named, the respondent takes steps to pull down the property and move out, leaving its inhabitants to darkness. It even says that it does not now want a franchise. We believe this conduct and position is wholly out of line with and opposed to "the general trend of the public thought upon this question" and upon the general responsibility and duty assumed by public service companies.

There have been numerous cases in Colorado of service by utilities after franchises have expired. A number of utilities take the position that they do not care for or need a franchise. There are other cases where no franchise ever has been granted.

Even if the failure to secure, and now the refusal to accept, a franchise should entitle a utility to cease serving, it would seem proper for this Commission, under the broad powers given it, to condition the removal upon the granting and acceptance of a fair and reasonable franchise within a reasonable time. Since the utility will not now accept a franchise, the granting of one would be a futility.

Other cases somewhat in point are Re Lincoln Telephone & Telegraph Co., P.U.R. 1930B, 113; Re Indiana Railroad, P.U.R. 1931E, 425, Re Chicago, South Bend & Northern Indiana Ry. Co., P.U.R. 1928B, 505; Re Mandan Electric Co., P.U.R. 1925D, 508.

In view of our own Supreme Court decision based on our Public Utilities Act, and of the decisions of the courts including the Supreme Court of Ohio, we deem Union Light, Heat & Power Co. vs. City of Fort Thomas, 285 S.W. (Ky.) 228, and Union Light, Heat & Power Co. vs. R. R. Commission of Ky., et al., 17 Fed. (2d) 143, not in point.

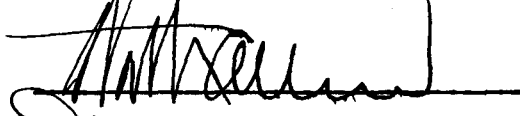
After careful consideration of the evidence the Commission is of the opinion, and so finds, that the respondent, Highland Utilities Company, has never secured or asked for authority from this Commission to cease serving in the Town of Kit Carson, and that until such authority has been secured or improperly denied it cannot and must not cease such service.

O R D E R

IT IS THEREFORE ORDERED, That the respondent, Highland Utilities Company, continue to render electric service to the public in Kit Carson, Colorado, until lawful authority to cease such service has been secured from

this Commission or improperly denied by it.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 28th day of June, 1933.

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(Decision No. 5087)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF BEN ADAMS.)

CASE NO. 1172

June 29, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that Ben Adams, respondent, is engaged in operating a motor vehicle in the business of transporting property for compensation over the public highways of the State of Colorado, and that he has not obtained a certificate of public convenience and necessity, as required by Chapter 134, Session Laws of Colorado, 1927, as amended, or a permit, as required by Chapter 120, Session Laws of Colorado, 1931.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not said respondent is operating as a motor vehicle carrier and/or as a private carrier without the prerequisite of authority from this Commission.

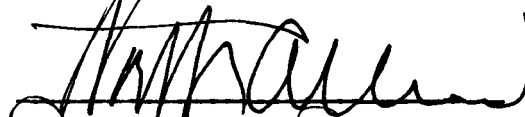

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not Ben Adams, respondent, is operating as a motor vehicle carrier, as defined in Section 1 (d), Chapter 134, Session Laws of Colorado, 1927, as amended, and/or a private carrier, as defined in Section 1 (h), Chapter 120, Session Laws of Colorado, 1931, without a certificate of public convenience and necessity and/or a private permit as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with this Commission within ten days from this date, why it should not enter an order requiring him to cease and desist from operating as a motor vehicle carrier and/or a private carrier unless and until he shall have obtained the proper authority therefor.

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 Wednesday, July 12, 1933, at 10:00 o'clock A. M., at which time and place such evidence will be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Arthur M. Allen

Dan S. Jones


Edward E. Jones
Commissioners.

Dated at Denver, Colorado,
this 29th day of June, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHWILKE.) CASE NO. 1154

June 29, 1933

S T A T E M E N T

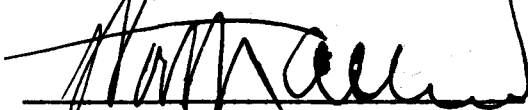
By the Commission:

The Commission has carefully read and considered the petition for rehearing which has been filed herein 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 be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Dan S. Jones


Commissioners.

Dated at Denver, Colorado,
this 29th day of June, 1933.

(Decision No. 5089)

MAKE NO COPY

Handwritten signature/initials

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. H. GREINER, DOING BUSINESS)
AS GREINER TRUCK LINE.)

CASE NO. 1166

June 29, 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 June 10, 1933, the Commission entered its order requiring the above named respondent to show cause why his certificate of public convenience and necessity, heretofore issued to him in Application No. 2078, should not be suspended or revoked for his failure to file monthly reports for the months of December, 1932, and January to May, 1933, both inclusive, and for failure to pay highway compensation taxes for the month of November, 1932, in the amount of \$17.62.

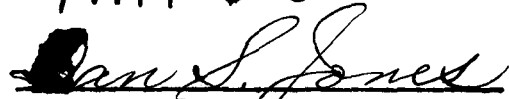
A hearing was held on June 26, 1933, at which respondent made no appearance. The evidence disclosed that respondent had not filed the delinquent monthly reports above mentioned, nor paid the highway compensation taxes due for the month of November, 1932.

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 respondent in Application No. 2078, should be revoked and cancelled for his failure to file monthly reports and pay highway compensation taxes as hereinbefore set forth.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to H. H. Greiner, doing business as Greiner Truck Line, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 29th day of June, 1933.

Handwritten initials and scribbles in the top right corner.

(Decision No. 5090)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. B. BURROWS AND CLARENCE TANGEMAN,)
CO-PARTNERS, DOING BUSINESS UNDER) CASE NO. 1165
THE NAME AND STYLE OF GENOA)
TRANSPORTATION COMPANY.)

June 29, 1933

Appearances: Frank A. Safranek, Esq., Limon, Colorado,
attorney for respondents;
E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On June 6, 1933, the Commission entered its order requiring the above named respondents to show cause why the certificate of public convenience and necessity, heretofore issued to them, should not be cancelled or revoked for their failure to pay highway compensation taxes, and to keep on file with the Commission the insurance policies or surety bond required by law.

The matter was duly heard on June 13, 1933, at which time the evidence disclosed that highway compensation taxes were due and delinquent from March, 1932, to April, 1933, inclusive, except the month of October, 1932, in the sum of \$177.44.

At the request of the attorney for respondents, the case was continued until June 24, 1933, for the purpose of permitting respondents to endeavor to make some arrangements in connection with their insurance and highway compensation taxes. At the adjourned hearing, the evidence disclosed that no payment of taxes had been made and proper insurance was not on file with this Commission.

It appears that these respondents have not been operating as co-partners, but each individual has been receiving the proceeds from the

actual hauling done with his own truck. Dissension has arisen between said respondents, and each one blames the other for the unsatisfactory condition that has arisen. The attorney for respondents stated frankly to the Commission that in his opinion, no satisfactory arrangement could be made or agreement reached by respondents whereby the highway compensation taxes could be paid and the proper insurance filed.

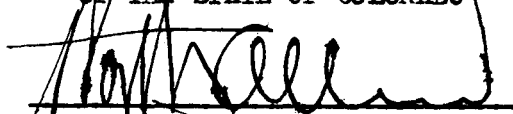
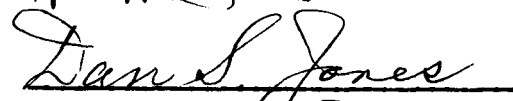

The Commission sees open to it no other course than to revoke said certificate.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents in Application No. 1252-A, should be revoked for their failure to pay highway compensation taxes and to keep on file with this Commission the necessary insurance policies or surety bond required by law.

ORDER

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to W. B. Burrows and Clarence Tangeman, co-partners, doing business under the name and style of Genoa Transportation 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 29th day of June, 1933.

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(Decision No. 5092)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GROVER C. JACOBSEN, DOING BUSINESS)
AS THE GOLDEN EAGLE LINES, FOR A CERTIF-)
ICATE OF PUBLIC CONVENIENCE AND)
NECESSITY FOR THE CARRYING OF INTERSTATE)
PASSENGERS, BAGGAGE AND EXPRESS, DENVER,)
COLORADO, TO WOOTTON, COLORADO, ON)
FEDERAL HIGHWAY NO. 85.)

APPLICATION NO. 2112

July 1, 1933.

- Appearances: Clarence Werthan, Esq., Denver, Colorado,
attorney for applicant;
T. A. White, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande
Western Railroad Company, Denver-Colorado
Springs-Pueblo Motor Way, Inc., and
Railway Express Agency, Inc.;
- J. Q. Dier, Esq., Denver, Colorado,
attorney for The Colorado and Southern
Railway Company;
- J. G. Scott, Esq., Denver, Colorado,
attorney for Western Greyhound Lines, Inc.

S T A T E M E N T

By the Commission:

Applicant seeks authority to establish a motor vehicle operation for the transportation of passengers, baggage and express in interstate commerce only between Denver, Colorado, and Wootton, Colorado, via Federal Highway No. 85. Wootton is located at or near the point where Federal Highway No. 85 crosses the Colorado-New Mexico state line.

Applicant is an individual operator doing business under the name of Golden Eagle Lines. He proposes to operate a bus each way daily over his proposed route, although said proposed schedule might be subject to some future change as conditions might arise.

The evidence disclosed that he is an operator of considerable experience and at the present time is operating in a number of other states in both intrastate and interstate commerce. He proposes to use in his Colorado

Operation six A. C. F. busses of 29-passenger capacity and valued at \$13,500.00 each. From Denver east he proposes to connect with the Crandic Stage line. At present he is conducting a service from Chicago to Los Angeles via the southern route. His financial statement as of April 30, 1933, shows a net worth of \$72,555.08.

In addition to the formal protests filed, Western Greyhound Lines, Inc., The Denver and Rio Grande Western Railroad Company, Railway Express Agency, Inc., and Denver-Colorado Springs-Pueblo Motor Way, Inc., filed answers and protests alleging that Highway 85 between Denver and the Colorado-New Mexico state line is one of the most heavily traveled highways in the State, and that the propose motor vehicle operations of applicant would create and maintain an excessive and undue hazard to the safety and security of the traveling public, due to the fact that said highway at the present time is badly congested by motor vehicle travel.

The evidence disclosed that said Highway No. 85 consists of a 16-foot wide concrete pavement between Denver and Littleton, which has been built over fourteen years. This pavement is not in the best of condition, and the Highway Department has oiled an alternative route straight south on Broadway through Englewood known as State Highway No. 87, which may be used as well as Highway No. 85 between Denver and Littleton. From Littleton to Colorado Springs, an 18-foot pavement of fairly recent construction exists, and this is true also of the route between Colorado Springs and Pueblo. From Pueblo south, the highway consists of an oil processed highway twenty feet wide, or better, for fifteen miles, then occurs a strip of pavement 20 feet wide extending for approximately five miles. From the end of this pavement to a point five miles north of Aguilar, the road is graveled. From a point south of Aguilar to a point south of Trinidad, again occurs concrete pavement, and from said point to Wootton the road again has an oil process surfacing 20 feet wide.

Between Denver and Pueblo, there are eight underpass grade crossings, all of which have a vertical clearance of 16 feet and lateral clearance of 30 feet. One underpass at Morley, Colorado, is somewhat smaller than the

above dimensions, but no actual figures were given as to its exact size.

The superintendent of Traffic Surveys and Road Markings of the State Highway Department testified as to various traffic tests which had been made upon route 85 between Denver and the New Mexico state line. The last test made by said department was in 1932 and showed the following maximum highest hourly traffic passing in both directions upon said highway, namely: At Petersburg 450-500; south of Littleton 325; north of Pueblo 200; south of Pueblo 100; north of Trinidad 150; south of Trinidad 160; Morley 120.

It was further disclosed that for the entire year of 1932, the twenty-four hour daily average for said points was as follows: Petersburg 4200; south of Littleton 2651; north of Pueblo 1384; south of Pueblo 915; north of Trinidad 1271; south of Trinidad 1144; vicinity of Morley 621.

Figures were also given showing various tests in 1929, 1930 and 1933, but the same do not vary greatly from the above figures. On June 21, 1933, an eight hour test made six miles south of Pueblo disclosed a total of 487 cars passing in both directions, while on the same date at Larkspur the count showed a total of 1266 cars. In the opinion of the Superintendent of Traffic Surveys and Road Markings of the State Highway Department, the highway from Littleton to Colorado Springs will carry a traffic of 1,000 vehicles per hour without harm to the pavement or congestion of the traffic. He further stated that in his opinion Highway 85 from Denver to the Colorado-New Mexico state line was not congested, and the addition of one bus a day each way would not create any excessive or undue hazard to the safety of the traveling public.

From such figures as were submitted in evidence, it would appear that bus transportation constitutes less than one per cent of the entire traffic passing over the highway. It was further disclosed that the traffic upon Highway 85 was greater north of Denver than south of Denver, and this is particularly true so far as heavy trucks are concerned. It was conceded by all parties that no other feasible route exists between Denver and Wootton, Colorado, except Highway No. 85, with the exception of Highway No. 87 between Denver and Littleton.

Under the authority of Bradley v. Public Utilities Commission of Ohio, decided April 10, 1933, and cited in Supreme Court Reporter under date of May 1, 1933, at page 577, the action of the Ohio Commission in denying an interstate motor vehicle carrier a certificate to operate over a certain designated road on the theory that said road was congested, was upheld by the United States Supreme Court. In said case, the Ohio Commission found:

"* * * that said State Route No. 20 at this time is so badly congested by established motor vehicle operations, that the addition of the applicant's proposed service would create and maintain an excessive and undue hazard to the safety and security of the traveling public and the property upon such highway."

In said case it was contended that an interstate carrier was entitled to a certificate as of right, and that hence the reason for the Commission's refusal and its purpose are immaterial. A number of authorities in support of said contention are cited, but Mr. Justice Brandeis, who delivered the opinion of the court, pointed out that denying a certificate upon the ground that further competition is deemed undesirable and denying a certificate in order to promote safety in the use of the highways, are two entirely different propositions. In the first instance, the test employed was the adequacy of existing transportation facilities, while in the second instance the test employed was the congestion of the highway. The effect of the denial of the certificate in the second instance upon interstate commerce was merely an incident, while in the first instance a denial of the certificate invaded the province of Congress. It is clear under the authority of the Bradley case that an interstate certificate might be denied by the Commission if, in our opinion, the granting of same might create or maintain an excessive and undue hazard to the safety of the traveling public. However, upon the record before us in the instant case, we fail to see how we could make such a finding. In fact, it appears quite plainly that Highway No. 85 between Denver and the Colorado-New Mexico state line is not congested, but in the opinion of experts could carry safely over 100 per cent more traffic.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that the Constitution of the United States and the laws of the State of Colorado require the issuance to the applicant of a common carrier interstate permit for the transportation of passengers, baggage and express, from Denver to Wotton, Colorado, and intermediate points, in interstate commerce only.

O R D E R

IT IS THEREFORE ORDERED, That the Constitution of the United States and the laws of the State of Colorado require the issuance to Grover C. Jacobsen, doing business as Golden Eagle Lines, of a common carrier interstate permit, authorizing the transportation by motor vehicle of passengers, baggage and express, between Denver, Colorado, and Wootton, Colorado, and intermediate points, in interstate commerce only, and this order shall be taken, deemed and held to be a common carrier interstate permit therefor.

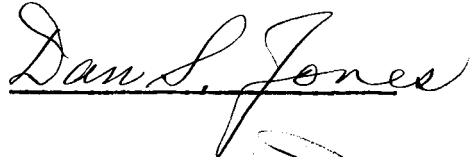
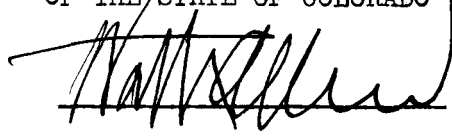
IT IS FURTHER ORDERED, That this permit is issued with the understanding and on the condition that no passengers, baggage or express shall be transported in intrastate commerce, that is, from one point to another within the State of Colorado, and with the further understanding that if such commerce is carried on without a certificate of public convenience and necessity or a permit, depending on whether the operation is that of a common or private carrier, the violator will be subject to prosecution under the laws of the State of Colorado.

IT IS FURTHER ORDERED, That the permit holder shall give prompt attention to the filing of monthly highway compensation reports and to payment of highway compensation taxes and to marking of vehicles, as set out in Rules 24, 26 and 31, respectively of the Rules and Regulations Governing Motor Vehicle Carriers.

IT IS FURTHER ORDERED, That no operation shall be carried on under this permit at any time when public liability and property damage insurance

is not in effect and the policy or policies of insurance are not on file
with this Commission.

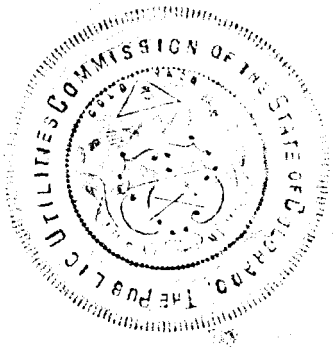
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.



Dated at Denver, Colorado,
this 1st day of July, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PUC-9

IN THE MATTER OF THE APPLICATION)
OF WESTERN SLOPE MOTOR WAY, INC.,)
FOR AUTHORITY TO MAKE TEMPORARY)
DISCONTINUANCE OF CERTAIN SERVICE.)

APPLICATION NO. 667

June 30, 1933

S T A T E M E N T

By the Commission:

On May 18, 1927, in the above entitled proceeding, The Denver and Rio Grande Western Railroad Company was required to furnish passenger, baggage and express service daily on the North Fork Branch of said railroad company from July 1 to October 14, inclusive of each year.

Said company now seeks to be relieved of the duty of rendering said daily service and in lieu thereof proposes to operate a tri-weekly mixed train commencing July 17, 1933, or a few days earlier if fruit shipments require these services. Said mixed train is to make connections with D. & R. G. W. Train No. 2 at Grand Junction. The following schedule is proposed for said tri-weekly service:

Leave Grand Junction on Monday, Wednesday and Friday at 5 P.M.
Leave Somerset on Tuesday, Thursday and Saturday at 6 P.M.
Arrive Grand Junction on Wednesday, Friday and Sunday at 3:30 A.M.

It further proposes to continue said tri-weekly service during the duration of the fruit shipping season or until October 14, 1933, save and except that if the shipment of peaches from said branch on or about September 1, 1933, requires more frequent service, then and in that event, daily except Sunday mixed train service will be inaugurated for the duration of the peach shipping season.

Attached to and in support of the petition filed is a communication addressed to the Commission signed by the leading fruit marketing associations

doing business on the line in question which said communication recommends the granting of the authority sought by applicant.

After careful consideration of said petition and the communication attached thereto, the Commission is of the opinion, and so finds, that the public convenience and necessity do not require the operation by The Denver and Rio Grande Western Railroad Company of daily service on said North Fork Branch from July 1 to October 14, 1933, provided said applicant company will beginning July 17, 1933, or a few days earlier if required to handle fruit shipments, operate a tri-weekly mixed train service to connect with D. & R. G. W. Train No. 2 at Grand Junction, Colorado, said service to continue during the fruit shipping season or until October 14, 1933, and provided further that on or about September 1, 1933, daily except Sunday mixed train service will be inaugurated in the event the movement of the peach crop on said North Fork Branch reasonably requires such service which shall be continued for the duration of the peach shipping season.

However, in view of the informality of the procedure of this matter we deem it advisable to retain jurisdiction thereof for the purpose of vacating the order herein made on twenty-four hours' notice and setting the matter for hearing if it should develop that such a course appears advisable to the Commission.

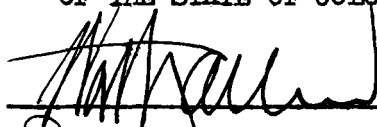
ORDER

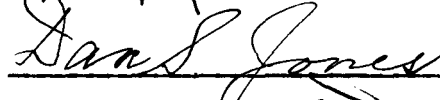
IT IS THEREFORE ORDERED, That the public convenience and necessity do not require the operation by The Denver and Rio Grande Western Railroad Company of daily service on said North Fork Branch from July 1 to October 14, 1933, provided said applicant company will beginning July 17, 1933, or a few days earlier if required to handle fruit shipments, operate a tri-weekly mixed train service to connect with D. & R. G. W. Train No. 2 at Grand Junction, Colorado, said service to continue during the fruit shipping season or until October 14, 1933, and provided further that on or about September 1, 1933, daily except Sunday mixed train service will be inaugurated in the event the movement of the peach crop on said North Fork Branch reasonably requires such service which shall be continued for the duration of


the peach shipping season.

IT IS FURTHER ORDERED, That jurisdiction in this matter be, and the same is hereby, retained to the end that if it appears advisable to the Commission the order herein may be vacated on twenty-four hours' notice and the matter set down for formal hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 30th day of June, 1933.

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(Decision No. 5094)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALBERT SCHWILKE.)

CASE NO. 713

July 5, 1933.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
attorney for respondent;
D. Edgar Wilson, Esq., Denver, Colorado,
attorney for Rocky Mountain Parks
Transportation Company.

S T A T E M E N T

By the Commission:

On November 30, 1931, the Commission made its order herein re-
voking private permit No. A-24, which had been heretofore issued to
respondent, upon the ground that the said Albert Schwilke had been operat-
ing under said permit as a motor vehicle or common carrier as defined in
Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927. Thereafter,
a petition for rehearing was filed by respondent which was denied by the
Commission on January 4, 1932.

On May 12, 1933, the said Albert Schwilke by his attorney, Marion
F. Jones, filed a petition praying that the order entered on November 30,
1931, be rescinded in order that a new private permit might be issued to
petitioner, or that he might again be permitted to operate under said per-
mit, A-24. In support of said petition respondent submitted an affidavit
to the effect that in conducting his operations under said private permit A-24,
he had acted under advice, which he believed to be reliable, that his opera-

tions were wholly within the law; that he now proposes to conduct the business of a legitimate Class A carrier between Denver and Estes Park, and further proposes to serve not more than twenty customers, and alleging that there are around one hundred shippers in the town of Estes Park and vicinity.

On May 29, 1933, the Commission entered an order reopening the instant case as prayed for in said petition, and the matter came on for hearing on June 6, 1933.

The evidence disclosed that after the Commission's order of November 30, 1931, respondent continued operating in the transportation of freight by motor vehicle between Denver and Estes Park and continued such operations until the latter part of September, 1932, at which time he was found guilty of contempt of court in violating a judgment and decree of the District Court of Denver which enjoined him from operating as a carrier of freight between Denver and Estes Park until he had obtained proper authority from this Commission to conduct such business.

On May 1, 1933, respondent again resumed operations for the transportation of freight between Denver and Estes Park under authority of private permit No. A-442, which had been issued to him but which we later revoked upon the ground that same had been obtained without the knowledge of the Commission, but had been issued as a matter of course by the employes of the Commission. Our position being that where a permit had been cancelled, a new permit would not be issued to the same individual without an order of the Commission upon good cause being shown.

Respondent testified at some length to the effect that at all times he had been following the advice of an attorney, and had no intention or desire to evade or break the law; that he was unable to obtain any definite information either from his attorney, or the Commission itself, as to the actual number of customers he might be permitted to serve as a private carrier between Denver and Estes Park.

He further testified that he had suffered material financial loss

through the discontinuance of his operations from the latter part of September, 1932, until May 1, 1933.

Since the order of the Commission dated November 30, 1931, the Supreme Court has handed down its decision in Case No. 13108, Frank Bushnell, Plaintiff in Error vs. The People, decided January 30, 1933. Said decision undoubtedly enlarges the scope of the operations of a private carrier beyond the limits which this Commission had heretofore attempted to confine the same. However, the attorney for respondent stated that he did not propose to go into the question of the former operations of respondent under said permit A-24, and we are not called upon to determine whether or not, in view of the recent decisions of the Supreme Court, said operations were, or were not, those of a common carrier, except in so far as that question might have some weight in determining whether respondent should again be permitted to operate as a private carrier. However, it may be stated in that connection that under the evidence before the Commission in the former hearing, we are inclined to the belief that respondent was operating as a common carrier, even under the law as promulgated by our Supreme Court in its recent decisions. He apparently was soliciting freight indiscriminately and serving all those who might be inclined to employ him.

The fact that one follows legal advice in pursuing a definite course of action does not relieve him from responsibility for his actions, but it may be weighed as a factor in determining whether said actions were malicious and willful.

We appreciate the fact that during the period respondent was operating under said permit A-24, considerable confusion existed as to the extent of operations permitted under a private permit, and we feel this factor should be considered in determining the instant case.

The Commission does not desire to persecute or prosecute any individual, but the open and notorious violation of our orders and rules and regulations by respondent is not to be lightly passed over.

In view of the fact that we believe our order of November 30, 1931,

was right, we can see no valid reason for rescinding same.

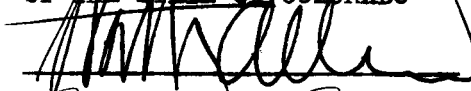
At our last hearing we were somewhat impressed with the apparent desire of Schwilke to do what is lawful and proper. However, it seems to us that his conduct in the past has gone entirely too far to warrant us in setting aside our order of November 30. It is quite possible that if before our order of November 30, 1931, had been made, Schwilke had come in in good faith and pointed out to the Commission that he had acted upon reliance of advice of counsel, such order would never have been made. However, he persisted in his conduct even after our said order was made. He further persisted even after the injunction was made by the District Court.

After careful consideration of the record the Commission is of the opinion, and so finds, that the petition to rescind our order of November 30, 1931, should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition to rescind our order of November 30, 1931, in the instant case be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Dan S. Jones


Commissioners

Dated at Denver, Colorado,
this 5th day of July, 1933.

(Decision No. 5095)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE)
WEICKER TRANSPORTATION COMPANY, A)
CORPORATION, IN THE VICINITY OF AND)
WITHIN THE CITY OF TRINIDAD, COLORADO.)

CASE NO. 1173

July 6, 1933.

S T A T E M E N T

By the Commission:

On October 5, 1932, in Applications Nos. 607-AAAA, 700-A and 1589-A, Decision No. 4651, the Commission authorized the transfer to the Weicker Transportation Company, a corporation, of certain certificates of convenience and necessity heretofore issued in the above numbered applications.

In Application No. 607, a certificate of public convenience and necessity was, on December 12, 1927, granted to Berry Truck Lines, authorizing operations as a motor vehicle carrier in the transportation of freight and express from Trinidad, Colorado, to Primero, Colorado, and intermediate points, and from Trinidad to Walsenburg and various intermediate points. By means of various transfers, the aforesaid certificate was ultimately acquired by the Weicker Transportation Company in the aforesaid Application No. 607-AAAA.

In Application No. 700, a certificate of convenience and necessity was on August 2, 1927, granted to Jess Kenner, doing business under the name of White Truck Line Company, for the operation of a motor vehicle transportation line from Pueblo to Walsenburg and Rouse, Colorado, and various intermediate points. In Application No. 700-A, said certificate was transferred to the respondent, Weicker Transportation Company, and both of the aforesaid certificates of convenience and necessity are now owned, held and enjoyed by said respondent corporation.

Neither of the said certificates authorized the operation of local transfer and delivery service within or in the vicinity of Trinidad, Colorado, nor the operation of call and demand service between Trinidad and various points within the State of Colorado.

Information has come to the Commission that the respondent, the Weicker Transportation Company, has been and now is engaged in conducting a local transfer business within and in the vicinity of the City of Trinidad, Colorado, and is holding itself out to serve the public on call and demand service contrary to the provisions of the aforesaid certificates of convenience and necessity; and that said respondent did on the 9th and 16th days of May, A. D. 1933, insert an advertisement in a newspaper published in the City of Trinidad, Colorado, inviting local and long distance hauling, transfer, crating and storage business, none of which activities are authorized or permitted by any of the aforesaid certificates of convenience and necessity.

The Commission is of the opinion, and so finds, that it should, and it does hereby, on its own motion, make complaint against respondent, the Weicker Transportation Company, because of its alleged violation of said certificates of convenience and necessity.

The Commission is further of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine whether or not said respondent, Weicker Transportation Company, a corporation, has violated the terms of its said certificates of convenience and necessity by engaging in local and long distance hauling in the vicinity of and within the City of Trinidad, Colorado, and has held itself out to the public as being engaged in local and long distance hauling on public call and demand, contrary to the provisions of said certificates.

O R D E R

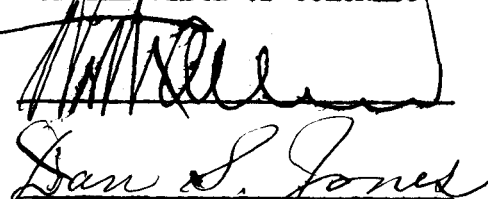
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the respondent, Weicker Transportation Company, has violated the terms and conditions of its

said certificates of convenience and necessity heretofore granted in Applications Nos. 607 and 700 by engaging in local and long distance hauling, and a local transfer business within and in the vicinity of the city of Trinidad, Colorado, and has held itself out to serve the public on call and demand local and long distance hauling by advertising, or otherwise, and whether or not said respondent has otherwise violated the terms of its said certificates of convenience and necessity in any manner, whether herein expressly mentioned or not.

IT IS FURTHER ORDERED, That said respondent show cause by written statement filed with the Commission within ten days from date of service of this order, why the Commission should not enter an order suspending or revoking the aforesaid certificates of convenience and necessity now owned, held and enjoyed by respondent, or any other order or orders that may be just 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 the 18th day of July, 1933, at 10:00 o'clock A. M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper and necessary.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,
this 6th day of July, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE TOWN OF GRANADA, A)
MUNICIPAL CORPORATION,)
)
Complainant,)
)
vs.)
)
THE CITY OF LAMAR, A)
MUNICIPAL CORPORATION,)
)
Defendant.)

CASE NO. 729

July 5, 1933

S T A T E M E N T

By the Commission:

On April 3, 1933, the Commission made an order requiring the defendant, the City of Lamar, a municipal corporation, to cease and desist from charging the 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 its citizens.

The Town of Granada, complainant, on April 18, 1933, filed its petition to reopen said case for the purpose of determining the amount of reparation which defendant should be required to make complainant on account of charges heretofore made for electric current furnished it by defendant for and during the period from April 1, 1931, to April 1, 1933, inclusive.

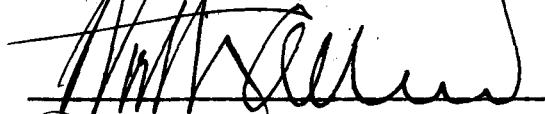
After a careful consideration of said petition, the Commission is of the opinion, and so finds, that the instant case should be reopened for the sole purpose only of determining the amount, if any, which defendant should be required to repay or credit to complainant as reparation in the premises.

ORDER

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, reopened for the sole purpose only of determining the amount, if any, which defendant should be required to repay or credit to complainant as reparation 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 Monday, the 17th day of July, A. D. 1933, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



David S. Jones



Commissioners.

Dated at Denver, Colorado,
this 5th day of July, 1933.

(Decision No. 5097)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LILLIE E. HENNIG AND LENA BRAND-)
HORST FOR AUTHORITY TO TRANSFER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 850-A

July 7, 1938

STATEMENT

By the Commission:

The Commission heretofore issued a certificate of public convenience and necessity to H. F. Brandhorst authorizing him to conduct a sightseeing operation. The Commission is now in receipt of a somewhat informal application by Lena Brandhorst and Lillie E. Hennig, a daughter of said Brandhorst and also the administratrix of the estate of said H. F. Brandhorst, who has died since the certificate was issued, requesting that authority be given to transfer the said certificate to Louis F. and Lillie E. Hennig.

The application recites that the certificate of title to the cars has been transferred to said Louis F. and Lillie E. Hennig.

While the proceeding here is somewhat informal, the Commission is of the opinion, and so finds, that the authority should be granted to make the said transfer, with the understanding and upon the condition that if it should later appear on further proof that the transfer should not be authorized, the Commission will set aside the order herein.

ORDER

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Lena Brandhorst to transfer to Louis F. and Lillie E.

Mennig, as co-partners, the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 850 to H. F. Brandhorst, upon the condition herein stated.

IT IS FURTHER ORDERED, That if it should later appear on a more extended record that authority should not be granted to make said transfer, the order herein shall be set aside and held for naught.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said transferor shall become and remain those of said transferee until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,
this 7th day of July, 1955.

510
(Decision No. 5091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE FITZSIMONS BUS AND TAXI)
COMPANY FOR AUTHORITY TO DISCONTINUE)
AND ABANDON ITS THROUGH MOTOR BUS) APPLICATION NO. 2117
SERVICE EXTENDING FROM FITZSIMONS)
GENERAL HOSPITAL TO DENVER, COLORADO)

July 1, 1933

Appearances: W. A. Alexander, Esq., Denver, Colorado,
attorney for applicant;
Capt. Edward O. Schairer, Representing
C. D. Buck, Colonel, M. C., Commanding
Officer, Fitzsimons General Hospital,
U. S. Army.

S T A T E M E N T

By the Commission:

Applicant seeks authority to discontinue and abandon its through motor bus service extending from Fitzsimons General Hospital to Denver, Colorado, upon the ground that the public convenience and necessity no longer require the proposed operation which is being conducted at a serious loss to applicant.

The evidence disclosed that in October, 1932, applicant abandoned its street car service extending easterly from Poplar Street in the City and County of Denver to Geneva Street, which is the westerly limits of the town of Aurora, Colorado, and at the same time extended its local bus operations between Fitzsimons General Hospital and Aurora to Poplar Street where said bus connects with the regular street car service of said Denver Tramway Corporation. The said Denver Tramway Corporation has recently completed a double track line extending from Poplar Street to the Central Loop in Denver.

It was further disclosed that the gross income of said through bus operation for the first four months of 1933 amounted to the sum of \$1,762.24, and that the expenses of said operation for the same period amounted to the sum of \$3,166.12. No protests were filed against the granting of applicant's petition and a communication received from Col. C. D. Buck, Commanding Officer of Fitzsimons General Hospital, stated that there was no objection to the discontinuance of the service.

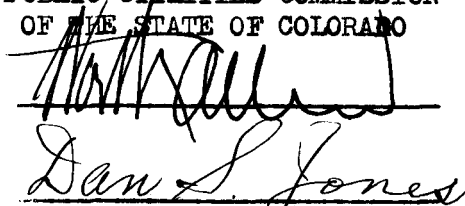
Apparently the present street car service to Poplar Street connecting with the bus service from Fitzsimons General Hospital at that point is adequate to take care of the public need.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity no longer requires the through motor bus service of applicant from Fitzsimons General Hospital in Denver, Colorado, and that authority should be granted to applicant to discontinue and abandon the same.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Fitzsimons Bus and Taxi Company, to discontinue and abandon its through motor bus service extending from Fitzsimons General Hospital to Denver, Colorado, effective July 6, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Dan S. Jones


Edward J. Wheeler
Commissioners.

Dated at Denver, Colorado,
this 1st day of July, 1933.

(Decision No. 5098)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CADILLAC SIGHT SEEKING COMPANY)
F. S. ORDELIHIDE, COLYN BROTHERS,)
EL COLORADO LODGE, PIKES PEAK AUTO)
LIVERY, CHARLES GARRIOTT, L. E. DICK,)
WILLIAM OLSON, HAMMOND SIGHT SEEKING)
COMPANY, and ROCKY MOUNTAIN SIGHT)
SEEKING COMPANY,)

Complainants,

vs.

MANITOU and PIKES PEAK RAILWAY)
COMPANY,)

Respondent.

CASE NO. 1167 ✓

CADILLAC SIGHT SEEKING COMPANY,)
F. S. ORDELIHIDE, COLYN BROTHERS,)
EL COLORADO LODGE, PIKES PEAK AUTO)
LIVERY, CHARLES GARRIOTT, L. E. DICK,)
WILLIAM OLSON, HAMMOND SIGHT SEEKING)
COMPANY, and ROCKY MOUNTAIN SIGHT)
SEEKING COMPANY,)

Complainants,

vs.

MANITOU and PIKES PEAK RAILWAY)
COMPANY,)

Respondent.

CASE NO. 1170

July 7, 1935

Appearances: Jack G. Scott, Esq., Denver, Colorado,
attorney for complainants;
F. C. Matthews and J. A. Carruthers,
Colorado Springs, Colorado for
respondent;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Meter Way, Inc.,
T. S. Wood, Denver, Colorado,
Rate Expert, Public Utilities
Commission.

S T A T E M E N T

By the Commission:

In Case No. 1167, some ten sightseeing motor vehicle operators of the Pikes Peak region complained against the reduction recently made by the defendant, Manitou and Pikes Peak Railway Company, of its round trip rate from Colorado Springs and Manitou to the summit of Pikes Peak from \$5.00 to \$3.50. In the complaint, it is stated that the rate "is unjust and unreasonable; that by reason of the fact that the same is issued jointly with and may be participated in by ^{two} certain other carriers, to-wit: Colorado Springs Bus Company and Pikes Peak Automobile Company, and is denied to complainants and others, the same acts to the preference of said favored operators and to the prejudice and disadvantage of complainants."

The prayer is that "said rates be suspended, a hearing held thereon, and after hearing, the same be set aside and for naught held."

In Case No. 1170, in which a complaint is made by the same complainants against the same defendant, it is alleged that the defendant, "by agreement with certain of said motor sightseeing carriers, to-wit: The Colorado Springs Bus Company, Pikes Peak Automobile Company, The Antlers Livery and Taxicab Company, and the Rio Grande Motor Way, has granted to said motor sightseeing carriers the privilege of what is called a diverse route, whereby they are authorized to transport passengers to the top of said Pikes Peak by automobile, who are then transported down by way of the cog road of respondent, and vice versa."

In the latter complaint, it is also alleged that in addition to the diverse-route privilege granted to the four motor carriers above named, the respondent has also granted to them a commission of 80 cents on each ticket sold to the customers of said motor carriers; that all of these privileges have been denied to the complainants, although demand has been made upon the defendant for equal rights and privileges with the four motor carriers above named.

The prayer of the latter complaint is that an order may be made "requiring said respondent (defendant) to grant to complainants and each of them

the same privilege and advantages granted to the four motor carriers above named in the matter of joint tariffs, as connecting carriers, the right to sell transportation for a diverse route to and from the summit of Pikes Peak, for the granting to complainants of the same commissions on the sale of tickets on the railroad of respondent, as is granted to other carriers, and for such other and further relief as may be just and proper."

The answer of the defendant in Case No. 1167 denies that the rate of \$3.50 is unjust and unreasonable, and alleges that the reduction was made "in the interests of the general public and an effort to keep said railway in operation." It further alleges that the Colorado Springs Bus Company and the Pikes Peak Automobile Company were made participating carriers in the tariff of the defendant for the purpose of handling traffic between Colorado Springs and the terminal in Manitou of the cog railway. Other allegations are made in the answer which we do not deem it necessary to set out here.

The answer of the respondent in Case No. 1170 alleges that the Colorado Springs Bus Company should be eliminated, as it acts only as a connecting carrier between Colorado Springs and Manitou "for tickets sold over The Manitou and Pikes Peak Railway and does not operate for service to the summit of Pikes Peak."

It further alleges that the other carriers by motor vehicle alleged to receive preferential treatment, simply act as agents for the defendant "and sell said Manitou and Pikes Peak Railway Company's tickets, for which complete accounting is made to The Manitou and Pikes Peak Railway Company".

The answer admits that the defendant does pay a commission to such operators or companies that act as agents for the sale of tickets for it, this matter of paying commissions to agents selling tickets being the general practice obtaining between operators in the Pikes Peak region.

It is further alleged in the answer that the refusal to make the same arrangement with the complainants as is made with three other automobile companies for so-called diverse-route tickets is based, as alleged, upon a common practice among other operators and their employees discouraging the tourist in many ways from making the diverse-route trip; that when such trip was breached, the tourist was told that the same could not be recommended, as

the cog railway is dangerous, that the train slips on the grades when it rains, etc.

A hearing was had, at which the Commission also took up on the joint record the matter of the application of the complainants herein for authority to make a number of reductions in fares on two days' notice instead of the usual statutory notice of thirty days. One of the reductions which they desire to make is on the trip by automobile to the summit of Pikes Peak and return, the reduction being from \$4.00, the present rate, to \$3.00. Some fifteen other reductions are sought to be made.

The parties desire an early decision by the Commission, which we have, therefore, been compelled to make somewhat briefer than we might otherwise do.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that no sufficient showing was made to warrant our interfering with the reduction of the round-trip rate of the defendant, and we are further of the opinion, and so find, that the same was not shown to be unreasonable or in any manner unlawful.

There was a considerable division of opinion at the hearing as to whether or not any reduction in rates should be made by the complainants. Three large and outstanding operators testified that no reduction should be made. Frankly, we doubt the wisdom of reducing the automobile rate on the Pikes Peak round trip. However, we are impressed with the fact that some people, at least, and possibly a substantial number, who might otherwise take the trip to the summit of Pikes Peak by automobile, will now go by the cog road, now charging only \$3.50, for its round trip. Even with the automobile carriers charging the passengers a fare of \$3.00, the passengers will still be required to pay a highway toll of \$2.00 each, which will leave a differential of \$1.50 in favor of the cog road trip, as against the former differential of \$1.00 before the defendant reduced its rate.

It is therefore, the opinion of the Commission, and it so finds, that for this current sightseeing season only authority should be granted to the complainants to reduce their said round-trip fare on the Pika's Peak trip

from \$4.00 to \$3.00. We find that such a reduction will be reasonable for this season only. We shall reserve our finding with respect to said rate so far as future seasons are concerned until we have had the benefit of the results of the experience this season and a more extended record.

We have heretofore had considerable difficulty in the Pikes Peak region with respect to the cutting or reducing of fares by motor sightseeing operators, particularly during and at the beginning of the sightseeing season. We have pointed out repeatedly that we stand ready and willing to consider the matter of the rates at any time from September until June, the period during which the said operators are inactive; that we do not like and do not consider it best for operators to change rates on the eve of and during the season. Advertising matter is sent out all over the United States to various tour agencies, in which are contained the rates of the various trips. Plans and contracts are made based upon those rates and an objectionable situation arises when, during the season, the parties rush in and seek to make adjustments, usually at the expense of some of their competitors. It is only because of the competitive situation which exists between defendant and the motor vehicle carriers that we have concluded to authorize the reduction at this time of the Pike's Peak motor trip. There is no such reason existing for the reduction of the fares for other trips. It is quite possible that on a few of those trips the fares are unreasonably high as compared with other trips. However, sightseeing operators in the region, which are a very considerable number, have all been charging the rates now in effect. They have been arrived at after years of experience and after extended and repeated conferences with this Commission. We do not believe it in the public interest to reduce these rates at this time. Moreover, if the rates in question were reduced, we should feel like requiring the complainants to reduce rates on other trips which they have omitted. The reduction of the particular rates named without reducing the others would, in our opinion, be discriminatory and unreasonable.

The Commission is, therefore, of the opinion, and so finds, that authority should be denied the complainants to make the reductions sought on

other sightseeing trips than the Pikes Peak one on less than statutory notice. If an attempt is made to make the reductions on statutory notice, what, if any, action should be taken will later be determined.

The Commission does not understand that there is any serious complaint against the arrangement by which the bus company operating between Colorado Springs and Manitou is permitted to join in the joint through rate with the defendant. It is simply an intra-city line making possible the transportation of people in Colorado Springs to Manitou, one of the termini of the defendant.

The real complaint is against the arrangement in effect with Pikes Peak Automobile Company, Antlers Livery and Taxicab Company and Rio Grande Motor Way, Inc., with respect to the so-called diverse-route trip. The evidence showed that these three companies, not only serve as agents in the sale of tickets for the defendant, but that they themselves are permitted to join in making the trip over this so-called diverse-route by transporting the passengers to or from the summit of Pike's Peak by automobile, said passengers then going from or to the summit by the cog road. It is claimed that this arrangement by which the said three automobile companies now are permitted to join in the transportation itself, is carried out by those companies as agents. With this contention, we cannot agree. When the defendant permits one or more automobile companies to participate in the transportation of passengers to or from the peak, a portion of the trip being begun or completed by the defendant, it seems to us, and we find, that the result is joint-through rates on joint-through business. Our Public Utilities Act contains a section similar to Section 3 of the Interstate Commerce Act, our act reading in part as follows:

"No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage."

It is well settled that under the Interstate Commerce Act a carrier cannot make joint-through rates with one carrier and not with others. Duffalo, Rochester and Pittsburg Railway Co. v. Pa. Co., 29 I.C.C. 114; Traffic Bureau

of Nashville vs. Louisville & Nashville Railroad Co., et al., 22 I. C. C.
533; Pennsylvania Co. vs. United States, 236 U. S. 351; Louisville & Nashville
Railroad Co. vs. United States, 233 U. S. 1; Restriction of Proportional Rates,
161 I. C. C. 115; Restriction in Routing on Grain and Grain Products, 87 I.C.C.
144.

It is, of course, natural that any carrier would attempt to hold all business possible to his or its line. Any improper conduct by the carrier should receive prompt and proper consideration and action. However, there is nothing in the record before us which warrants us, in this case at least, in finding that all motor vehicle sightseeing operators in the Pikes Peak region should not enjoy the privileges now granted to three of them.

We are, therefore, of the opinion, and so find, that the defendant's present practice is preferential, unreasonably discriminatory and unlawful, and that the discrimination should immediately be removed.

It has been common practice for motor vehicle sightseeing operators to select their agents at will. There has never been any contention that in selecting those agents, other than common carrier agents, they do not have the right to select some and to refuse to select others. The sale of tickets to be used on the line of one carrier is not strictly and necessarily the function of a common carrier. Agents are not confined to such a class. We know of no authority for and doubt the reasonableness of a rule that would require a common carrier, which permits certain other common carriers to act as agents for the sale of tickets, to grant similar privileges to other common carriers of the same class.

If the defendant should see fit to remove the discrimination now existing because of the joint-through arrangements with some motor vehicle carriers and not with others, by extending said privilege to all of the motor vehicle carriers, it will, of course, be necessary for the defendant to pay no commissions or make any divisions which are not paid and made to all of such motor carriers. We make this statement because in our opinion if such an arrangement is made with all such carriers, the division of the fare is a division pure and simple. A part of the said fare

cannot be paid to some motor operators and not to others under the guise of a commission.

We are, therefore of the opinion, and so find, that the defendant in selecting some motor vehicle carriers to act as agents for the sale of tickets for trips to be conducted solely on the line of the principal, is not guilty of unlawful discrimination because he does not select other carriers similarly situated.

We are further of the opinion, and so find, that not only the complainants, but all sightseeing carriers in the Pikes Peak region, should be permitted to make the said reduction of fare from \$4.00 to \$3.00 for said Pikes Peak trip on giving one day's notice in the manner prescribed in Section 16 in the Public Utilities Act.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to the complainants herein and to all motor vehicle sightseeing operators operating in the Pikes Peak region to reduce for this season only their round-trip fare on the trip from Colorado Springs and Manitou to and from the summit of Pikes Peak from \$4.00 to \$3.00, such reduction to be made upon one day's notice by filing tariff with the Commission.

IT IS FURTHER ORDERED, That the defendant, Manitou and Pikes Peak Railway Company, be, and the same is hereby, ordered and required to cease and desist from permitting any motor vehicle carrier from taking part in the so-called diverse-route trip, a portion of which is made by cog road, by transporting the passengers on such trips either to or from the summit of Pikes Peak, without according said privilege in a lawful manner to all other motor vehicle sightseeing operators in the Pikes Peak region.

IT IS FURTHER ORDERED, That in the event that the defendant, Manitou and Pikes Peak Railway Company, removes the discrimination by allowing the other motor sightseeing operators of the Pikes Peak region to participate in the round-trip diverse-route service, no other division of the joint through fare shall be made and no commissions shall be paid which are

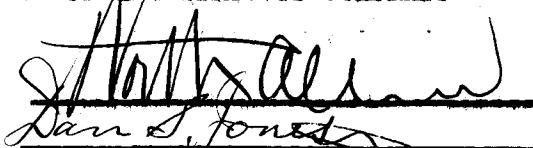
not made and paid to all of the said sightseeing operators alike.


IT IS FURTHER ORDERED, That this order, so far as it relates to said diverse-route trip, shall be effective within ten days from this date.

IT IS FURTHER ORDERED, That the effective date of that portion of the order so far as it authorizes the reduction of the Pikes Peak fare from \$4.00 to \$3.00 shall be July 15. It is also ordered that if tariffs reducing said rate are filed prior to the 15th, they shall become effective unless duly suspended by the Commission or by a court order on the 15th, even though according to their terms they are to be effective on an earlier date.

IT IS FURTHER ORDERED, That the complaints herein be, and they are hereby, dismissed as to all relief prayed except that expressly granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones


Commissioners.

Dated at Denver, Colorado,
this 7th day of July, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
UNDERWOOD TRANSPORT CORPORATION.)

CASE NO. 1174

July 7, 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 its operations as a motor vehicle carrier. (Application No. 1910)

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, 1932, to June, 1933, inclusive.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	July (Balance)	64.00	10.18	74.18
	August	<u>174.48</u>	<u>15.70</u>	<u>190.18</u>
		238.48	\$25.88	\$264.36

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective 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 keep on file an effective insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any it 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 July 19, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. E. BURK.) CASE NO. 1175

July 7, 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 Permit No. A-310 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, 1932, to June, 1933, inclusive.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	June	25.40	2.29	27.69
	July	28.79	2.16	30.95
	Aug. Estimated	27.10	-	27.10
	Sept. "	27.10	-	27.10
				<u>112.84</u>

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by 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 keep on file an effective 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 10:00'clock A.M., on July 19, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

[Handwritten notes]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES MORRISON.) CASE NO. 1176

July 10, 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 Permit No. A-326 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

March, April, May and June, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	November	\$6.26	.56	\$6.82

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by 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 keep on file an effective 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 ~~July 24, 1933~~ August 8, 1933 at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

(Decision No. 5102)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE MOTOR VEHICLE OPERATIONS OF)
CARL A. RODDA, DOING BUSINESS AS)
RODDA TRANSPORTATION COMPANY.)

PRIVATE PERMIT NO. 422-A

July 8, 1933

S T A T E M E N T

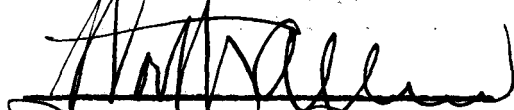


By the Commission:

On February 11, 1933, the Commission issued a private motor vehicle permit, No. 422-A, to Carl A. Rodda, doing business as Rodda Transportation Company. Thereafter he secured a more extensive permit, which included the authority granted in the former one. He has sent in his said Permit No. 422-A for cancellation.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. 422-A, heretofore issued to Carl A. Rodda be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1933.

(Decision No. 5103)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ABANDONMENT OF SERVICE BY)
HIGHLAND UTILITIES COMPANY, A)
CORPORATION.)

CASE NO. 1168

July 11, 1933

S T A T E M E N T

By the Commission:

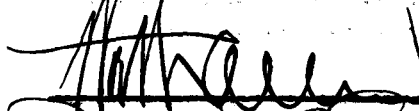
A petition for rehearing was seasonably filed herein after the Commission had made its decision.


The Commission has read and considered carefully the said petition 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 be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 11th day of July, 1933.

400 ✓
(Decision No. 5105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. B. BURROWS AND CLARENCE TANGEMAN,)
CO-PARTNERS, DOING BUSINESS UNDER)
THE NAME AND STYLE OF GENOA TRANS-)
PORTATION COMPANY.)

CASE NO. 1165

July 11, 1933

S T A T E M E N T

By the Commission:

On June 29, 1933, the Commission entered its order revoking the certificate of convenience and necessity heretofore issued in Application No. 1252-A, to W. B. Burrows and Clarence Tangeman, co-partners, doing business under the name and style of Genoa Transportation Company, for failure to pay highway compensation taxes and file the necessary insurance required by law.

Since the date of said order respondents have filed with the Commission a statement to the effect that arrangements have been made whereby Clarence Tangeman will take over the entire operation under said certificate and file the proper and necessary insurance. Satisfactory arrangements have also been made by both of said respondents with the Commission looking toward the payment of the back highway compensation taxes now due, and a substantial amount of said taxes has already been paid.

In view of this situation, the Commission is requested to reopen its order of June 29, 1933, and reinstate said certificate of public convenience and necessity.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the order of the Commission entered June 29, 1933, in the instant case should be reopened and the certificate of public convenience and necessity heretofore issued to respondents in Application No.

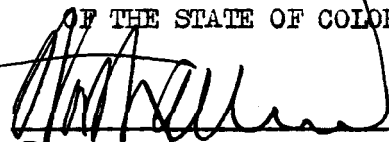
1252-A, reinstated, and the instant case dismissed.

O R D E R


IT IS THEREFORE ORDERED, That the order of the Commission entered June 29, 1933, be, and the same is hereby, reopened and the certificate of public convenience and necessity, heretofore issued to the above named respondents in Application No. 1252-A, reinstated.

IT IS FURTHER ORDERED, That the instant 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 11th day of July, 1933.

best
1933

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

87

* * *

IN THE MATTER OF THE APPLICATION)
OF ARTHUR BAWDEN AND OTHERS FOR)
CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATIONS NOS. 1515, 1606,
1621, 1626, 1634, 1635, 1649,
1717, 1748 and 1757.

July 15, 1933

S T A T E M E N T

By the Commission:

In the statement and order, Decision No. 5082, dated June 22, 1933, we made the following finding:

"We further find that the public convenience and necessity do not require the applicants herein, or any of them, during the period May 15 to September 15 of each year to make any trips now described in the tariff of the Colorado Sight Seeing Operators Association, Colo. P.U.C. No. 4, and by the tariff of The Rocky Mountain Parks Transportation Company, Colo. P.U.C. No. 10, except as they may heretofore have been authorized in other applications than those now before the Commission to render such service."

Since rendering said decision, the Commission has received from one of the sightseeing operators, Arthur Bawden, a written protest against said finding. The grounds of said protest are based largely upon the fact that the traveling public would be prevented from hiring private cars for trips into Estes Park or the mountain parks, particularly if they desire to stay over a day or so, for any rate that would not be prohibitive. It is pointed out that as long as the rates prescribed in our original order dated May 9, 1933, Decision No. 5016, are non-competitive with scheduled carriers' operations, no restriction should be placed upon the operations thereunder.

The main reason which caused us to deny the applicants herein the privilege of making trips to Estes Park, Denver Mountain Parks, etc., was the difficulty of policing the matter of charges. We have good ground to believe that frequently some of the sightseeing operators unlawfully cut

their rates, thus engaging in discrimination, which we find it difficult to prove.

On the other hand, we are of the opinion that we should not attempt to put transportation by motor vehicle in a strait-jacket. After all, our duty is to authorize what the public convenience and necessity require. Frequently we find that the requirements of the public warrant a certain course of action which has the incidental effect of protecting a motor vehicle carrier. We do not believe that, under the law, motor vehicle sightseeing service can be purely competitive. On the other hand, we believe the public convenience and necessity require only a reasonable amount of protection of common carriers, particularly as against other authorized common carriers. The differential which we have established in our previous orders have, we believe, afforded sufficient protection provided all operations authorized in these certificates can be properly policed.

We have, therefore, after careful and further consideration of the matter, arrived at the conclusion and find that said order and decision of June 22, 1935, should be, and it is hereby, amended by striking out the limitation provided therein during the period May 15 to September 15.

However, the Commission is further of the opinion, and so finds, that the Commission should retain jurisdiction to the end that if we find for any reason considered by the Commission to be sufficient that it is unable to successfully require the charging by the applicants herein, or any of them, the differentials which it has heretofore prescribed, the said restriction contained in the said order of June 22, 1935, shall be restored in whole or in part.

ORDER

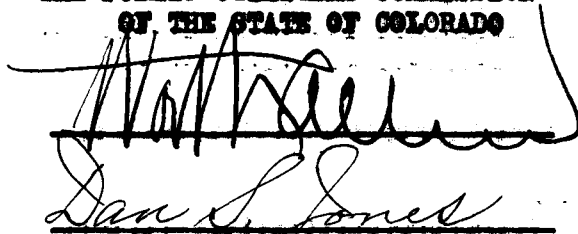
IT IS THEREFORE ORDERED, That the statement and order, Decision No. 5082, dated June 22, 1935, be, and the same is hereby, amended by emitting therefrom the following language:

"We further find that the public convenience and necessity do not require the applicants herein, or any of them, during the period May 15 to September 15 of each year, to make any trips now described in the tariff of the Colorado Sight Seeing Operators Association, Colo. P.U.C. No. 4, and by the tariff of The Rocky Mountain Parks Transportation Company, Colo. P.U.C. No. 10, except as they may heretofore have been authorized in other applications than those now before the Commission to render such service."

IT IS FURTHER ORDERED, That jurisdiction of the instant case be, and the same is hereby, retained to the end that such further orders may be entered herein as future developments may prove to be necessary.

IT IS FURTHER ORDERED, That in all other respects our statement and order dated June 22, 1933, shall be and remain in full force and effect until the further order of the Commission herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Edward E. Wheeler
Commissioners.

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

526 ✓

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(Decision No. 5107)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF VENA APGAR.) APPLICATION NO. 1533

July 13, 1933

S T A T E M E N T

By the Commission:

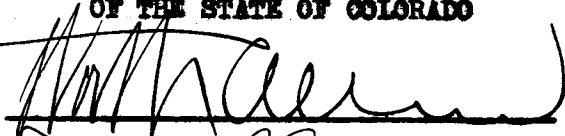
Vena Apgar, the above named applicant, to whom the Commission issued a certificate of public convenience and necessity, has asked for authority to discontinue operations from October 1, 1933, to June 1, 1934.


After careful consideration of the matter the Commission is of the opinion, and so finds, that the authority requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Vena Apgar in Application No. 1533 be, and the same is hereby, suspended, on her own request, from October 1, 1933, until June 1, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones


Edward J. Daniels
Commissioners.

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

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449

(Decision No. 5106)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE DAVIS.) PRIVATE MOTOR VEHICLE PERMIT NO. A-449

July 13, 1933

S T A T E M E N T

By the Commission:

We are in receipt of a letter dated July 7, 1933, in which George Davis, to whom private motor vehicle permit No. A-449 was issued, states in substance, as we understand his letter, that he wishes us to revoke his permit, which was returned with said letter.

O R D E R

IT IS THEREFORE ORDERED, That the private motor vehicle permit, No. A-449, heretofore issued to George Davis 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 13th day of July, 1933.

(Decision No. 5109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CADILLAC SIGHT SEEKING COMPANY,
ET AL.,

Complainants,

vs.

MANITOU AND PIKES PEAK RAILWAY
COMPANY,

Defendant.

CASES NOS. 1167 and 1170

July 13, 1933

S T A T E M E N T

By the Commission:

Since the orders were made herein two petitions for rehearing have been filed. One in both cases by Antlers Livery and Taxicab Company, James Carey, doing business as Carey Auto Livery, Gray Line Motor Tours, Morgan-James, a co-partnership, doing business as Mountain Circle Auto Company, McCaffery Brothers, a co-partnership, and Rio Grande Motor Way, Inc. Their said application attacks the order authorizing the reduction of the Pikes Peak motor trip from \$4.00 to \$3.00. The other application for rehearing was filed by the defendant, Manitou and Pikes Peak Railway Company. In that application a requirement that equal privileges be granted to all Pikes Peak motor vehicle operators with respect to the joint through rate, or so-called diverse-route trips, is attacked.

With respect to the last point it is alleged in the application for rehearing that the defendant heretofore offered and granted said joint through rates and service arrangements to all of the said sightseeing operators; that many of them used the privilege to divert business from said defendant by making false representations regarding the defendant; that statements

were made to the effect that the railway was dangerous; that the train slipped when rain was falling; that there were frequent wrecks on the road; that trains did not run all the way to the summit; that the trip was rough and that the jar and smell of smoke from the engine made passengers sick and that the cog trains had been discontinued.

It was further alleged that some of the carriers had frequently showed prospective travelers the tickets for the diverse-route but thereupon represented that while they could sell such routes, ^{for} the reasons contained in said alleged statements about the defendant and its road, the prospective purchasers were advised not to travel in that manner.

We appreciate that it doubtless is quite unpleasant and almost unbelievable for one to have to suffer from such unfair and grossly untrue statements. If they are persisted in the Commission may and will resort to all reasonably possible methods of dealing therewith. It may be possible for us to arrange a hearing on one or two days' notice, at which time we could take the evidence of tourists to whom such fraudulent statements are made. At any rate we now give solemn warning to any sightseeing operators to whom the diverse-route privilege is granted that we will deal with such unfair and highly improper conduct in a manner that shall be warranted thereby.

We are still of the opinion, subject to what we have stated, that, under the facts as they now appear, it would be unlawful discrimination to extend the said privilege to some motor vehicle sightseeing operators in the Pikes Peak region and not to others.

We are, therefore, of the opinion, and so find, that said application of Manitou and Pikes Peak Railway Company should be denied.

The complaints herein were filed by ten complainants. The Commission is now in receipt of a written communication from five of them, in which they state as follows:

"In regard to the proposed lowering of rates on sightseeing trips in the Pikes' Peak area.

"We, the undersigned, feel, that in view of the advance of the tourist season, and the fact that the general reduction of twenty percent in rates was not

made, that the commission should reconsider and postpone all rate changes until this fall when a general hearing can be had. In the fall, the various companies will have more time and the matter may be gone into more fully.

" We, the undersigned, hereby petition the Public Utilities Commission of Colorado to make no rate changes until further hearing."

In our original decision we called attention to the seriousness of making changes in the sightseeing rates in the middle of the rather short season, and to our willingness at any time between seasons to give extended and careful consideration to the matter of the proper rates on the various trips. We know from experience and our general study and knowledge of the sightseeing business in the Pikes Peak region that \$4.00 is probably not an unreasonably high rate for the Pikes Peak trip, which is a very hard and long one. Our order authorizing the reduction of the rate was largely for the protection of the motor vehicle operators against the possibly competitive rate established by the defendant operating the so-called cog road. We had serious doubt whether it was for the best interest of the operators or the public to allow such a low rate at this time. However, in view of the fact that some ten operators sought the reduction, we felt that we should give them the benefit of the doubt.

It may be said that there are probably some 35 to 50 sightseeing operators operating out of Colorado Springs and Manitou. When we consider the fact that only five out of this whole number now appear to favor the reduction on the trip in question, we cannot believe that it is for the operators' best interest.

Moreover, we are of the opinion, from our general knowledge and the record now before us, that the rate is too low to permit a reasonably safe and dependable service to the public, and that the putting into effect of such a rate would only tend to make worse a situation that unfortunately is quite serious now, due to the light tourist travel, doubtless resulting from economic conditions. As we have said, we shall gladly give the operators

desiring to lower rates a full and sympathetic hearing, shortly after this season closes.

After careful consideration of the evidence, the oral arguments of counsel, the Commission is of the opinion, and so finds, that the order made herein on July 7, 1933, should be reopened and modified as respects the matter of the reduction of the fare for the Pikes Peak motor trip and that authority to make said reduction should be denied.

O R D E R

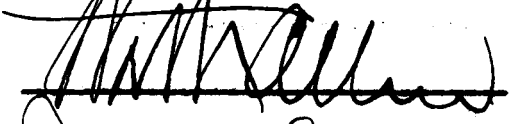
IT IS THEREFORE ORDERED, That the application for rehearing filed by the defendant, Manitou and Pikes Peak Railway Company, be, and the same is hereby, denied.


IT IS FURTHER ORDERED, That the order of July 7, 1933, be, and the same is hereby, reopened.

IT IS FURTHER ORDERED, That the authority granted in said order on July 7 to reduce the fare of said motor trip to and from Pikes Peak, heretofore granted, be withdrawn and that the authority to make said change be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That except as otherwise herein changed and modified, the order of July 7 shall continue in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones


Commissioners.

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

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(Decision No. 5110)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH SANDERS.)

CASE NO. 1018

July 13, 1935

S T A T E M E N T

By the Commission:

On January 5, 1933, the Commission made its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1783, for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed said insurance, together with an affidavit that he had not operated for hire during said period as a common carrier, then, in that event, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension has expired, and respondent has failed to comply with the above requirements.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1783, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Ralph Sanders, be and the same is

hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
David S. Jones
W. W. Allen
Commissioners.

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

(Decision No. 5111.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. WALKER, DOING BUSINESS)
AS WALKER TRANSFER LINE.)

CASE NO. 1016

July 13, 1933

S T A T E M E N T

By the Commission:

On January 5, 1933, the Commission made its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1694, for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed said insurance, together with an affidavit that he had not operated for hire during said period as a common carrier, then, in that event, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with the above requirements.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1694, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to John W. Walker, doing business as Walker

Transfer Line, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur Allen

Sam S. Jones

Edward J. Weaver
Commissioners.

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

(Decision No. 5112.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. D. MCKENZIE.)

CASE NO. 928

July 17, 1933

S T A T E M E N T

By the Commission:

On January 5, 1933, the Commission made its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 669, for his failure to file reports, pay highway compensation taxes and file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent made said reports, filed said insurance, and paid said highway compensation taxes during said suspension period, together with an affidavit that he had not operated for hire during said period as a common carrier, then, in that event, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that said certificate of public convenience and necessity, heretofore issued to respondent in Application No. 669, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public conveni-

Handwritten initials and signature in the top right corner.

ence and necessity, heretofore issued to J. D. McKenzie in Application No. 669, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

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

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(Decision No. 5115)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 929
FRANK M. SCOTT.)

July 17, 1933.

S T A T E M E N T

By the Commission:

On January 7, 1933, the Commission made its order suspending
t
the certificate of public convenience and necessity heretofore issued
to the above named respondent in Application No. 1349, for his failure
to file reports, pay highway compensation taxes and file an insurance
policy or surety bond as required by law and the Rules and Regulations
of the Commission.

It was provided in said suspension order that unless respondent
made said reports, filed said insurance, and paid said highway com-
pensation taxes during said period of suspension, together with an affidavit
that he had not operated for hire during said period as a common carrier,
then, in that event, said certificate of public convenience and necessity
would be revoked without further notice.

Said period of suspension has expired and respondent has failed
to comply with any of the above requirements.

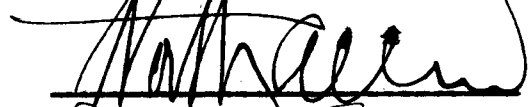
After careful consideration of the record the Commission is
of the opinion, and so finds, that said certificate of public convenience
and necessity, heretofore issued to respondent in Application No. 1349,
should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public con-

venience and necessity, heretofore issued to Frank M. Scott in Application No. 1349, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

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

(Decision No. 5114.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN JARVIES.) CASE NO. 827
-----)

July 17, 1933.

S T A T E M E N T

By the Commission:

On January 5, 1933, the Commission made its order suspending private permit No. A-160, heretofore issued to the above named respondent, for his failure to file reports, pay highway compensation taxes and file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent made said reports, filed said insurance, and paid said highway compensation taxes during said period of suspension, together with an affidavit that he had not operated for hire during said period as a private carrier, then, and in that event, said permit would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

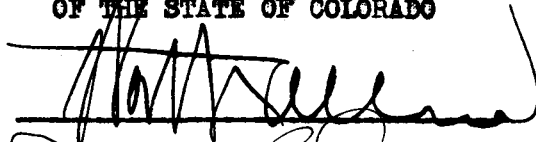
After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-160, heretofore issued to John Jarvies, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, THAT private permit No. A-160, heretofore

issued to respondent, John Jarvies, ba, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Dan S. Jones


Commissioners

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

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(Decision No. 5115.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. O. ANDERSON.)

CASE NO. 1069

July 17, 1955

Appearances: Ira L. Quiat, Esq., Denver, Colorado,
attorney for respondent Anderson;
Jack G. Scott, Esq., Denver, Colorado,
attorney for L. V. Roper.

S T A T E M E N T

By the Commission:

The Commission made an order herein in which it stated that a certificate of public convenience and necessity had been issued to G. O. Anderson, the respondent herein, in Application No. 1981, and that a private permit, No. A-364, had also been issued to him; that information had come to the Commission that the respondent is operating as a common carrier in territory not authorized by his certificate of public convenience and necessity, and that he is operating as a common carrier under his private permit.

The Commission found in the said order that an investigation should be entered into to determine (a) whether said Anderson is operating as a common carrier in violation of his certificate and (b) whether he is operating as a common carrier in violation of his private permit. After a number of delays for one reason or another the case came on for hearing and was heard within the past few days.

In Application No. 1981 there was issued to said Anderson his said common carrier certificate "for the transportation of milk, cream and dairy products from points within a radius of six miles of Castle Rock to Denver,

Colorado." The private permit authorized operation between Castle Rock and Denver.

It might be added that after we had made our decision in Application No. 1981 and in Application No. 1987, the two being disposed of by one decision, Anderson filed an application "for instructions and to modify decision." He alleged in said application that prior to the granting of the certificate and at the time of the filing of the application he was the holder of the said Class A permit. He alleged also that he hauls no milk or dairy products to his merchant customers in Castle Rock.

In our order of October 26, 1932, we denied both applications for rehearing, one having been filed by Roper. However, in that decision we stated as follows:

"Considerable question has arisen in the minds of the Commissioners whether or not the said Anderson in transporting freight, as we are advised he is, for a large number of merchants in Castle Rock, and possibly for other customers, is violating the law, even though he has a private motor vehicle permit. We are, therefore, making an order in a separate case providing for an investigation of this question."

At the hearing just had it appeared quite clear, and the Commission so finds, without feeling any necessity to go into details, that the respondent Anderson has been serving the merchants and business concerns of one kind and another in Castle Rock indiscriminately, or so nearly so as to amount to the same thing, as a practical matter. We really feel that he must have known that he was exceeding the authority granted him under his private permit. However, he seems to have thought that so long as he had taken the position that he desired to be instructed and to follow the instructions when given, he had the right, in the meantime, to engage in the practice which he has followed.

We have concluded not at this time to revoke his private permit and common carrier certificate on account of the unlawful extent to which he has been operating under the private permit. However, we will reserve the right, if he does not confine himself within proper bounds in the future, to reop

this case and revoke both his certificate and private permit on the record already made.

Another question is whether or not Anderson, having authority to operate as a common carrier in the transportation of milk, cream and dairy products only from a certain territory to Denver, can lawfully operate under a private permit between Denver and one point in that territory, provided the freight hauled by him as a private carrier is not the sort of freight which he is authorized to transport as a common carrier.

In Re motor vehicle operations of Greeley Transportation Company, a corporation - Case No. 661 - Decision No. 3673, in which the attorney herein for Roper represented a man who was serving as both a private and common carrier, we found and decided that one could be both a private and common carrier under certain conditions. Of course, one authorized to transport a certain kind of freight between certain points as a common carrier cannot transport that kind of freight between those points as a private carrier. He may haul freight between ^{certain} points as a common carrier and between wholly different points as a private carrier. If Anderson were authorized to haul all sorts of freight as a common carrier from and to the points in the area in question, he clearly could not transport the freight to and from those points as a private carrier. However, he is confined in his common carrier certificate to the transportation of milk, cream and dairy products. The other freight which he is hauling from and to, mostly to, Castle Rock, is merchandise and freight other than milk, cream and dairy products.

We are inclined to believe that the main point is one of possible discrimination. There can be no discrimination so long as one operating as a private carrier does not transport to and from the points authorized to be served as a common carrier only the kind of freight which he is authorized to haul as such common carrier.

There was some evidence that the respondent has been transporting

dairy feeds, etc. to his milk customers. This he has no authority to do. It is possible that if authority therefor were duly sought he could prove public convenience and necessity. We, of course, pass no opinion in advance.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the respondent G. O. Anderson has unlawfully operated as a common carrier in the transportation of freight between Castle Rock and Denver.

The Commission further finds that the said Anderson has not violated the law merely by transporting freight and general merchandise to and from Castle Rock because it is situated within an area from which he is authorized to transport milk, cream and dairy products.

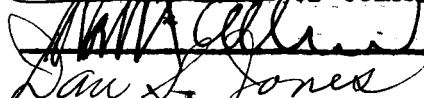
The Commission is further of the opinion that instead of revoking the respondent Anderson's certificate and private permit, it should give him an opportunity to comply in good faith and somewhat clearly with the law and to confine his operations as a private carrier within proper limits.


It is not the function of and it hardly seems proper for this Commission to lay down any general rule as to any particular number of customers one can serve without becoming a common carrier. The statute defines a common carrier. There are cases dealing with the question. Each case as it arises must be determined on its own particular facts. One thing is clear, the respondent Anderson must have a limited and somewhat definite number of customers. He cannot be permitted to haul for any Tom, Dick and Harry merely because some customer so requests him to do.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed, the Commission reserving, however, jurisdiction to reopen the same at any time and to revoke the respondent's certificate and private permit on the record herein made.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan L. Jones


Edward J. O'Connell

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

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE ANDREWS AND ROY ANDREWS)
CO-PARTNERS, DOING BUSINESS UNDER)
THE FIRM NAME AND STYLE OF THE)
CENTRAL SERVICE STATION, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING THEM TO)
OPERATE A MOTOR TRUCK FREIGHT)
SERVICE IN THE VICINITY OF GUNNISON,)
COUNTY OF GUNNISON, AND STATE OF)
COLORADO.)

APPLICATION NO. 2091

July 18, 1933

Appearances: Clifford H. Stone, Esq., Gunnison, Colorado,
attorney for applicants;
T. A. White, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande
Western Railroad Company and Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

In the original and amended application filed in the instant case, authority was sought to establish a motor vehicle operation for the transportation of freight generally, except small shipments of package freight, from point to point within a radius of fifty miles of the town of Gunnison, and between points within said area and all other points within the State of Colorado, upon a call and demand service, as well as authority to establish a scheduled, twice each week freight operation between Gunnison, Colorado, and Lake City, Colorado, and intermediate points.

On May 29, 1933, a certificate was granted authorizing the call and demand service, but the decision upon the question of establishing the scheduled service between Gunnison and Lake City was withheld until such time as a further hearing could be held in the matter, due notice of which was to be given to Ruth E. Vernon, of Lake City, Colorado, who is the holder of a certificate of public convenience and necessity heretofore issued by the Commission, authorizing

a call and demand service from Lake City and its vicinity.

Thereafter, the matter was duly set for hearing at Gunnison, Colorado, on July 14, 1933, due notice of said hearing having been mailed to the said Ruth E. Vernon. A written protest against the granting of authority to establish said scheduled service was received from the said Ruth E. Vernon. However, she did not appear at the hearing either in person or by representative.

The evidence disclosed that applicants propose to maintain a regular twice-a-week scheduled service between Gunnison and Lake City, said trips to be made on Wednesday and Saturday of each week, leaving Gunnison at 8:00 A.M., arriving at Lake City at 12:00 noon; and upon the return trip leaving Lake City at 1:30 P.M., arriving at Gunnison at 5:30 P.M.

Applicants own two $1\frac{1}{2}$ -ton trucks and one $2\frac{1}{2}$ -ton truck of an estimated value of \$1,500.00. Their financial condition was established to the satisfaction of the Commission.

It was further disclosed that The Denver and Rio Grande Western Railroad Company has discontinued regular train service between Sapinero and Lake City since the granting of authority to applicants for the call and demand service on May 29, 1933. This leaves the inhabitants of Lake City without any scheduled or regular service by rail or motor vehicle, except that applicants in the instant case and Ruth E. Williams, in Application No. 2038, were granted temporary authority to conduct scheduled service under an order dated June 2, 1933.

Evidence was introduced to show that under said temporary authority applicants have been conducting a scheduled service between Gunnison and Lake City in a manner satisfactory to the shippers concerned. Authority is sought to serve all intermediate points between Gunnison and Lake City over State Highways Nos. 16 and 149, except that no freight will be transported between Gunnison and Iola.

Applicants testified that they would not be able to maintain said schedule during that period of the year when the highway between Iola and Lake City was closed for motor vehicle travel on account of snow.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed operation by applicants of regular, scheduled, motor vehicle freight service twice each week between Gunnison, Colorado, and Lake City, Colorado, and intermediate points, over State Highways Nos. 16 and 149, subject to the conditions hereinafter imposed, which, in the opinion of the Commission, the public convenience and necessity require.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicants, George Andrews and Roy Andrews, co-partners, doing business as Central Service Station, for the transportation of freight generally between Gunnison, Colorado, and Lake City, Colorado, and intermediate points, twice each week, over State Highways Nos. 16 and 149, subject to the following conditions, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor:

(a) No freight shall be transported between Gunnison and Iola, Colorado.

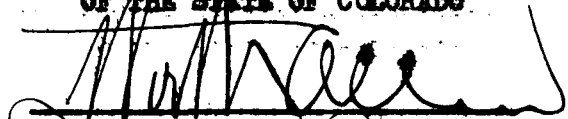
(b) Said applicants shall only be required to maintain said service during such periods of the year as the highways between Gunnison and Lake City are open for motor vehicle travel.

IT IS FURTHER ORDERED, That the applicants 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 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



David S. Jones



Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. J. GENTRY AND J. E. FENTRESS,)
CO-PARTNERS, DOING BUSINESS AS) CASE NO. 1020
THE LOVELAND TRANSFER AND PRODUCE)
COMPANY.)

July 17, 1933.

S T A T E M E N T

By the Commission:

On January 5, 1933, the Commission made its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondents in Application No. 1549, for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondents filed said insurance policy or surety bond, together with an affidavit that they had not operated for hire during said period as a common carrier, then, in that event, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension has expired and respondents have failed to comply with the above requirements.

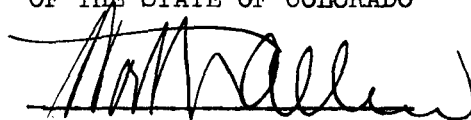
After careful consideration of the record the Commission is of the opinion, and so finds, that said certificate of public convenience and necessity, heretofore issued to respondents in Application No. 1549, should be revoked.

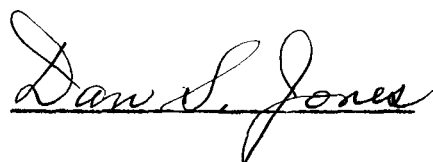
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to J. J. Gentry and J. E. Fentress,

co-partners, doing business as The Loveland Transfer and Produce Company,
in Application No. 1549, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RISS AND COMPANY, A CORPORATION,) CASE NO. 1178
Respondent.)

July 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 certificate of public convenience and necessity, No. 641-I, under the provisions of Chapter 134, Session Laws of 1927, as amended, authorizing the respondent corporation to engage in the business of a common carrier by motor vehicle in interstate commerce only.

Information has come to the Commission that for several months last past, the respondent corporation has made and filed with the Commission incomplete, fraudulent and false monthly reports, which concealed and failed to state the correct amounts of freight hauled by said respondent with the intention and purpose of defrauding the Commission and the State of Colorado of a considerable sum in the ton-mile tax, contrary to the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended. An examination of incomplete records made by the duly authorized inspecting auditor of this Commission, discloses that between the 1st day of January, 1933, and the 21st day of June, 1933, said respondent has failed to report and is delinquent in payment of ton-mile taxes to the extent of at least \$201.83, not including penalties. It further appears that an officer of the respondent corporation freely admitted to the inspecting auditor of the Commission that the reports in the past had been false, and assigned as the reason

therefor that other motor transportation companies were doing likewise.

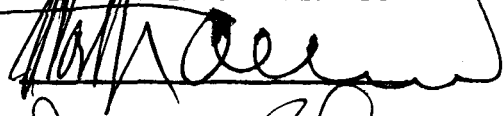
O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that the respondent, Riss and Company, a corporation, shall within ten days from date hereof, file corrected monthly reports showing all shipments heretofore unreported and omitted from its monthly reports from and after the date of the issuance of the aforesaid certificate of convenience and necessity to the date of the order.

IT IS FURTHER ORDERED, By the Commission, that said respondent show cause, if any there be, 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 willful delinquency and violation of the law, and why it should not enter such other order or orders in the premises as may be proper and just.

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 Wednesday, the 9th day of August, 1933, at 10:00 o'clock A. M., 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



Dan S. Jones



Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID J. BUCHANAN, DOING BUSINESS) CASE NO. 1027
AS SOUTH DENVER MOVING AND STORAGE)
COMPANY.)

July 18, 1933.

S T A T E M E N T

By the Commission:

On January 6, 1933, the Commission made its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1885, for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed said insurance policy or surety bond, together with an affidavit that he had not operated for hire during said period as a common carrier, then, in that event, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with the above requirements.

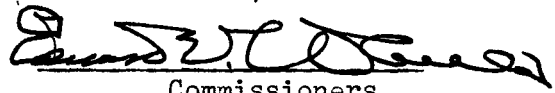
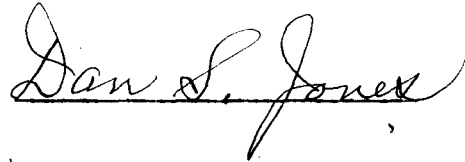
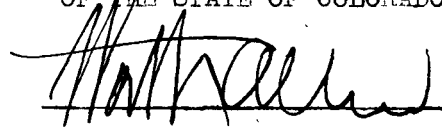
After careful consideration of the record the Commission is of the opinion, and so finds, that said certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1885, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to David J. Buchanan, doing

business as South Denver Moving and Storage Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

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

118
8

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN BRINKMAN.)

CASE NO. 1047

July 18, 1933.

S T A T E M E N T

By the Commission:

On January 18, 1933, the Commission made its order suspending private permit No. A-109, heretofore issued to the above named respondent, for his failure to file reports, pay highway compensation taxes, and keep on file an effective insurance policy or surety bond, as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent made said reports, filed said insurance, and paid said highway compensation taxes during said period of suspension, together with an affidavit that he had not operated for hire during said period as a private carrier, then, in that event, said permit would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

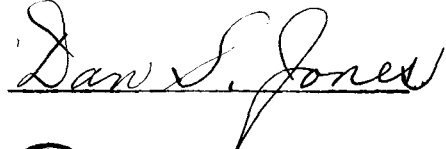
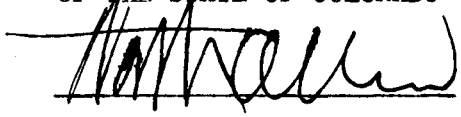
After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-109, heretofore issued to the above named respondent, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-109, heretofore

issued to John Brinkman, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO

COPY

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. B. BRYANT, DOING BUSINESS AS) CASE NO. 1177
BRYANT AUTO LIVERY.)

July 18, 1933

S T A T E M E N T

By the Commission:

The Commission on April 21, 1928, in Application No. 615, issued a certificate of public convenience and necessity to F. B. Bryant, doing business as Bryant Auto Livery, authorizing him to conduct a sightseeing operation in the Pikes Peak region. Said Bryant was, as is the case with all other such operators, required to and he has filed with the Commission a tariff of rates setting forth rates to the various scenic points and over the various routes in the region. Said tariff is in effect at this time and has been during all of the month of July, 1933.

Information has come to the Commission that on Saturday, July 15, 1933, the said Bryant transported three passengers on what is known as the "little circle trip" or the "circle trip" at rate of fares other than those provided in his said tariff.

Information has further come to the Commission that on Sunday, July 16, 1933, the said Bryant transported five passengers to and from the summit of Pikes Peak at rate of fares other than those named in his said tariff.

The Commission is, therefore, of the opinion, and so finds, that an investigation of the said trips and the charges made therefor by said Bryant should be instituted and that said Bryant should be ordered to show cause why his said certificate of public convenience and necessity should not be revoked.

O R D E R

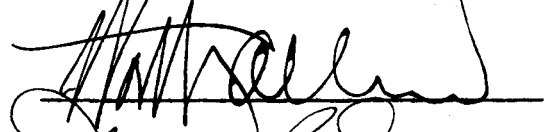
IT IS THEREFORE ORDERED, That an investigation be, and the same is hereby, instituted with respect to the transportation by the respondent, F. B. Bryant, of passengers on July 15, on what is known as the "little circle

trip" and of passengers on July 16, on what is known as the "Pikes Peak trip" and with respect to the rates of fare charged the passengers transported on said trips.

IT IS FURTHER ORDERED, That said Bryant on or before Saturday, July 29, 1933, file with this Commission a written answer showing cause, if any he have, why his said certificate of public convenience and necessity, heretofore issued to him, should not be revoked or suspended because of unlawful variation from his tariff rates.

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 Wednesday, August 9, 1933, at 10:00 o'clock A.M., 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 18th day of July, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
S. & S. TRANSFER COMPANY.) CASE NO. 1179

July 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 Permit No. A-21 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 HIGHWAY COMPENSATION TAX REPORTS
NOT RECEIVED

August, 1932, to June, 1933, Inclusive.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by 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 Wednesday, August 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of two commissioners over a horizontal line.

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

July 18, 1933.

S T A T E M E N T

By the Commission:

On January 16, 1933, the Commission made its order suspending private carrier permit No. A-316, heretofore issued to the above named respondent, for his failure to file monthly highway compensation tax reports, and file an insurance policy or surety bond, as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due and filed said insurance, together with an affidavit that he had not operated for hire during said suspension period as a private carrier, then, and in that event, said permit would be revoked without further notice.

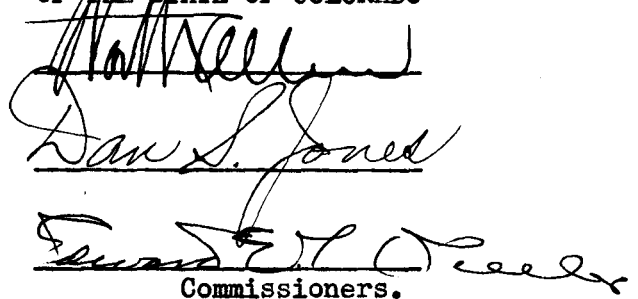
Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-316, heretofore issued to Fred Drew, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private carrier permit No. A-316, heretofore issued to Fred Drew, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

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

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

July 18, 1933.

S T A T E M E N T

By the Commission:

On January 13, 1933, the Commission made its order suspending private permit No. A-283, heretofore issued to the above named respondent, for his failure to file reports, pay highway compensation taxes, and file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed said reports, paid said highway compensation taxes, and filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said suspension period, then, and in that event, said permit would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with any of the above requirements. However, under date of January 20, 1933, the Commission received a letter from respondent, in which he stated that he had lost his truck and had made no trips into Colorado since securing his permit.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-283 should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-283, heretofore issued to James M. Robertson, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of Dan S. Jones and another Commissioner.
Commissioners.

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

1933
1180

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JESS LITTLEFIELD.)

CASE NO. 1180

(Sandbliman, 2180)

July 18, 1933

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Dan S. Jones

[Signature]

Commissioners.

1181
10/14

(Decision No. 5127)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT WIELAND.)

CASE NO. 1181

(Venango, Nebraska)

July 24, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 9th, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN JOHNSON.)

CASE NO. 1143

July 24, 1933.

S T A T E M E N T

By the Commission:

On March 2, 1933, the Commission entered 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. 1824, should not be suspended or revoked on account of his failure to file monthly reports for the months of December, 1932, and January, 1933, pay highway compensation taxes in the amount of \$8.14, and file cargo insurance as required by law and the Rules and Regulations of the Commission.

At the hearing held March 21, 1933, the evidence disclosed that respondent had not filed the delinquent monthly reports, paid the highway compensation taxes, or filed the necessary cargo insurance. It now appears that since the date of said hearing, respondent's public liability and property damage insurance policies have been cancelled.

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 respondent in Application No. 1824, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to John Johnson in Application No. 1824, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
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[Handwritten signature]
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
Floyd Jacobson.

CASE NO. 1182

(Burlington, Colo.)

July 24, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

1200

(Decision No. 5130)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
CHARLES JEWELL.

CASE NO. 1217

(Tuma , Colo.)

July 24, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Thursday, August 10, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MYER BROTHERS TRANSFER COMPANY) APPLICATION NO. 1060
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

July 22, 1935

S T A T E M E N T

By the Commission:

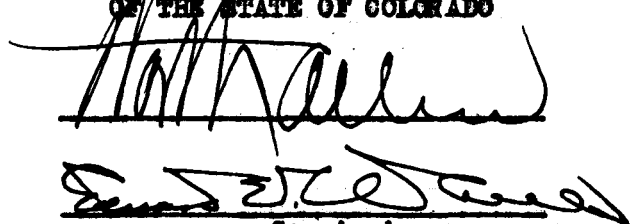
Myer Brothers have filed a written request with us asking that the certificate of public convenience and necessity heretofore issued to them in the above entitled application, the certificate being contained in orders dated November 5, 1928, and February 28, 1930, be modified by revoking that portion of the certificate that authorizes operation between the city of Las Animas and the city of Pueblo.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore granted to Bert Myer, doing business as Myer Brothers Transfer Company, be, and the same is hereby, modified by revoking and cancelling the authority to operate as a common carrier at any time between the city of Las Animas and the city of Pueblo.)

IT IS FURTHER ORDERED, That this order be, and the same is hereby, made effective this day.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners,

Dated at Denver, Colorado,
this 22nd day of July, 1935.

256

[Handwritten signature]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
BY CROWN HILL CEMETERY ASSOCIATION)
FOR A TRANSFER TO IT OF THE CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY ISSUED TO THE DENVER &)
CROWN HILL RAILWAY COMPANY, AND)
FOR A MODIFICATION AND ALTERATION)
OF SAID CERTIFICATE.)

APPLICATION NO. 1075-A

July 24, 1933

Appearances: Ira L. Quiat, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On April 17, 1928, the Commission issued a certificate of public convenience and necessity in Application No. 1075, to The Denver & Crown Hill Railway Company. The said company was a subsidiary of and wholly controlled by Crown Hill Cemetery Association. The purpose in issuing said certificate was to make possible the transportation of passengers to and from Crown Hill cemetery which is situated about one and one-half miles from the terminal point of a line of the Denver Tramway Corporation.

Since the certificate was issued, as aforesaid, said The Denver & Crown Hill Railway Company and its officers have wholly ceased functioning. The motor service authorized by said certificate has been rendered by the parent company, Crown Hill Cemetery Association.

The application herein seeks an order transferring and setting over to the applicant herein the said certificate of public convenience and necessity. It further seeks to have the certificate modified with respect to the amount of service that is required to be rendered thereunder. However, as to this second aspect or part of the application, a motion was made to dismiss the same without prejudice.

The usual practice in cases of transfers is for the Commission to authorize a person, firm or corporation to whom a certificate was issued to transfer it to somebody else. However, in this case the officers of the original holder of the certificate are scattered and it seems that the sensible thing to do is to issue a new certificate of public convenience and necessity to the applicant herein authorizing just such an operation as was authorized in the prior certificate and that we cancel said prior certificate.

After careful consideration of the matter, the Commission is of the opinion, and so finds, that the public convenience and necessity so require.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1975, to said The Denver & Crown Hill Railway Company, be, and the same is hereby, cancelled and revoked.

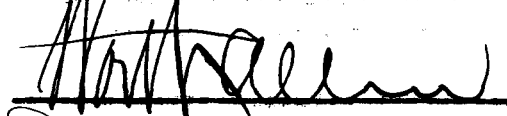
IT IS FURTHER ORDERED, That the public convenience and necessity require the operation by the applicant herein, Crown Hill Cemetery Association, of a motor bus line for the transportation of passengers from the terminal point of Denver Tramway Corporation's line to the various points in said Crown Hill cemetery, situated in Jefferson County, Colorado, 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 application herein, insofar as the same seeks authority to curtail said motor vehicle operations, be, and the same is hereby, dismissed without prejudice.


IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said The Denver & Crown Hill Railway Company, shall become and remain those of said Crown Hill Cemetery Association, until

changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



David S. Jones



Commissioners.

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

2-353

(Decision No. 5134)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN L. MONTGOMERY.)

PRIVATE MOTOR VEHICLE PERMIT
NO. 383-A

July 24, 1933

S T A T E M E N T

By the Commission:

John L. Montgomery, to whom the Commission issued Private Motor Vehicle Permit No. 383-A on July 28, 1932, has written the Commission that he has not operated under his permit for some three months, and that he has sold his truck.

Under all the facts and circumstances the Commission is of the opinion, and so finds, that said motor vehicle private permit should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the private motor vehicle permit, No. 383-A, heretofore issued to John L. Montgomery, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

Dan S. Jones

[Signature]

Edward J. O'Connell
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1933

✓

MAKE NO
COPY

126
8
J.P.
1933

(Decision No. 5135)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. E. BURK.)

CASE NO. 1175

July 25, 1933

Appearances: E. S. Johnson, Denver, Colorado,
Assistant Auditor & Statistician,
Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, G. E. Burk, to show cause why his private motor vehicle permit, No. A-310, should not be revoked for failure to make monthly highway compensation tax reports, to pay such taxes, and to file with the Commission the requisite insurance.

A hearing was duly had at which the evidence showed that highway compensation tax reports for the months beginning August, 1932, and ending with June, 1933, had not been made to the Commission; that the said taxes for the months of June, July, August and September, 1932, had not been paid and that the public liability and property damage insurance required to be carried by the rules and regulations of the Commission had not been filed.

The Commission is of the opinion, and so finds, that private motor vehicle permit No. A-310, heretofore issued to G. E. Burk, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit, No.A-310,

heretofore issued to G. E. Burk, 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 25th day of July, 1933.

213

(Decision No. 5136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HARRY FRASER AND ARTHUR J.)
WALKER, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 915-A
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

July 24, 1935

Appearances: Harry Fraser, Manitou, Colorado,
pro se;
Arthur J. Walker, Manitou, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an application by Harry Fraser for authority to transfer the certificate of public convenience and necessity heretofore issued to him in Application No. 915, to Arthur J. Walker.

The matter was set down for hearing and no persons appeared to protest.

The evidence showed that said Walker has a reasonably good financial condition and is acquainted with the sightseeing operations in the Pikes Peak region.

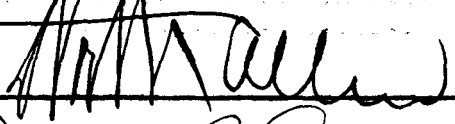
After careful consideration of the evidence, the Commission is of the opinion, and so finds, that authority should be granted to Harry Fraser to transfer to Arthur H. Walker, the certificate of public convenience heretofore issued in Application No. 915.

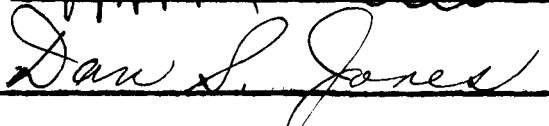
O R D E R

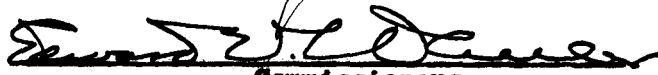
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Harry Fraser to transfer to Arthur J. Walker, the certificate of public convenience and necessity heretofore issued in Application No. 915.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said Harry Fraser, shall become and remain those of said Arthur J. Walker, 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 24th day of July, 1933.

(Decision No. 5137)

A-500

Handwritten initials and signature in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION OF ALBERT SCHWILKE)
FOR A CLASS A PRIVATE PERMIT.)

PRIVATE PERMIT NO. A-500

July 24, 1933.

S T A T E M E N T

By the Commission:

On November 30, 1931, the Commission revoked private permit No. A-24, which had been heretofore issued to Albert Schwilke, upon the ground that he had been operating under said permit as a motor vehicle or common carrier.

Thereafter, on May 29, 1933, the Commission reopened said case upon the petition of respondent, but on July 5, 1933, denied the petition to rescind the order of November 30, 1933.

On May 1, 1933, Albert Schwilke obtained another private permit No. A-442, which was later revoked upon the ground that same had been obtained without the knowledge of the Commission, having been issued as a matter of course by our employes. In the order revoking said permit, we took the position that where a permit had been cancelled, a new permit would not be issued to the same individual without an order of the Commission upon good cause being shown.

The present application for a new private permit is supported by an affidavit of Albert Schwilke to the effect that at all times during his operations he was guided in his action by the advice of counsel, and that in said operations he had no intention of violating the law, but was assured by his attorney that said law was unconstitutional and that he was perfectly justified in continuing his operations.

As pointed out in our order of July 5, 1933, the fact that one follows legal advice in pursuing a definite course of action, does

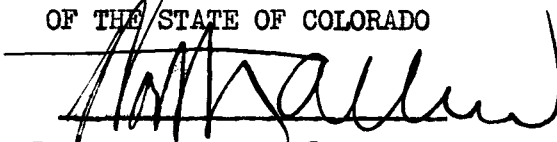
not relieve him of responsibility, but it may be weighed as a factor in determining whether said actions were malicious and willful. If we were convinced that Mr. Schwilke had willfully and maliciously violated the orders of this Commission, we would be inclined to take the position that no further permits or authority to operate would be granted him. However, we are inclined to give Mr. Schwilke the benefit of the doubt, and, after careful consideration of the entire record, we have reached the conclusion that he should not be perpetually deprived of the right to operate lawfully as a private carrier for hire, and that, therefore, his present application for a private permit should be granted.

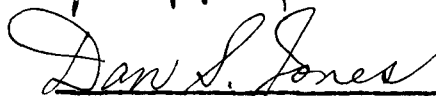
O R D E R

IT IS THEREFORE ORDERED, That the application of Albert Schwilke dated July 19, 1933, for a Class A private permit authorizing an operation between Estes Park and vicinity and Denver, Colorado, should be granted, provided the necessary requirements relative to insurance and all other rules and regulations of the Commission are properly complied with.

IT IS FURTHER ORDERED, That the application fee of \$5.00 recently paid by Albert Schwilke for private permit No. A-442 may be applied upon the fee required in the instant application.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Dan S. Jones


Commissioners.

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

Handwritten initials

(Decision No. 5138)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
RALPH E. DAVIS.

CASE NO. 1184

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 Thursday, August 10, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature: Dan S. Jones

Handwritten signature: Edward J. Jones

Commissioners.

104
82

(Decision No. 5139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER E. SMITH.) CASE NO. 1185

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 Thursday, August 10, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

Handwritten initials

(Decision No. 5140)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF

W. L. ZECH.

(Yuma, Colo.)

CASE NO. 1187

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Friday, August 25, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of two commissioners

Commissioners.

Handwritten initials and scribbles in the top right corner.

(Decision No. 5141)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
F. E. JOHNSON.)

CASE NO. 1186

July 25, 1933

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 August 10, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of Dan S. Jones and Edward J. Deane

Commissioners.

*100
JL*

(Decision No. 5142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF

R. A. Kinnison.

(DeNova, Colo.)

CASE NO. 1188

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Thursday, August 24, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

Handwritten initials and numbers in the top right corner.

(Decision No. 5145)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
L. E. PLANE.

CASE NO. 1169

(Hudson, Colo.)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Thursday, August 24, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.

Commissioners.

100
122

(Decision No. 5144)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EVERETT RAILSBACK.)
(Yuma, Colorado)

CASE NO. 1197

July 25, 1933,

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 August 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. M. Allen

Dana S. Jones

Edward J. O'Connell

Commissioners.

100
10

(Decision No. 5145)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. J. LaBORDE.)

CASE NO. 1198

(Hugo, Colorado)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 August 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter Allen

Sam S. Jones

Edward E. Decker

Commissioners.

Handwritten initials

(Decision No. 5146)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN MILLER.)

CASE NO. 1190

(Yuma, Colo.)

July 25, 1935.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Thursday, August 24, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of David S. Jones and another Commissioner

Commissioners.

Handwritten initials

(Decision No. 5147)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. JORDAN.)
-----)
(Ft. Collins, Colo.)

CASE NO. 1191

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Thursday, August 24, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of Dan S. Jones and another Commissioner

Commissioners.

WJL

(Decision No. 5148)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
I. M. CANNING.

CASE NO. 1205

(Scottsbluff, Nebr.)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on August 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

James S. Jones

James W. Decker

Commissioners.

W. J. Jones

(Decision No. 5149)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. FUNK.)
-----)
(Snyder, Colo.)

CASE NO. 1206

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on August 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

Sam L. Jones

[Signature]

Commissioners.

Handwritten initials

(Decision No. 5150)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
N. G. RUTH.

CASE NO. 1207

(Simla, Colo.)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Monday, August 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. M. Allen

Dan S. Jones

Edward C. Deery

Commissioners.

102

(Decision No. 5151)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
FRANK FAIRBANKS.

CASE NO. 1199

(Kanorado, Kansas)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 August 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Tom Miller

Sam S. Jones

Edward J. Collier

Commissioners.

ML

(Decision No. 5152)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
L. E. KAYS.

CASE NO. 1192

(Grant, Nebr.)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 16, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

WOL
RE

(Decision No. 5153)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
L. R. MARSHALL.

CASE NO. 1193

(Cope, Colo.)

July 25, 1933

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 16, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. M. Allen
Sam Jones
Edward C. Jones

Commissioners.

1104

(Decision No. 5154)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
C. EVANS.

CASE NO. 1200

July 25, 1933

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 August 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. H. Allen

Sam S. Jones

Edward D. Wheeler

Commissioners.

Handwritten initials

(Decision No. 5155)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
ED YOUNG.

CASE NO. 1194

(Venango, Nebr.)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 16, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of two commissioners

Commissioners.

Handwritten initials

(Decision No. 5156)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
O. B. HITCHCOCK.

CASE NO. 1195

(Bird City, Kansas)

July 25, 1933

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 16, 1933 at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of Dan S. Jones and another Commissioner

Commissioners.

ML

(Decision No. 5157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
JOHN PRIEST.

CASE NO. 1196

(Elsie, Nebr.)

July 25, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Thursday, August 17, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

[Handwritten signature]

[Handwritten signature]

Commissioners.

Handwritten initials

(Decision No. 5158)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. HUBBS.)
.....)
(Hawk Springs, Wyoming)

CASE NO. 1201

July 25, 1933

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 August 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature
.....
Dan S. Jones

Handwritten signature
.....
Commissioners.

a-461

[Handwritten initials]

(Decision No. 5159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD F. SCHUBERT.) PRIVATE MOTOR VEHICLE PERMIT NO. A-461

July 28th, 1933.

S T A T E M E N T

By the Commission:

Edward F. Schubert, holder of Private Motor Vehicle Permit No. A-461, has written the Commission a letter dated July 19, 1933, requesting that his said permit be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the motor vehicle private permit, No. A-461, heretofore issued to Edward F. Schubert, be, and the same is hereby revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1933.

[Handwritten mark]

WOL

(Decision No. 5160)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
C. HAMACHER.

CASE NO. 1208

(Flagler, Colo.)

July 28, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Monday, August 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. M. Allen
David S. Jones
Edward H. ...

Commissioners.

W.H. Jones

(Decision No. 5161)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
DAN H. DONAHUE.

CASE NO. 1202

(LaGrange, Wyo.)

July 28, 1935.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Friday, August 18, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W.H. Jones

Edward W. Decker

Commissioners.

101
102

(Decision No. 5162)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. B. NEWMAN.)

CASE NO. 1205

(Divide, Wyo.)

July 28, 1935.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Friday, August 18, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. H. Allen

Samuel Jones

Edward W. Dancer

Commissioners.

NOV 12

(Decision No. 5165)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER ROBINSON.)

CASE NO. 1204

(Keystone, Nebr.)

July 28, 1935.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Friday, August 18, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur H. Jones

David S. Jones

Edward J. W. [unclear]

Commissioners.

101
102

(Decision No. 5164)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
CLYDE WISDOM.)

CASE NO. 1209

(Wray, Colo)

July 28, 1935.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Tuesday, August 22, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. M. Allen
Sam S. Jones
Edward C. Steiner

Commissioners.

WOL
LR

(Decision No. 5165)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
CLARENCE WRIGHT.

CASE NO. 1210

(Flagler, Colo.)

July 28, 1935.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Tuesday, August 22, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. M. Allen
San S. Jones
Edward J. ...

Commissioners.

W. J. Jones

(Decision No. 5166)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
A. R. MILSTEIN.
(Denver, Colo.)

CASE NO. 1215

July 28, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 23, 1933., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. J. Jones

David S. Jones

Edward H. Jones

Commissioners.

108

(Decision No. 5167)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
DAVE EMERSON.

(Denver, Colo.)

CASE NO. 1216

July 28, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 23, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

Dan S. Jones

[Signature]

Edward J. O'Connell

Commissioners.

(Decision No. 5188.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES S. SUHL AND VIRGIL SUHL,)
CO-PARTNERS, DOING BUSINESS AS)
S. & S. TRANSFER COMPANY.)

PRIVATE MOTOR VEHICLE
PERMIT NO. A-21

July 31, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Virgil Suhl, one of the members of the firm doing business as S. & S. Transfer Company, in which he consents to the suspension of the Permit No. A-21, heretofore issued to said firm.

O R D E R

IT IS THEREFORE ORDERED, That the private motor vehicle permit, No. A-21, heretofore issued to the S. & S. Transfer Company be, and the same is hereby, suspended for six months from date of this order.

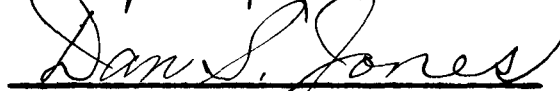
IT IS THEREFORE ORDERED, That if at any time within said period said firm desires to resume operations under the permit, they shall be permitted to do so upon filing the proper insurance and advising this Commission in writing.

IT IS FURTHER ORDERED, That unless operations are begun within or immediately upon the expiration of said six months' period, the said per-

mit shall be revoked without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 31st day of July, 1933.

123
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123

(Decision No. 5169)

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

IN THE MATTER OF THE APPLICATION)
OF THE INTER CITY TRUCK LINE FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1211

August 2, 1933

S T A T E M E N T

By the Commission:

The Commission heretofore issued a certificate of public convenience and necessity in the above application to E. V. Morrison, doing business as the Inter City Truck Line. Thereafter, in Case No. 990, the Commission revoked the said certificate for cause shown therein.

Since said certificate was revoked Mrs. Elizabeth Morrison, the wife of the said E. V. Morrison, has removed the causes for which the said certificate was revoked.

Without going into details, it may be stated that the said E. V. Morrison has apparently become irresponsible as an operator and has deserted the said operation, leaving the same in charge of his said wife.

For reasons which it is not necessary to state, it is impossible to get a formal transfer made from Morrison to his wife. While the procedure is somewhat informal, we believe it serves the ends of justice, and we have concluded to issue another certificate of convenience and necessity, this one to said Elizabeth Morrison, covering the same operation heretofore authorized in the certificate granted E. V. Morrison, instead of reinstating the one formerly issued, and attempting to have the same transferred to her.

The Commission is of the opinion, and so finds, that the public convenience and necessity require the issuance of a certificate of public con-

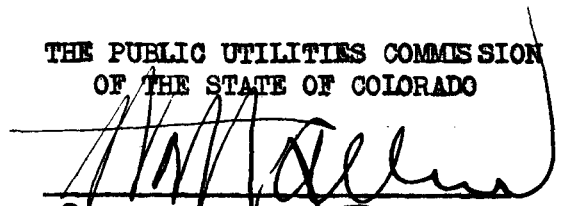
venience and necessity to the applicant for the transportation of freight between the City of Denver and the towns of Windsor and Severance, Colorado, but not to or from intermediate points.

O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operation of the applicant, Elizabeth Morrison, doing business as Inter City Truck Line, for the (transportation of freight between the City of Denver and the towns of Windsor and Severance, Colorado, but not to or from intermediate points,) 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 tariff of rates, rules and regulations of the said E. V. Morrison shall become and remain those of said Elizabeth Morrison, until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1933.

MAKE NO COPY [initials]

(Decision No. 5170)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WEICKER TRANSFER AND STORAGE)
COMPANY, A CORPORATION.)

CASE NO. 1083

August 2, 1933

Appearances: Jack Garrett Scott, Esq., Denver, Colorado,
attorney for respondent;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

An order was made herein by the Commission, on its own motion, providing for an investigation and hearing to determine if Weicker Transfer and Storage Company, a corporation, the respondent, has violated the terms and conditions of its certificate of public convenience and necessity by transporting products for the National Biscuit Company from Denver to Pueblo, Colorado, at rates other than its published tariff rates, or has otherwise violated its said certificate. The order further required the respondent to show cause by written statement to be filed with the Commission why the Commission should not make an order suspending or revoking said certificate of public convenience and necessity, or make any other order or orders that may be meet and proper in the premises.

The respondent filed an answer denying that it had transported National Biscuit Company products from Denver to Pueblo at any rate whatever or at all. It further denied that it had violated the terms and conditions of its said certificate.

The case came on for hearing, at which time it appeared that on May 3, 1929, the Commission issued a certificate of public convenience and necessity

to the respondent authorizing the transportation of freight from point to point within the State of Colorado. However, the certificate contained certain conditions. One of them was that the respondent should not operate on schedule. Another condition read as follows:

"For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers."

The purpose of this last condition was to afford reasonable protection to scheduled carriers, both rail and motor, who have to operate with regularity irrespective of the condition of the highway and of the amount of freight that may be offered at any one time.

Weicker Transportation Company, a corporation, is a subsidiary of the Transfer Company, the latter owning all stock of the former except certain qualifying shares for the directors. Moreover, the Transfer Company furnishes the equipment and some or all of the employees driving the same for the Transportation Company.

The Transportation Company secured certain certificates of public convenience and necessity originally issued to other persons, the transfer being made under authority of this Commission. One of these is a certificate for the transportation of freight between Denver and Pueblo by motor vehicle.

The Transportation Company has on file with the Commission certain tariff rates. So does the Transfer Company. The evidence disclosed that certain shippers in Denver, including the National Biscuit Company, secure the transportation of their commodities from Denver to Pueblo at rates which are lower than the Transfer Company's tariff rates, and lower than those of the Transportation Company applicable to the quantity of goods shipped by individual customers. The Transportation Company does have in effect a rate which permits the transportation of freight in minimum lots of 20,000 pounds where the shipment is from one consignor and one consignee without pick-up or delivery service, this rate being lower than the rate on smaller quantities.

The Transfer Company, according to the evidence, gathers together a large amount of freight, and to some of the shippers, although we understand not to all of them, benefit of a part or all of the difference between the rate of the Transportation Company applicable to a 20,000 pound shipment and the latter's rate on smaller shipments is given. We mention this fact of the benefit being given to some shippers and not to others, ^{to show a condition} resulting in unjustifiable preference and discrimination.

It thus appears that certain shippers at least have their freight transported at rates which are less than those of the Transportation Company, and that the shipments are made at rates considerably less than those of the Transfer Company. We, therefore, have the two companies, if indeed there are two, taking part in this transaction, transporting freight at rates at which neither of them could transport the freight.

A sample bill of lading used in such transactions was introduced in evidence, being Exhibit No. 1. It is entitled in bold print "Uniform Straight Bill of Lading", showing "Weicker T. & S. Company" as the carrier and National Biscuit Company as the consignor and the same company as consignee. The said bill of lading contains all sorts of provisions applicable to ordinary bills of lading used in case of an ordinary shipment of freight by a common carrier. For instance, it states that the Transfer Company has received freight and "agrees to carry to its usual place of delivery at said destination". Section 1 (a) found on the back of the bill of lading provides that "The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided." The term "carrier" is used throughout the terms and conditions on said bill of lading.

In view of the fact that the equipment used in transferring the property from point of origin to point of destination is that of the respondent, and the contract is made with it, it is difficult to find what part, if any, is

played by the Transportation Company.

Two questions have been discussed in the briefs for the respondent and the State. One is whether or not the Transfer Company is a carrier or mere forwarding agent.

The attorney for the respondent referred, inter alia, to the annual report of the Interstate Commerce Commission for the year 1930. The following is taken from a quotation made from said report:

"Under modern practice these companies usually pick up the individual lots of freight at store door at point of origin and deliver them in the same manner at destination, operating motor trucks for this purpose. Usually, also, they establish schedules of rates covering the entire transportation from store door to store door. Generally speaking, these rates are somewhat lower than the less-than-carload rates charged by the railroads and somewhat higher than the carload rates. That portion of the through transportation which is by railroad is performed for the forwarding companies as shippers, at the legal carload rates published by the rail carriers, in accordance with the principle announced in Interstate Commerce Commission v. Delaware, Lackawanna & Western Railroad, 220 U. S. 235."

In behalf of the respondent an abstract found in 1931 P.U.R. Annual Digest, 232, of the decision in Illinois Central Railroad Co. v. Crescent Transit Company, (decided by Illinois Commerce Commission) was quoted:

"Therein it was held that an association operated by partners engaged in the business of acting as brokers in obtaining orders for transportation by motor trucks and in placing, for a fee, such orders with independent truckers not employed by them nor exclusively engaged in their service, was not a public utility within the meaning of the statute requiring a certificate of public convenience and necessity for the lawful operation of a motor utility, where the Association did not itself own or operate equipment running between fixed termini on regular schedule."

In the case before us the transportation was not by independent truckers but by or in the respondent's own equipment.

A number of cases were cited by the Assistant Attorney General in support of his contention that the respondent is not engaged in the mere business of collecting and forwarding freight but as a common carrier. Of course, we appreciate, as was pointed out by the attorney for the respondent, that the language defining a common carrier of some state statutes is broader than that

in other states. However, in view of the facts in our particular case, we believe much that is said in those cases is applicable here.

In Kettenhofen v. Globe Transfer and Storage Co., 127 Pac. (Wash.)

295, the contention was made that the company in question was a mere forwarding company. The court held it to be a common carrier, saying:

"The goods were not delivered for mere forwarding to the railroad company, nor for storage in a warehouse. They were delivered for shipment by whatever route the appellant might find most to its advantage, and in a car of its own procuring. In this branch of its business the appellant was exercising the employment of receiving, carrying and delivering goods, wares and merchandise as an occupation, and for all people indifferently. By its contract it assumed the entire control of the goods, severing the respondents' connection therewith until delivery at the place of destination. Such was the ordinary course of its business, and such was the plain purport of the contract. It was a contract for carriage and delivery for hire, pure and simple; and in so contracting the appellant assumed the attributes and took on the relation of a common carrier for hire, with all of the duties and liabilities incident to that relation. It can make no manner of difference that in other branches of its business it may have been a mere forwarder or warehouseman, or that it so styled itself. Its character, as concerns the business here involved, must be determined by the nature of the service it contracted to perform, without regard to the name by which it has chosen to designate its general business. *Bare v. American Forwarding Co.*, 146 Ill. App. *Fidelity Storage & Transfer Co.* 51 Wash. 208, 98 Pac. 658; *Garberson v. Trans-Continental Freight Co.* 51 Wash. 213, 98 Pac. 612. 'The law, regardless of forms or names, will look at the real transaction, and if the contract be in fact one for the transportation and delivery of the goods to a consignee, no matter through what agencies it is to be effected, the undertaking will be construed as that of a common carrier.' *Hutchinson*, Carr. 3d ed. § 83."

If on the facts in that case the finding of carriage by the company could properly be made, a fortiori, such a finding would be proper here.

In Heath v. Judson Freight Forwarding Co., 190 Pac. 839, the court said:

"We are inclined to the view that respondent's liability is that of a common carrier. If goods are deposited with a forwarding agent merely as the initiatory step towards starting them in itinere, the forwarding agent having undertaken to do no more than to safely keep the goods and forward them when the opportunity offers itself, and being in no wise interested in their carriage after delivery to the carrier, such agent cannot be regarded as a common carrier; but where, as here, the forwarding agent undertakes to transport the property from its location in one city to another city, for through rates less than the published rates of the railroad company for broken lots, which it is enabled to do by accumulating property for the given destination until a car can be filled, which is billed to its distributing agent at the point of destination, such forwarding agent assumes, while holding the property for accumulation, the liability of a common carrier."

A superior court of Pennsylvania in York Motor Express v. Public Service Commission of Pa., 96 Pa. Sup.Ct.174, said with respect to the situation there, which it described:

"The appellant attempts, by limiting the number of its customers, to extend its rights and to change its legal status from Hanover to York from a common carrier to a private carrier. It was admitted at the argument that the same transportation facilities are used from Hanover to Philadelphia as from York to Philadelphia; that merchandise is collected at Hanover, and additional freight is picked up at York and put into the same truck, so that if the appellant's contention is correct, we would have it engaged at the same time as a common carrier and as a private carrier, using the same facilities and under the same trade name. We think that the law never contemplated that this dual capacity could be maintained under these circumstances; otherwise, discrimination in rates and other frauds could be readily perpetrated. The appellant is either a common carrier or a private carrier but cannot be both at the same time with the same facilities."

In Highway Forwarding Co. v. Public Service Commission, 164 Atl. 835 (Pa.), the court pointed out that "To constitute a common carrier, it is not essential that the person or corporation undertaking such service owns the means of transportation. . . . In the present case the engagement was to carry to the destination."

Upon the facts in this case the Commission is of the opinion, and so finds, that the respondent is engaged in the transportation of freight between Denver and Pueblo as a common carrier and not as a mere forwarding agent, and that in so doing it is transporting freight at rates which are prohibited by one of the conditions contained in its said certificate.

In view of the finding just made it may not be necessary to discuss the other point. However, we have concluded to do so.

If it should be conceded that the Transportation Company is playing any part whatever in this business, the question arises whether or not in so doing it is not acting as a mere agency or instrumentality of its parent company. Or, if not a mere agency or instrumentality, may a wholly owned subsidiary controlled by the parent company and made to operate in a coordinated system

with the parent be permitted to do what is unlawful for the parent to do?

We pointed out in Re The Denver and Interurban Motor Company,
781.
7 Colo. P.U.C./781, that "....the rule is that the corporate entity will not be disregarded . . . ordinarily, corporate existence cannot be disregarded. The exceptions to this rule are few." However, we did there say that "We believe an examination of the cases holding that the corporate existence may be disregarded, discloses that in most of them something illegal was attempted through the use of the (subsidiary) corporation."

We there referred to Southern Pacific Terminal Co. v. Int. Comm. Com'n., 219 U. S. 498, in which it appeared that an unlawful preference was being given a certain shipper of the terminal company, which was a part of the Southern Pacific system. In other words, the railroad company tried through the use of a subsidiary to do something which if done by it itself would be unlawful. The Court disregarded the corporate entity of the terminal company and decided that the situation was substantially the same as if the intervention of the subsidiary had not taken place. The Court in the Southern Pacific Terminal case stated that "appellants urge the legal individuality of the different railroads and the Terminal Company and cite cases which establish, it is contended, that stock ownership simply or through a holding company does not identify them." The Court did not go into the abstract proposition applicable in the ordinary case. It answered as follows:

"We are not concerned to combat the proposition. The record does not present a case of stock ownership merely or of a holding company which was content to hold. It presents a case, as we have already said, of one actively managing and uniting the railroads and the Terminal Company into an organized system. And it is with the system that the law must deal, not with its elements. Such elements may, indeed, be regarded from some standpoints as legal entities; may have, in a sense, separate corporate operation; but they are directed by the same paramount and combining power and made single by it. In all transactions it is treated as single."

So here the record does not present a case of mere ownership of stock. It presents a case, assuming that the Transportation Company has some part in the carriage, of a parent company actively managing and uniting the subsidiary with itself.

Without commenting on further cases, it is sufficient to say that the cases clearly hold that one of the recognized exceptions to the rule that ordinarily corporate existence will not be disregarded is in the case where the parent company, in an attempt to evade the law, tries to do through the subsidiary that which would be unlawful for it to do itself.

We, therefore, further find that, assuming that the Transportation Company takes some part in the carriage of freight in the cases of the kind under consideration, it does so as a mere agency or instrumentality of and as a part of one system made up of the respondent and the Transportation Company, and controlled and managed by the respondent.

We want here to point out clearly that if the respondent and its subsidiary, the Transportation Company, desire to afford lower rates to its shippers, the Transportation Company should file such rates and make them applicable to all shippers. What the respondent could do in the way of forwarding freight by other lines than its own subsidiary we do not now need to consider, as we have no such question before us.

We may add that the order does not affect a case of a wholly unrelated and mere forwarding company. Neither does the order affect the transportation by respondent of household goods under its certificate.

O R D E R

IT IS THEREFORE ORDERED, That the respondent Weicker Transfer and Storage Company, cease and desist from taking part in any and all business transactions and dealings by which any shipper, through respondent, secures lower rates for the transportation of freight between points, between which the Transportation Company is authorized to operate, than the rates of the latter on file with this Commission and in effect at the time the transportation takes place.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Flora Allen

Sam S. Jones

Edward J. DeLoach
Commissioners

Dated at Denver, Colorado,
this 2nd day of August, 1933.

Handwritten notes:
10/16
1933

(Decision No. 5171)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
R. A. JOHNSON.

CASE NO. 1211

(Stockyards Sta., Denver, Colo.)

August 2, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock M., on Tuesday, August 22, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

North Allen
Daniel Jones
Edward E. Weaver
Commissioners.

Handwritten marks and initials in the top right corner.

(Decision No. 5172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
CARL MUMMIE.

CASE NO. 1212

(Akron, Colo.)

August 2, 1935.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Tuesday, August 22, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.

Commissioners.

not
filed

(Decision No. 5173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
CHRIS LEWIS.

CASE NO. 1213

(Julesburg, Colo.)

AUGUST 2, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on August 23rd, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Worth Allen
Dan Jones
Edward J. Deery
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
M. L. GRAHAM.

CASE NO. 1214

(Fleming, Colo.)

August 2, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as 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.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

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 is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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 requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, 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 o'clock A.M., on Wednesday, August 23, 1933., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

North Allen
Davis Jones
Edward J. O'Connell

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF DWIGHT CHAPIN, JR., FOR AUTHORITY)
TO TRANSFER CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY TO THE)
MOUNTAIN UTILITIES CORPORATION.)

APPLICATIONS NOS. 1878-A, 1879-A
1880-A, 2000-A, 2001-A and 2002-A

August 2, 1933.

Appearances: Frank McDonough, Jr., Esq., Denver, Colorado,
attorney for applicant;
J. Nelson Truitt, Esq., Kiowa, Colorado,
attorney for George H. Sultz, protestant.

S T A T E M E N T

By the Commission:

On June 13, 1933, the Commission entered its order authorizing Dwight Chapin, Jr., to transfer to The Mountain Utilities Corporation those certain certificates of public convenience and necessity heretofore issued by the Commission in the above numbered applications. Said authority, however, was subject to the condition that the written consent to the said transfers of all incorporated communities served by the said Dwight Chapin, Jr., be filed with the Commission, and that a notice that authority to make said transfers was being sought from the Commission be posted at the Postoffice of Elbert (unincorporated), Colorado, said notice to provide that anyone having any objection to said transfers should file the same with the Commission within ten days from the date of the notice. Thereafter, consent to said transfers was filed by the towns of Monument, Elizabeth, Kiowa and Palmer Lake, Colorado. However, a protest by George H. Sultz, the former owner of an electric generating plant located in the town of Elbert, Colorado, was filed. Said protest was based upon the ground that the said Dwight Chapin, Jr., had failed and refused to make certain payments which were due the said George H. Sultz under his contract to purchase the electric plant and equipment in Elbert from protestant.

Said protest was duly heard in the Hearing Room of the Commission, Denver, Colorado, on July 8, 1933. The evidence disclosed that Dwight Chapin, Jr., purchased from George H. Sultz on or about September 18, 1931, a generating plant, distribution system, and all equipment and good will of the electric lighting system then owned by said George H. Sultz at Elbert. As we understand the record, the original purchase price to be paid for the Sultz plant was \$8,000.00, of which amount \$2,750.00 has been paid to date. On August 18, 1932, said parties entered into a new contract of sale relative to said plant, which provides, inter alia, that the time of payment of all moneys due from Chapin to Sultz at the date of said new agreement should be extended to July 1, 1933, with a further proviso that Chapin would pay Sultz the sum of \$100.00 on or before the 15th day of each and every month, starting September 7, 1932, and as much more as he is able to pay, said sums of money to be applied on the interest accruing on the money due and to become due under said contract of September 18, 1931, and the balance on the principal.

Said contract further provides that on the 1st day of July, 1933, if said Chapin is unable to pay in full to the said Sultz all sums of money then remaining and due under the contract of September 18, 1931, then, in that event, said Chapin will give Sultz a bill of sale to all the distributing system, poles, wires, ~~meters~~, ~~transformers~~, and all other equipment in the town of Elbert, together with his right to erect and maintain said system, and his right to sell and dispose of said electrical energy. It was further provided that Chapin would assign his certificates of public convenience and necessity to Sultz and furnish and sell electrical energy to said Sultz for a period of five years at rates to be approved by this Commission.

At the hearing, applicant filed an amended application, requesting authority to assign his certificates of public convenience and necessity insofar as same applied to the town limits of Elbert and the distribution system therein to George H. Sultz, said transfer to be in lieu of the

transfer to the Mountain Utilities Corporation. In said amended application, applicant offered to serve the said George H. Sultz with electric current at the town limits of Elbert at the rate of five cents per KWH energy charge, plus \$100.00 per month for a line or delivery charge over its transmission line extending from Kiowa to Elbert.

Protestant made no objection to the filing of said amended application and testified that he would be willing to accept the return of his plant, provided that all of the property which existed there at the time Chapin took the plant over was either restored as it originally existed or its equivalent substituted.

The evidence was conflicting as to the value of the property which had been removed from Elbert by Chapin and also as to the value of the additions and betterments made by Chapin since taking over the Sultz plant. Sultz estimated said improvements and betterments at between \$900.00 and \$1,000.00, while Chapin testified that the value of same would approximate \$2,500.00. Chapin is willing to return to Sultz all major items that have not been disposed of, and while, as stated before, the evidence is conflicting, it would appear that the additions and betterments made by Chapin would considerably exceed in value the property which he will be unable to replace at Elbert.

The only evidence introduced as to the value of the current which Chapin proposes to sell to Sultz at the town limits of Elbert would indicate a cost per KWH of 20 cents, with an operating cost of the Kiowa-Elbert line of \$112.50 per month. With a total consumption in Elbert of approximately 1,000 KWH per month, which has been yielding a gross revenue to applicant of \$162.00, it is quite apparent that with a line charge of \$100.00 per month plus 5 cents per KWH energy charge, Sultz would have little or nothing left if he operated under the same rates that are now being charged by Chapin. The rate charged by Sultz at the time he was operating his own plant was more than double the present

Chapin rates. However, the Commission is not satisfied that the rates proposed to be charged Sultz by Chapin are justified. The evidence submitted is not conclusive or of such detailed nature that the Commission would be warranted in finding that said proposed rates are reasonable.

The amended application filed by applicant was undoubtedly more or less of a surprise to the protestant, and we do not feel that the rates proposed should be established, at least not without a further hearing to determine their reasonableness. The question of the value of the service must be considered in cases of this kind. We would not feel justified in establishing a higher line charge at this time than \$75.00 per month.

Some question was raised at the hearing in regard to the legal construction to be placed upon the contracts of September 18, 1931, and August 18, 1932. However, the Commission does not feel that it should pass upon the legal questions involved in said contracts, as that would be clearly a matter for determination by the courts.

After careful consideration of the entire record, the Commission is of the opinion, and so finds, that the authority heretofore granted on June 13, 1933, to Dwight Chapin, Jr., to transfer to The Mountain Utilities Corporation the certificates of public convenience and necessity heretofore issued in Applications Nos. 1879, 1880, 2000, 2001 and 2002, authorizing the sale and distribution of electric energy in the towns of Elizabeth, Kiowa, Palmer Lake and Monument, as well as the construction of an electrical transmission line in the counties of Elbert, Douglas and El Paso, should be confirmed and approved.

We are further of the opinion, and so find, that authority should be granted to the said Dwight Chapin, Jr., to transfer and assign to George H. Sultz the certificate of public convenience and necessity heretofore issued to him in Application No. 1878, authorizing the construction of an electric light plant, distribution system and transmission lines in the county of Elbert so far as the same applies to the town

limits of Elbert, which is unincorporated, subject to the conditions hereinafter stated.

O R D E R

IT IS THEREFORE ORDERED, That the authority heretofore granted on June 13, 1933, to Dwight Chapin, Jr., to transfer to The Mountain Utilities Corporation the certificates of public convenience and necessity heretofore issued in Applications Nos. 1879, 1880, 2000, 2001 and 2002, authorizing the sale and distribution of electrical energy in the towns of Elizabeth, Kiowa, Palmer Lake and Monument, as well as the construction of an electrical transmission line in the counties of Elbert, Douglas and El Paso, be, and the same is hereby, confirmed and approved.

IT IS FURTHER ORDERED, That authority be, and the same is hereby, granted to Dwight Chapin, Jr., to transfer to George H. Sultz, of Elbert, Colorado, the certificate of public convenience and necessity heretofore issued in Application No. 1878, subject to the following conditions:

(a) That said Dwight Chapin, Jr., shall immediately restore to the said George H. Sultz, at Elbert, Colorado, all of the equipment, material and supplies still in his possession, or in the possession of The Mountain Utilities Corporation, and which was turned over to him by the said George H. Sultz at the time possession of the Elbert plant was turned over to the said Dwight Chapin, Jr.

(b) That the written consent and acceptance of the said George H. Sultz of the transfer of said certificate of public convenience and necessity be filed with this Commission within thirty days from the date hereof.

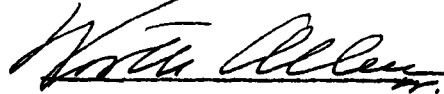
(c) That if the said George H. Sultz desires to buy electrical current from the transmission lines of the said Dwight Chapin, Jr., or of The Mountain Utilities Corporation, at the town limits of Elbert, the same shall be furnished to him at a cost of not to exceed five cents per KWH energy charge, plus not to exceed \$75.00 per month line charge.

IT IS FURTHER ORDERED, That there shall be no cessation of service to the community of Elbert, but that the said Dwight Chapin, Jr., shall continue to serve said community until said George H. Sultz, or his successors or assigns, are ready and willing to take over said service, or until the further order of this Commission.

IT IS FURTHER ORDERED, That jurisdiction of the instant case be, and the same is hereby, retained to the end that such further order or orders may be issued as occasion may require.

IT IS FURTHER ORDERED, That the rate schedules and rules and regulations of the transferor herein shall 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 2nd day of August, 1933.

(Decision No. 5177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE COMMANDING OFFICER, FITZ-)
SIMONS GENERAL HOSPITAL, DENVER,)
COLORADO, FOR AN ORDER REDUCING)
RATES FOR WATER SUPPLIED TO THE)
FITZSIMONS GENERAL HOSPITAL BY THE)
CITY AND COUNTY OF DENVER.)

APPLICATION NO. 2119

August 2, 1933

S T A T E M E N T

By the Commission:

The Commission is now in receipt of a written request dated July 25, 1933, signed by Captain E. O. Schairer, advising the Commission that pursuant to instructions from the War Department, request is made by the applicant to dismiss the above entitled application.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

North Allen
David S. Jones
Edward J. Decker
Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1933.

(Decision No. 5178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 1045

August 3, 1933.

S T A T E M E N T

By the Commission:

On January 17, 1933, the Commission made its order suspending private permit No. A-98, heretofore issued to the above named respondent, for his failure to file monthly reports and pay highway compensation taxes.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, and filed an affidavit to the effect that he had not operated for hire during said suspension period, then, in that event, said permit would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that said private motor vehicle permit No. A-98, heretofore issued to Wesley J. Herter, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-98, heretofore issued to Wesley J. Herter, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones
Edward J. O'Connell
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. H. PFLAEGING.)

APPLICATION NO. 1890

August 2, 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 G. H. Pflaeging, requesting that the certificate of public convenience and necessity, heretofore issued to him in Application No. 1890, be cancelled.

After a careful consideration of the 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 the certificate of public convenience and necessity, heretofore issued to G. H. Pflaeging, in Application No. 1890, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter Allen
David S. Jones
Edward J. O'Connell
Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. G. STEGALL, DOING BUSINESS AS)
STEGALL TRUCK LINE.)

PRIVATE MOTOR VEHICLE
PERMIT NO. A-418

August 2, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. G. Stegall, to whom a private motor vehicle permit, No. A-418, was issued, asking that the same be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That Private Motor Vehicle Permit No. A-418, heretofore issued to F. G. Stegall, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. H. Allen
Dan S. Jones
Edward C. Deane
Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1933.

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(Decision No. 5181)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RIO GRANDE MOTOR WAY, INC., FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR THE TRANSPORTATION)
OF FREIGHT BY MOTOR VEHICLE BETWEEN)
MONTROSE, COLORADO, AND OURAY, COLO-)
RADO, AND INTERMEDIATE POINTS, TO)
MAKE SAID ROUTE A PART OF ITS SYSTEM,)
AND TO ESTABLISH THROUGH RATES AND)
SERVICE.)

APPLICATION NO. 2121

August 5, 1933.

Appearances: T. A. White, Esq., Denver, Colorado,
attorney for applicant;
Jerome Paul, Esq., Ouray, Colorado,
attorney for the City of Ouray and
Chamber of Commerce of Ouray,
protestants.

S T A T E M E N T

By the Commission:

Applicant seeks authority to transport freight by motor vehicle between Montrose, Colorado, and Ouray, Colorado, and intermediate points. Protests were filed on behalf of the Ouray Chamber of Commerce and the City of Ouray, by Frank Rice as Mayor. The grounds of said protests were in effect that the present freight transportation service offered by The Denver and Rio Grande Western Railroad Company was adequate and sufficient, and that the granting of the proposed certificate might have a tendency to divert traffic from the railroad company and possibly create a condition whereby said railroad line into Ouray would be abandoned.

At the hearing, the evidence disclosed that applicant is already authorized to transport freight between Grand Junction and Montrose, and between Ouray and Silverton, and it now seeks particularly to connect its routes between Grand Junction and Montrose, and Ouray and Silverton, so

that a connected route between Grand Junction and Silverton, and intermediate points, could be established under through rates and schedules.

The proposed operation would consist at present of one round trip each week between Grand Junction and Silverton, leaving Grand Junction at 2:00 A. M., Montrose at 6:00 A. M., Ouray at 9:00 A. M., and arriving at Silverton at 11:00 A. M. On the return trip, applicant would leave Silverton at 2:00 P. M. on the same day as arrival, Ouray at 4:00 P. M., arrive at Montrose at 6:00 P. M., leaving Montrose the next day at 8:00 A. M. and arriving at Grand Junction at 12:30 P. M.

Applicant is a subsidiary of The Denver and Rio Grande Western Railroad Company, and eighty per cent of its stock is owned by said railroad company. Its financial standing and character of equipment to be used were both established to the satisfaction of the Commission.

Silverton has no direct rail service from Grand Junction, Montrose or Ouray and, due to the lower freight rates and more expeditious service offered by applicant, is naturally much interested in seeing the present service by applicant continued. The president of applicant company stated that he would not be interested in the transportation of freight to Silverton if Ouray was eliminated, as the volume of business would not justify the operation of the line. The Silverton situation, however, is not controlling in our decision, although we feel that their rights are entitled to some consideration.

On behalf of protestants, an exhibit was introduced showing that on March 30, 1933, nineteen of the principal merchants and business men of Ouray signed a pledge to utilize the freight and express service of the Denver and Rio Grande Western Railroad Company to the fullest extent possible. The way bills of applicant for the months of May and June, 1933, were made a part of the record, and these disclose that during said period nine of the signers of said pledge patronized the applicant, some to a very material extent. A total of 28,747 pounds of freight was moved into Ouray during said period by applicant, to thirty-two various consignees.

The fact remains that if the certificate is granted, shippers will still have the privilege of choosing whichever service they desire.

Applicant is authorized at the present time to transport passengers and express between Grand Junction and Silverton and intermediate points, and has been operating its proposed freight truck line for the last few months under special permission granted by the Commission. It apparently is rendering a service to the shippers at Ouray that is being used to a considerable extent.

We appreciate fully the feeling of the Mayor and the officials of the Chamber of Commerce in opposing the granting of this certificate. If this same spirit had been shown by a number of other communities in Colorado at the time the truck first made its appearances on the horizon as a vehicle for the commercial transportation of freight, it is doubtful if the railroads at the present time would have lost the volume of traffic which they undoubtedly have to the truck.

As we recently stated in the matter of the application of J. B. Moore for a certificate of public convenience and necessity to operate motor truck, freight service between Denver and Gunnison, Colorado, Decision No. 5175,m-

"We believe the communities served by the narrow gauge system of The Denver and Rio Grande Western Railroad Company are vitally interested in retaining said rail service, not only on account of the large tax payments received from the railroad company, but also on account of the fact that many of the products of these communities can normally be transported to market only by railroad service. We refer particularly to livestock, ores, coal and timber products."

It is undoubtedly true that the operations of the applicant will divert some traffic from the railroad company, but, on the other hand, if this certificate is refused, the fact remains that private motor vehicle carriers operating in a lawful manner, under either Glass A or Glass B permits, which under the law are issued without a hearing by this Commission, may still give truck service to the shippers in Ouray who desire the same. We are inclined to believe that it would be better to grant this authority to a subsidiary of the railroad company, whereby 80 per cent of the net

revenue derived from such operation will go into the treasury of the railroad company, rather than possibly to permit said revenue to flow into other channels. If the Commission believed that the granting of this certificate might result in the abandonment of rail service into Ouray, the same would not be granted, as we believe said railroad service to be more vital to the community as a whole than the possible conveniences afforded to a limited number of shippers by virtue of the truck line.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle operations of applicant for the transportation of freight between Montrose, Colorado, and Ouray, Colorado, and intermediate points, and to make said route a part of its present system and to establish through rates and service.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of applicant, Rio Grande Motor Way, Inc., for the transportation of freight between Montrose, Colorado, and Ouray, Colorado, and intermediate points, to make said route a part of its present system and to establish through rates and 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 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 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

David L. Jones

W. H. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1933.

(Decision No. 5182.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. V. DUNHAM.)

PERMIT NO. A-67

August 7, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named L. V. Dunham, requesting that his permit No. A-67 be cancelled for the reason that he is not, and has not been using his truck for the purpose of commercial hauling.

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 permit No. A-67, heretofore issued to L. V. Dunham, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lawrence Jones

Edward J. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 7th day of August, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE R. McKENNEY.) CASE NO. 1028

August 7, 1933

S T A T E M E N T

By the Commission:

On September 20, 1932, the Commission issued an order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1091, 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.

At the hearing, the evidence disclosed that no insurance policy or surety bond had been filed by said respondent.

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 respondent in Application No. 1091, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Claude R. McKenney in Application No. 1091, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Edward J. Jones

Commissioners.

Dated at Denver, Colorado,
this 7th day of August, 1933.

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(Decision No. 5184.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHET TINGLING.)

CASE NO. 865

August 9, 1933.

S T A T E M E N T .

By the Commission:

On December 23, 1931, the Commission entered its order requiring the respondent to show cause why private permit No. A-149, heretofore issued to him, should not be cancelled or revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance. Since the hearing in said case, respondent has filed the reports and paid the taxes mentioned in said show cause order, but no insurance has been filed.

We are now in receipt of a letter from respondent requesting that said permit be cancelled.

In view of the entire record, the Commission is of the opinion, and so finds, that said private permit should be revoked for the failure of respondent to file the necessary insurance, as well as upon his written request.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-149, heretofore issued to Chet Tingling, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones
Edward C. Decker
Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1933.

(Decision No. 5185)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COMMANDING OFFICER OF FITZSIMONS)
GENERAL HOSPITAL, DENVER, COLORADO,)
FOR AN ORDER REDUCING RATES FOR)
ELECTRIC SERVICE AT FITZSIMONS)
GENERAL HOSPITAL BY THE PUBLIC SERVICE)
COMPANY OF COLORADO, DENVER, COLORADO.)

APPLICATION NO. 2118

August 9, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written request, dated August 5, 1933, and signed by Captain E. O. Schairer, advising the Commission that an agreement upon rates for electricity to be furnished Fitzsimons General Hospital during the year 1934, has been reached between the Government and the Public Service Company of Colorado, and we are requested, therefore, to dismiss the above entitled application.

After a 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 the above entitled application be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Law S. Jones

Edward V. Wheeler

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1933.

(Decision No. 5186.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES MORRISON.)

CASE NO. 1176

August 10, 1933.

Appearances: Mr. W. C. Loss, Auditor and Statistician,
Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 10, 1933, the Commission issued an order requiring the above named respondent to show cause why motor vehicle private permit No. A-396, heretofore issued to him under the provisions of Chapter 120, Session Laws of Colorado, 1931, should not be suspended or revoked for failure to file monthly reports, pay highway compensation taxes in the amount of \$6.82, and file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

No appearance was made by respondent at the hearing which was held on August 8, 1933. The evidence disclosed that respondent had not filed the delinquent reports, paid the highway compensation tax due nor filed the necessary insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that motor vehicle private permit No. A-396, heretofore issued to the above named respondent, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-396, heretofore issued to Charles Morrison, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Law S. Jones
Edward E. Decker
Commissioners.

Dated at Denver, Colorado,
this 10th day of August, 1933.

(Decision No. 5187)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PETER ROSENDALE, JR.) CASE NO. 997

August 10, 1935.

S T A T E M E N T

By the Commission:

On September 15, 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 him in Application No. 1413, should not be cancelled or revoked for his failure to pay highway compensation taxes in the amount of \$12.65 and file a cargo insurance policy as required by law and the Rules and Regulations of the Commission.

At the hearing, the evidence disclosed that respondent had not paid the delinquent highway compensation taxes nor filed the required cargo insurance. Since the date of said hearing, respondent's public liability and property damage insurance policy has expired.

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 respondent in Application No. 1413, should be revoked and cancelled for his failure to pay highway compensation taxes and for failure to file the necessary 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 certificate of public convenience and necessity, heretofore issued to Peter Rosendale, Jr., be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones

Edward W. Wheeler
Commissioners.

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

(Decision No. 5188)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE COLORADO AND SOUTHERN RAIL-)
WAY COMPANY TO DISCONTINUE OPERATION) APPLICATION NO. 2124
OF ITS PASSENGER TRAINS NUMBERS 23)
and 24 BETWEEN DENVER AND FORT)
COLLINS, COLORADO.)

August 10, 1933.

Appearances: J. Q. Dier and J. L. Rice, Esqs., Denver,
Colorado, attorneys for applicants;
Frank L. Moorhead, Esq., Boulder, Colorado,
attorney for City of Boulder, protestant;
D. L. Anderson, Fort Collins, Colorado,
representing Fort Collins Chamber of Commerce;
R. D. Miller, Longmont, Colorado,
for the City of Longmont;
James D. Parriett, Esq., by Frederick P. Cranston, Esq.,
Denver, Colorado, for the City and County of Denver;
John Bunyan, Berthoud, Colorado,
for the Town of Berthoud.

S T A T E M E N T

By the Commission:

Applicant seeks authority to discontinue the operation of passenger trains numbers 23 and 24 which are now in service between Denver and Fort Collins, Colorado. Train No. 23 leaves Denver at 3:00 P.M., arriving at Fort Collins at 5:40 P.M. and train No. 24 leaves Fort Collins at 8:20 A. M., arriving at Denver at 11:00 A.M.

The application is based upon the theory that the travel upon said trains is very light, and as a consequence the earnings do not equal the expense of operation, and upon the further fact that the communities served by said trains would still receive adequate and reasonable service even though said trains were eliminated.

On behalf of applicants, the evidence disclosed that in 1932 the operating cost of said trains 23 and 24 amounted to the sum of \$36,023.91,

while the train revenues amounted to the sum of \$14,939.95, leaving a net deficit of \$21,083.96, while for the first six months of 1933, the operating deficit has amounted to the sum of \$14,399.25. For the same period the income statement of the Colorado and Southern Railway Company as a whole shows a deficit of \$961,356.63.

During the first six months of 1933, train No. 23 handled 1973 passengers from Denver to Fort Collins, and train No. 24 handled 1202 passengers from Fort Collins to Denver. As a matter of comparison, it is interesting to note that for the first six months of the year 1928, train No. 23 handled 5831 passengers between Denver and Fort Collins, and train No. 24 for the same period handled 3471 passengers between Fort Collins and Denver. The difference in these figures graphically illustrates the decline in passenger business handled by said trains.

Applicant operates two other passenger trains daily in each direction between Denver and Fort Collins, the northbound trains leaving Denver at 8:00 A. M. and 7:45 P. M., Boulder at 9:06 A. M. and 8:48 P. M., arriving in Fort Collins at 10:45 A. M. and 10:20 P. M. The southbound trains leave Fort Collins at 4:35 A. M. and 2:50 P. M., Boulder at 6:05 A. M. and 4:25 P. M., arriving in Denver at 7:10 A. M. and 5:30 P. M.

In addition to said trains, Boulder and Fort Collins are also served by Union Pacific trains, and Longmont is served by Chicago, Burlington & Quincy trains. Bus service is also in operation between Denver and Boulder. This service is rendered by The Denver and Interurban Motor Company, a subsidiary of applicant company. Five busses daily each way operate under this service, with extra service provided for Saturdays, Sundays and holidays. Colorado Motor Way, Inc., operates four busses daily each way between Denver and Fort Collins, with extra service on Sundays and legal Holidays. It was also developed that Colorado Motor Way, Inc., had completed arrangements for coordinating the Denver and Interurban Motor Company's service with its service on business moving between Boulder and intermediate points north to Fort Collins.

From July 1932, to June 1933, inclusive, Colorado Motor Way, Inc., transported a total of 13,290 passengers between Denver and Fort Collins, and intermediate points, and a total of 11,674 passengers between Fort Collins and Denver and intermediate points. During the same period, The Denver and Interurban Motor Company transported a total of 16,107 passengers between Boulder and Denver, and 18,123 passengers between Denver and Boulder.

Evidence was also introduced showing that paved highways connect all points involved in the instant case, and traffic volume figures from the State Highway Department were introduced to show the extensive use of said highways by motor traffic in general.

On behalf of protestants the City of Boulder objected to the removal of the trains upon the ground that it is a tourist and student center and that adequate train service is essential for the convenience of tourists and for students attending the University of Colorado. The Town of Berthoud requested that if said trains were discontinued, train No. 30, which is a south-bound train from Fort Collins to Denver, should stop at Berthoud for the purpose of taking on mail. Applicant agreed that this would be done for the purpose of receiving first class mail, it being understood, of course, that the routing of the mail is under the control of the Postoffice Department of the Federal Government. Requests were also made that the bus service of The Denver and Interurban Motor Company be extended to include the Union Station at Denver. Applicant agreed to give this matter serious consideration and to endeavor to have such service furnished, although they stated that it could not be bound in this particular as they had leased the operations of their subsidiary company to other parties.

It is quite apparent from the record that the operation of trains 23 and 24 by applicant company is no longer justified from a financial standpoint. It would also appear, in view of the other train service, as well as bus service, now afforded the communities served by said trains, that the public convenience and necessity no longer require the operation of said trains. No doubt

some inconvenience may be suffered by the traveling public due to the fact that these trains are withdrawn, but in view of the financial condition of applicant company, as well as other factors surrounding this case, we do not feel that said inconvenience would offset the burden placed upon applicant company if it is required to continue the operation of said trains.

We shall expect applicant to use its best endeavors to see that the mail service hereafter rendered to the communities in question is as convenient and expeditious as possible so far as its jurisdiction and control over said matters is concerned, and we shall also expect it to use its best endeavors to see that the bus service heretofore mentioned is extended to include the Union Station.

It may be stated at this point that some complaint was made by several of the witnesses as to the type of equipment now in service by the Denver and Interurban Motor Company, and the fact that said equipment was not modern or up-to-date was stressed. While this matter cannot be passed upon in the instant case, yet, of course, such evidence was material for the purpose of showing the inadequacy of existing service. If this complaint continues, it can be heard by the Commission at a later date on proper complaint being filed and after due notice to the operating company.

After careful consideration of all the record, the Commission is of the opinion, and so finds, that authority should be granted to The Colorado and Southern Railway Company to discontinue the operation of its passenger trains 23 and 24 between Denver and Fort Collins, Colorado.

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 discontinue the operation of its passenger trains Nos. 23 and 24 between Denver and Fort Collins,

Colorado, effective August 20, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

San S. Jones

Samuel E. Gaudin
Commissioners.

Dated at Denver, Colorado,
this 10th day of August, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. W. HAYDEN.)
.....)

CASE NO.1218.....

August 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.

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 ~~re~~ 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 August 23, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Don S. Jones
Edward J. O'Connell

.....
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 930
O. A. DUNN.)

August 11, 1933.

S T A T E M E N T

By the Commission:

On January 9, 1933, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent for his failure to pay highway compensation taxes and file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said suspension period, then, in that event, said certificate would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with the above requirements.

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 O. A. Dunn in Application No. 1643, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to O. A. Dunn in Application No. 1643,

be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

San S. Jones

Edward E. Wheeler
Commissioners.

Dated at Denver, Colorado,
this 11th day of August, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
W. B. BURROUS AND CLARENCE TANGEMAN,)	
CO-PARTNERS, DOING BUSINESS AS)	
GENOA TRANSPORTATION COMPANY, FOR)	
AUTHORITY TO THE FORMER TO ASSIGN AND)	<u>APPLICATION NO. 1252-AA</u>
TRANSFER TO CLARENCE TANGEMAN HIS)	
ONE-HALF INTEREST AND RIGHTS IN THE)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY NO. 400.)	

August 12, 1935.

Appearances: Clarence Tangeman, Genoa, Colorado,
pro se;
W. B. Burrous, Genoa, Colorado,
pro se;
D. Edgar Wilson, Esq., Denver, Colorado,
attorney for The Chicago, Rock Island
and Pacific Railway Company.

S T A T E M E N T

By the Commission:

Clarence Tangeman and W. B. Burrous are the present owners of the certificate of public convenience and necessity heretofore issued in Application No. 1252. In the instant application, authority is sought by W. B. Burrous to transfer and assign his undivided one-half interest in said certificate to Clarence Tangeman.

The evidence disclosed that no debts exist against the operation of the Genoa Transportation Company save and except certain road taxes now due the Commission. The consideration for the transfer is an agreement on the part of Tangeman dated July 10, 1935, to pay one-half of the road taxes then due, amounting to the sum of \$205.85. To date, Tangeman has paid \$100.00 toward said taxes, while Burrous has paid \$15.00, which leaves approximately \$90.00 still due and unpaid.

It developed at the hearing that most of the said unpaid taxes were really due from W. B. Burrous, as Tangeman had made other payments for the

P. 400

partnership which would practically take care of his half of said road taxes.

It further appears that both Tangeman and Burrous had in fact been operating as individuals rather than as co-partners, each one owning his own equipment and taking care of his own business separately. Tangeman owns a new $1\frac{1}{2}$ -ton Reo truck valued at \$1,840.00, against which a mortgage of \$1,000.00 still exists. He testified that he believed that if he owned the certificate himself, there would be sufficient business to justify a continued operation under same. Burrous testified that if the transfer was granted, he proposed to take out a Class A private permit and operate thereafter as a private carrier.

The financial condition of the transferee is not all that could be desired, and the Commission has some question as to whether or not the operation as a whole will be a financial success. However, we see no reason why Tangeman should not be given an opportunity to conduct the operation as an individual.

Both parties understand and were advised that each one is individually liable, as well as their equipment, for the payment of the back road taxes, and any authorization given herein for the transfer of this certificate will be subject to the condition that all past due road taxes are fully paid.

After careful consideration of the record the Commission is of the opinion, and so finds, that authority should be granted to W. B. Burrous to transfer to Clarence Tangeman an undivided one-half interest in and to that certain certificate of public convenience and necessity heretofore issued in Application No. 1252, subject to the condition hereinafter stated.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to W. B. Burrous to transfer to Clarence Tangeman an undivided one-half interest in and to that certain certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1252; provided, however, that the transfer hereby authorized shall not become effective until all highway compensation taxes due the State on account of any operations of the

Genea Transportation Company shall be fully paid.

IT IS FURTHER ORDERED, That the tariff of rates and rules and regulations of the transferor herein shall 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

Law S. Jones

James E. Clendenen
Commissioners.

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

MAKE NO COPY
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(Decision No. 5193.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 977
FRANK L. SANBORN.)

August 12, 1933.

S T A T E M E N T

By the Commission:

On September 10, 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 him in Application No. 1732, 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.

At the hearing held September 30, 1932, the evidence disclosed that no insurance policy or surety bond had been filed by respondent.

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 the above named respondent in Application No. 1732, should be revoked and cancelled for his failure to file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Frank L. Sanborn in Application No. 1732, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. O'Connell
Commissioners.

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

P20582

(Decision No. 5194)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EVERETT RAILSBACK.)

PRIVATE PERMIT NO. A-326

August 11, 1933.

S T A T E M E N T

By the Commission:

On October 13, 1932, the Commission entered its order cancelling the above permit. This cancellation was at the request of Mr. Railsback who stated that he had ceased operations. He now requests that said permit be reinstated, as at the time he requested the cancellation of same he expected to sell his truck, but the sale fell through and he desires to again operate as a private carrier.

In view of all the circumstances the Commission is of the opinion, and so finds, that said permit should be reinstated.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-326, heretofore issued to Everett Railsback and cancelled by order of the Commission dated October 13, 1932, be, and the same is hereby, reinstated, effective upon this date; provided, however, that this order shall not become effective unless and until proper insurance or a surety bond as required by law is filed by said Everett Railsback.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Law S. Jones
Edward E. Weaver

Dated at Denver, Colorado,
this 11th day of August, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. L. WOLVERTON.)

PERMIT NO. A-462

August 12, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication from the above named W. L. Wolverton, dated August 10, 1933, requesting that his private permit No. A-462 be cancelled for the reason that he is no longer operating under same.

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. A-462, heretofore issued to W. L. Wolverton, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. Deane
Commissioners.

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

529
[Handwritten initials and scribbles]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF M. O. HOUSE FOR A CERTIFICATE) APPLICATION NO. 1528
OF PUBLIC CONVENIENCE AND NECESSITY.)

August 15, 1933.

S T A T E M E N T

By the Commission:

We are in receipt of a letter dated July 20, 1933, from M. O. House, holder of a certificate of public convenience and necessity issued in the above entitled application, saying that he cannot afford to carry insurance to cover the transportation of freight to or from points outside of Fort Morgan, and that if such insurance is required he would like to have his said certificate cancelled.

The Commission has no other alternative than to require the insurance specified in its rules and regulations. We are, therefore, of the opinion, and so find, that the certificate of public convenience and necessity heretofore issued to the above named applicant should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to M. O. House in Application No. 1528 be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]
Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1933.

(Decision No. 5197)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF G. O. ANDERSON.) CASE NO. 1069

August 15, 1933

S T A T E M E N T

By the Commission:

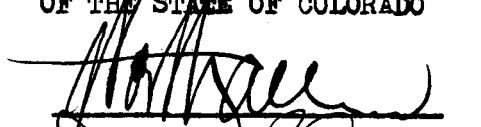
Since the decision was made herein, L. V. Roper, doing business as Castle Rock Truck Line, has filed an application for a rehearing.

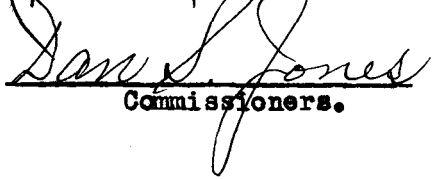
The Commission has considered carefully the said application and is of the opinion, and so finds, that the same should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the application for a rehearing filed in the above entitled case by L. V. Roper, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1933.

(Decision No. 5198)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE SILVERTON NORTHERN RAILROAD)
COMPANY TO DISCONTINUE SERVICE)
TEMPORARILY.)

APPLICATION NO. 1721

August 16, 1933

S T A T E M E N T

By the Commission:

The Commission has heretofore issued a number of orders herein authorizing The Silverton Northern Railroad Company to discontinue regular schedules and service.

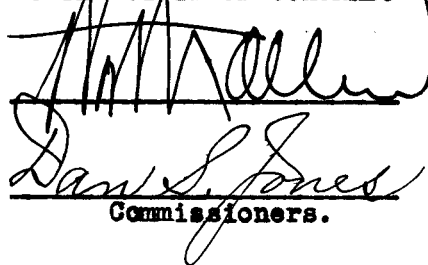
A written application for a further extension was made on August 14, 1933.

After considering the same carefully, the Commission is of the opinion, and so finds, that authority to discontinue regular schedules and service should be extended and continued to and including June 30, 1934.

O R D E R

IT IS THEREFORE ORDERED, That the period during which The Silverton Northern Railroad Company may discontinue its regular schedules and service, be, and the same is hereby, extended and continued to and including June 30, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

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

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(Decision No. 5199)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WEICKER TRANSFER AND STORAGE)
COMPANY.)

CASE NO. 1083

August 28, 1933

S T A T E M E N T

By the Commission:


An application for rehearing has been filed herein.


The Commission has carefully considered said application 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 application for rehearing herein
be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



David S. Jones


Commissioners.

Dated at Denver, Colorado,
this 28th day of August, 1933.

W.B.D.
R.

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, August 17, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 199

IT APPEARING, That The Inland Utilities Company, by its President, L. H. Carr, filed with the Commission on July 28, 1933, a revised rate sheet, Colo. P.U.C. No. 2, Original Sheet No. 2-A, carrying a surcharge of 3% applicable to the rates enumerated to be effective on September 1, 1933, the principal changes of which are set out in the notice to its consumers mailed with the last monthly bills,

AND IT APPEARING FURTHER, That on August 15, 1933, there was filed with the Commission a protest from Charles H. Beeler, representing consumers in Hugo, Colorado, by his attorney, J. P. Deatherage, alleging that the proposed surcharge of said electric utility "would be an added burden upon the rates now charged and that there has been no showing made that there should be an increase in said rates" and this "would be defeating the purposes and intent of such Federal Bill H. R. 5040" and requested that an investigation be made of the matter and a public hearing be held to determine the propriety of the proposed increases and the lawfulness of said surcharge.

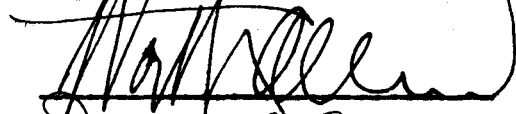
IT IS THEREFORE ORDERED, That the proposed surcharge for the territory served by The Inland Utilities Company be suspended one hundred twenty days from September 1, 1933, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That said surcharge appearing to be injuriously affecting the rights and interests of the public that the same be made the subject of investigation and determination by the Commission within the said period of time or within such further time as the same may be suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the above stated protest and proposed surcharge in the office of the Commission, and that copies thereof be forthwith served on said The Inland

Utilities Company, and the protestant, Charles H. Beaker of Hugo, Colorado,
by his attorney, J. P. Deatherage, Esq.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones
Commissioners.

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

(Decision No. 5201)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER E. SMITH.) CASE NO. 1185

August 17, 1933

S T A T E M E N T

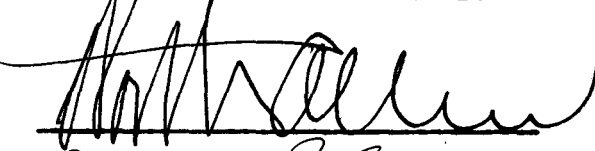
By the Commission:

Since the order to show cause was made in the above entitled case, the respondent, Lester E. Smith, has filed his application for and secured a private motor vehicle permit. The Commission is, therefore, of the opinion and so finds that the 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



David S. Jones
Commissioners.

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

(Decision No. 5202)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. W. HAYDEN.) CASE NO. 1218

August 18, 1933

S T A T E M E N T

By the Commission:

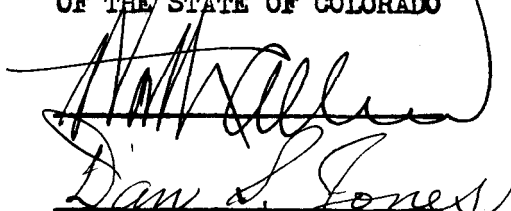
Since the above entitled case was instituted, the respondent, J. W. Hayden, has filed his insurance as required by the rules and regulations of the Commission.

The Commission is therefore, of the opinion, and so finds, that said 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 18th day of August, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. M. NOVAK.)

CASE NO. 1108

August 21, 1933

S T A T E M E N T

By the Commission:

On February 3, 1933, the Commission made its order suspending private permit No. A-357, heretofore issued to the above named respondent, for his failure to file monthly reports and for his failure to keep on file with the Commission the necessary insurance policy or surety bond required by law.

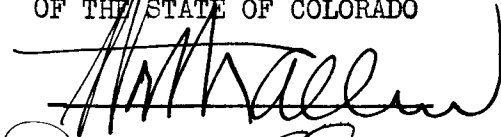
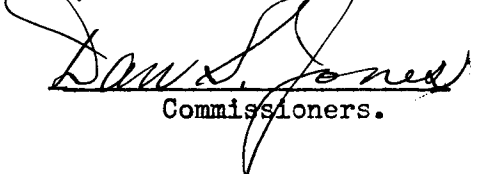
It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said suspension period, then, in that event, said permit would be revoked without further notice. Said period of suspension has expired and respondent has failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-357, heretofore issued to J. M. Novak, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-357, heretofore issued to J. N. Novak, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 21st day of

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

August 21, 1933.

S T A T E M E N T

By the Commission:

On January 17, 1933, the Commission made its order suspending private permit No. A-84, heretofore issued to the above named respondent, for his failure to make monthly reports and file the necessary insurance policy or surety bond as required by law.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, and filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said suspension period, then, in that event, said permit would be revoked without further notice. Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

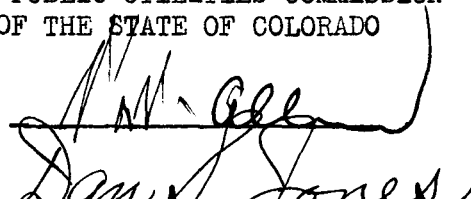
After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-84, heretofore issued to John W. Mack, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-84, heretofore issued to John W. Mack, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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



Commissioners.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLAUD RICHARDSON.)

CASE NO. 1039

August 21, 1933.

S T A T E M E N T

By the Commission:

On January 16, 1933, the Commission made its order suspending private permit No. A-41, heretofore issued to the above named respondent, for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by law.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, filed the necessary insurance policy or surety bond, and also filed an affidavit to the effect that he had not operated for hire during said period of suspension, then, in that event, said permit would be revoked without further notice. Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-41, heretofore issued to Claud Richardson, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-41, heretofore issued to Claud Richardson, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
[Handwritten signature]
Commissioners.

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

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF THE APPLICATION OF
FRANK COMSTOCK FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO
OPERATE A MOTOR BUS AND TRUCK SERVICE
FOR THE TRANSPORTATION OF PACKAGE
FREIGHT, BAGGAGE, MAIL, EXPRESS AND
PASSENGERS BETWEEN IOLA, COLORADO
AND LAKE CITY, COLORADO and INTER-
MEDIATE POINTS.

APPLICATION NO. 2129.

August 23, 1933.

Appearances: Clifford H. Stone, Esq., Gunnison,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the transportation by motor vehicle of package freight, baggage, express and passengers between Iola and Lake City and intermediate points, the route extending through Powderhorn and Gateview.

The evidence shows that a substantial amount of express moves by rail to Iola, and that there is no railroad agent or caretaker at said point, and that there is no carrier authorized to transport passengers, baggage, package freight and express from and to Iola to and from Lake City.

The applicant's financial condition is shown to be satisfactory.

The record further shows that the applicant has a contract under and by which he transports mail and parcel post

between the points in question and over said route.

Some question has arisen as to the meaning of package freight, how large the packages might be and how large the total weight of the shipments carried might be. It is agreed that the matter of the definition of the terms express and package freight, so far as volume and weight are concerned, will be reserved for further consideration if and when the question arises.

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 for the transportation of passengers, baggage, package freight and express between Iola and Lake City and intermediate points.

O R D E R

IT IS THEREFORE ORDERED, that the public convenience and necessity require the motor vehicle system of the applicant for the transportation of passengers, baggage, package freight and express between Iola and Lake City and intermediate points.

IT IS FURTHER ORDERED, that jurisdiction should be and is hereby retained for the purpose of limiting and defining the terms "package freight" and "express" if and when the occasion so to do arises.

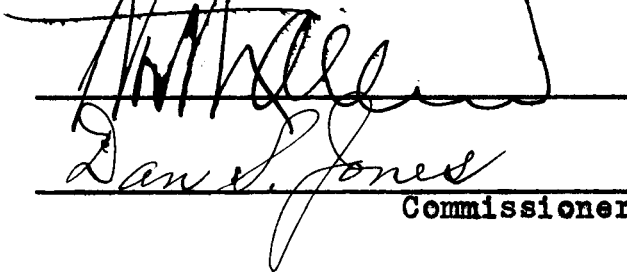
IT IS FURTHER ORDERED, that the applicant shall within ten days from this date file with the Commission, in the form required by the rules and regulations of the Commission, his tariff of rates, rules and regulations.

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.

IT IS FURTHER ORDERED, that the applicant shall within ten days from this date file with the Commission such policy or policies of insurance as required by the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Daniel Jones

Commissioners.

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

[Handwritten marks]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ED BALDWIN.)

CASE NO. 1043

August 23, 1933.

S T A T E M E N T.

By the Commission:

On January 17, 1933, the Commission made its order suspending private permit No. A-54, heretofore issued to the above named respondent, for his failure to to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed said insurance policy or surety bond, together with an affidavit that he had not operated for hire during said suspension period, then, in that event, said permit would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-54, heretofore issued to Ed Baldwin, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-54, heretofore issued to Ed Baldwin, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
[Handwritten signature]
Commissioners.

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

(Decision No. 5208)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF F. W. SMITH, DOING BUSINESS AS)
OMAHA RAPID TRANSIT LINES, FOR A) APPLICATION NO. 2128-I
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

August 23, 1933

Appearances: F. W. Smith, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

The applicant herein, F. W. Smith, doing business as Omaha Rapid Transit Lines, is now engaged in the transportation of passengers in interstate commerce, one route being between the Colorado-Nebraska state line, at a point where U. S. Highway No. 138 crosses the same, and Denver, the portion between Denver and Greeley being over U. S. Highway No. 85. The other route is between Denver and the Colorado-Wyoming state line at a point where the highway, extending from Denver through Fort Collins, crosses the same. The present application seeks authority to carry passengers in interstate commerce over U. S. Highway No. 85 between Greeley and the Colorado-Wyoming state line. With this extension the applicant may carry passengers, in interstate commerce only of course, over the new route from and to all points served by him.

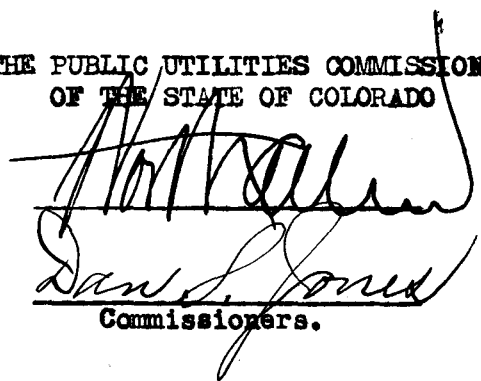
After careful consideration of the application and the evidence, the Commission is of the opinion, and so finds, that the Constitution of the United States and the laws of the State of Colorado require the issuance to the applicant of an interstate motor vehicle permit authorizing the extension of the applicant's present service so as to permit him to transport passengers

over U. S. Highway No. 85 as the same extends from Greeley, Colorado, to the Colorado-Wyoming state boundary line at a point where the highway crosses the same.

O R D E R

IT IS THEREFORE ORDERED, That the Constitution of the United States and the laws of the State of Colorado require the issuance to the applicant, F. W. Smith, doing business as Omaha Rapid Transit Lines, of an interstate motor vehicle permit authorizing the extension of the applicant's present service so as to permit him to transport passengers over U. S. Highway No. 85 as the same extends from Greeley, Colorado, to the Colorado-Wyoming state boundary line at a point where said highway crosses the same, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN COLORADO POWER COM-)
PANY FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 2126

August 23, 1933

Appearances: Messrs. Moynihan, Hughes & Knous, Esqs.,
Montrose, Colorado, attorneys for
applicant.

S T A T E M E N T

By the Commission:

This is an application by The Western Colorado Power Company, a corporation, for a certificate of public convenience and necessity authorizing the exercise of the franchise rights granted in and by an ordinance passed by the Board of Trustees of the Town of Olathe. The said ordinance was duly passed and adopted at a meeting of the Board of Trustees of said town held on June 12, 1933. On the same day the applicant herein filed with the said Board its written acceptance of said ordinance. The franchise is to be in effect until February 5, 1953.

No other utility is or has been serving in said town for a number of years. The applicant itself has been engaged in rendering service therein for twenty years. Its predecessor rendered such service for some twenty years prior thereto.

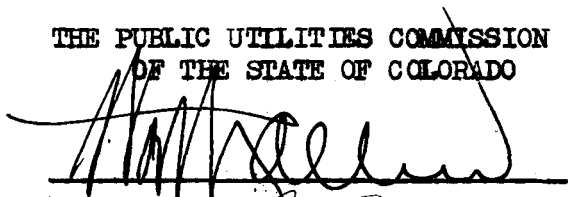
After careful consideration of the evidence herein the Commission is of the opinion, and so finds, that the public convenience and necessity require the exercise by the applicant of the franchise rights granted in and by said ordinance by the Board of Trustees of the said Town of Olathe, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by the applicant, The Western Colorado Power Company, of the franchise rights granted in and by said ordinance passed on June 12, 1933, by the Board of Trustees of the Town of Olathe, Colorado, 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 herein shall file its tariffs, rate schedule and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

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

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

August 23, 1933.

S T A T E M E N T

By the Commission:

On January 18, 1933, the Commission made its order suspending private permit No. A-100, heretofore issued to the above named respondents, for their failure to file monthly reports and file the necessary insurance policy or surety bond as required by law.

It was provided in said suspension order that unless respondents filed all highway compensation tax reports due, paid all such taxes, and filed with the Commission the necessary insurance policy or surety bond, together with an affidavit to the effect that they had not operated for hire during said suspension period, then, in that event, said permit would be revoked without further notice. Said period of suspension has expired and respondents have failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-100, heretofore issued to H. E. Butler and Son, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-100, heretofore issued to H. E. Butler and Son, be, and the same is hereby revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
Dan S. Jones
Commissioners.

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

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

August 24, 1933.

S T A T E M E N T

By the Commission:

On February 6, 1933, the Commission made its order suspending private permit No. A-342, heretofore issued to the above named respondent, for his failure to make monthly highway compensation tax reports and file the necessary insurance policy or surety bond as required by law.

It was provided in said suspension order that unless respondent filed all monthly reports due and filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said period of suspension, then, in that event, said permit would be revoked without further notice. Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-342, heretofore issued to C. D. McCullough, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-342, heretofore issued to C. D. McCullough, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of two commissioners.

Commissioners.

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

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

August 24, 1933.

S T A T E M E N T

By the Commission:

On February 3, 1933, the Commission made its order suspending private permit No. A-301, heretofore issued to the above named respondent, for his failure to make monthly reports, pay highway compensation taxes and file an insurance policy or surety bond as required by law.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports, paid all such taxes, and filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said suspension period, then, in that event, said permit would be revoked without further notice. Said period of suspension has expired and respondent has failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-301, heretofore issued to R. H. Bevan, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-301, heretofore issued to R. H. Bevan, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur W. Allen
Samuel Jones
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR F. WOODS.) CASE NO. 1024

August 24, 1933.

S T A T E M E N T

By the Commission:

On January 16, 1933, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1652 for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said suspension period, then, in that event, said certificate would be revoked without further notice. Said period of suspension has expired and respondent has failed to comply with the above requirements.

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 Arthur F. Woods in Application No. 1652, should be revoked.

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, revoked and cancelled for his failure to file the necessary insurance policy or surety bond.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
Sam L. Jones
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. C. WILLIAMS.) PRIVATE PERMIT NO. 305-A

August 25, 1933

S T A T E M E N T

By the Commission:

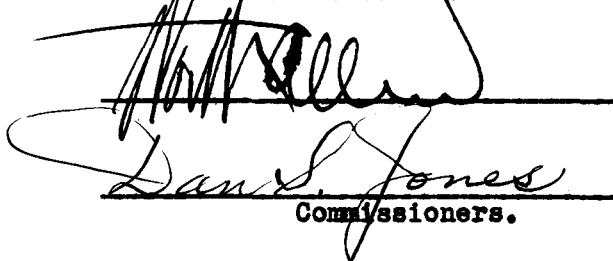
The Commission heretofore revoked the permit in the above entitled matter. The said F. C. Williams has now fully complied with all the rules and regulations of the Commission and has filed an informal application asking that the order of revocation be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order of revocation made herein revoking the private motor vehicle permit, No. 305-A, heretofore issued to F. C. Williams, be, and the same is hereby, set aside.

IT IS FURTHER ORDERED, That the above entitled matter be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



David S. Jones
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1933.

(Decision No. 5215)

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, August 30, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 200

IT APPEARING, That The Orchard Power, Light, Water and Gas Company, by its secretary, M. S. Richardson, filed with the Commission on August 24, 1933, revised rate sheets Nos. 3, 4, 5 and 6, to its schedule of rates, Colo. P.U.C. No. 1, which amount to increases in the rates for service to domestic, business and small power consumers, to be effective September 21, 1933, in accordance with the notice mailed to its consumers with its last monthly bills,


AND IT APPEARING FURTHER, That the Commission, after consideration of these proposed increases, believes that they should not be permitted to become effective without a proper showing as to the necessity for such increases by the Company,

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that the proposed rate changes for the territory served by The Orchard Power, Light, Water and Gas Company be suspended one hundred twenty days from September 21, 1933, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That said increases appearing to injuriously affect the rights and interests of the public, that the same be made the subject of investigation and determination by the Commission within said period of time or within such further time as the same may be suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the above stated proposed rate increases in the office of the Commission, and that copies thereof be forthwith served on said The Orchard Power, Light, Water and Gas Company and the Postmaster at Orchard, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward J. O'Connell
Commissioners.

Dated at Denver, Colorado,
this 30th day of August, 1933.

A-163

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FARMERS COOPERATIVE ASSOCIATION.)

PERMIT NO. A-163

August 31, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication from the Farmers Cooperative Association of Chugwater, Wyoming, requesting that the above numbered 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. A-163, heretofore issued to Farmers Cooperative Association, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

Dated at Denver, Colorado,
this 31st day of August, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE SURCHARGE OF THREE PER CENT)
APPLICABLE TO RATES OF THE INLAND)
UTILITIES COMPANY, EFFECTIVE)
SEPTEMBER 1, 1933.)

I. & S. DOCKET NO. 199

September 1, 1933.

S T A T E M E N T

By the Commission:

On August 17, 1933, the Commission issued its order of investigation and suspension herein, whereby revised rate sheet, Colo. P.U.C. No. 3, Original Sheet No. 2-A, filed with the Commission on July 28, 1933, by The Inland Utilities Company, and carrying a surcharge of three per cent applicable to the rates enumerated, to be effective on September 1, 1933, was suspended for a period of one hundred twenty days.

Since the entry of said suspension order, a cancellation and withdrawal of said surcharge of three per cent has been filed with the Commission. It is therefore apparent that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That Investigation and Suspension Docket No. 199 be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 1st day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

September 1, 1933.

S T A T E M E N T

By the Commission:

On February 25, 1933, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1791 for his failure to file monthly reports and pay highway compensation taxes.

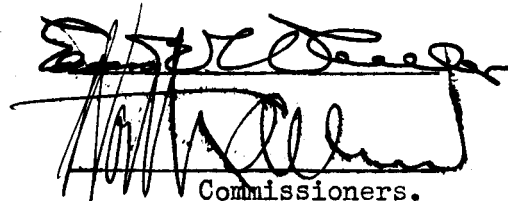
It was provided in said suspension order that unless respondent filed all delinquent monthly reports and paid all taxes due, together with an affidavit to the effect that he had not operated for hire during said suspension period, then, in that event, said certificate would be revoked without further notice. Said period of suspension has expired and respondent has failed to comply with the above requirements.

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 Guy Ivy in Application No. 1791, should be revoked.

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, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 1st day of September, 1933.

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, September 6, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 201

IT APPEARING, That The Denver and Rio Grande Western Railroad Company, in compliance with General Order No. 15, on August 25, 1933, filed with the Commission a petition requesting authority to discontinue its tri-weekly mixed train service now operated between Durango and Silverton, and to substitute in lieu thereof such train service, not on schedule, as may be reasonably required to handle the rail traffic on the branch line from Durango to Silverton, such changes in service to be effective September 25, 1933, alleging that the revenue received by the railroad company from the operation of said branch line is not now and has not been since October 1, 1930, sufficient to pay taxes and the expense of the present method of train operation on this branch line. The change is desired because of the economies in train operation it will effect until such a time as the resumption of mining operations in the Silverton District will justify regular scheduled train service.

IT APPEARING FURTHER, That the Commission has received a letter from the Chairman of the Board of Commissioners of San Juan County protesting the proposed changes in train service and requesting a hearing at Silverton on the aforesaid petition. Also a letter was received from Attorney William A. Way, giving notice of his intention to file a formal protest on the proposed action of the rail carrier in behalf of the City of Silverton. The Commission has also received letters of protest from other substantial citizens of Silverton, Colorado.




IT APPEARING FURTHER, and the Commission so finds, that the proposed change in train service on the Silverton branch of the said The Denver and Rio Grande Western Railroad Company might injuriously affect the rights and interests of the patrons of said rail carrier, and

IT IS THEREFORE ORDERED, That the proposed date of the changes in train service on the Silverton Branch of The Denver and Rio Grande Western Railroad Company be suspended one hundred and twenty days from September 25, 1933, or until January 23, 1934, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed changes in train service be made a subject of investigation and determination by a hearing to be held at Silverton, Colorado, by the Commission within the said period of time or such further time as the same might be suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the petition for the proposed changes in train service on the Silverton branch of The Denver and Rio Grande Railroad Company, and copies hereof be forthwith served on said railroad company, the Chairman of the Board of County Commissioners of San Juan County, Silverton, Colorado, William A. Way, City Attorney of Silverton, Colorado, Honorable D. C. McNaughton, Silverton, Colorado, and Charles A. Chase, Silverton, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
R. E. KNOTTS.)

CASE NO. 1219

September 8, 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. 1840)

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, March, April, May, June, July & August, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	November	4.50	.48	\$4.98
	December	4.89	.42	5.31
		<u>\$9.39</u>	<u>\$.90</u>	<u>\$10.29</u>

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 common 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 September 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKE ARMSTRONG.)

CASE NO. 1220

September 8, 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. 1949)

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 10:00 o'clock A. M., on September 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROSS C. SHIELDS.) CASE NO. 1221

September 8, 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 Permit No. A-66 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

February, March, April, May, June, July and August, 1933.

Highway Compensation tax unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	October Bal.	\$7.66	1.97	\$9.63
	November	18.56	1.96	20.52
	December	17.58	1.57	19.15
1933	January	<u>25.40</u>	<u>1.90</u>	<u>27.30</u>
		\$69.20	\$7.40	\$76.60

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carrier 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 keep on file an effective 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 10:00 o'clock A.M., on September 19, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL P. HUFFAKER.) CASE NO. 1222

September 8, 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 Permit No. A-164 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, 1932, to August, 1933, inclusive.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by 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 keep on file an effective 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 September 19, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Decker
Samuel Jones
W. H. ...
Commissioners.

File
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PETE McDONNELL.) CASE NO. 1223.)

September 8, 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 Permit No. A-351 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 1932, to August, 1933, Inclusive.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by 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 keep on file an effective 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 10:00'clock A.M., on September 19, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JACK E. NIELSEN.)

CASE NO. 1224

September 8, 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 Permit No. A-433 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.

February, March, April, May, June, July and August, 1933.
(No reports ever filed.)

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 September 19, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
Darryl L. Jones
W. M. Allen
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)
LEROY SHELLER.)

CASE NO. 1225

September 8, 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. 1112)

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, June, July and August, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
<u>1933</u>	January	\$2.88	.21	\$3.09
	February	2.76	.16	2.92
	March	2.40	.11	2.51
	April	<u>1.64</u>	<u>.05</u>	<u>1.69</u>
		\$9.68	\$.53	\$10.21

The records of the Commission also disclose that respondent has failed to keep on file with the Commission the necessary cargo insurance 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 keep on file with the Commission the necessary cargo insurance 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 September 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of Commissioners]
Commissioners.

Prof
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. V. ROPER, doing business as)
CASTLE ROCK TRUCK LINE.)

CASE NO. 1226

September 8, 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

March, April, May, June, July and August, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	November	6.04	.63	6.67
	December	6.71	.60	7.31
1933	January	6.58	.50	7.08
	February	<u>6.18</u>	<u>.37</u>	<u>6.55</u>
		25.51	2.10	27.61

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 September 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF *
H. D. STRICKLAND AND M. A. Mullins. * CASE NO. 1287
-----*

September 8, 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. 1696, 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

July and August, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	December	3.55	.31	3.86
1933	January	2.37	.18	2.55
	February	1.57	.10	1.67
	March	1.80	.09	1.89
	April	1.15	.04	1.19
	May	2.06	.03	2.09
	June	<u>1.73</u>		<u>1.73</u>
		14.23	.75	14.98

*Walter
Mullins
1933*

*Des. Expenses
1933*

The records of the Commission also disclose that respondents have failed to keep on file with the Commission an effective 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

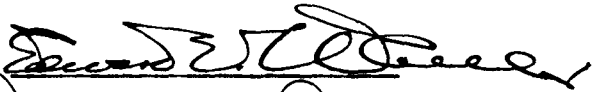
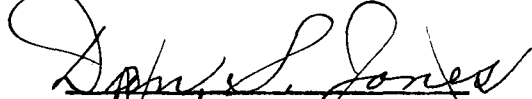
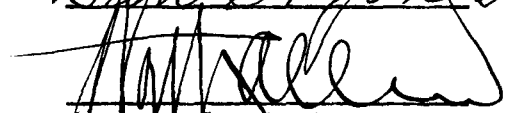
IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation

taxes as above set forth, and have failed to keep on file with the Commission the necessary insurance required by law, 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 10:00 o'clock A. M., on September 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.

Dated at Denver, Colorado,
this 8th day of September, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. STOCKTON.) CASE NO. 1228

September 8, 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 in Applications Nos. 1948, 1948-A and 1948-AA, 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

August, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	January		.11	\$.11
	February	7.86	.47	8.33
	March	4.36	.19	4.55
	April	4.45	.14	4.59
	May	3.45	.05	3.50
	June	2.92		2.92
	July	<u>1.27</u>		<u>1.27</u>
		24.31	.96	25.27

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective 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

named respondent has failed to file monthly reports, pay highway compensation taxes as above set forth and failed to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he has, 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 of public convenience and necessity 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 10:00 A. M., on September 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.

Dated at Denver, Colorado,
this 8th day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BERT MEYER, DOING BUSINESS AS) CASE NO. 1229
MEYER TAXI AND BUS LINE.)

September 11, 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 in Applications Nos. 1060 and 1945, 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.

Passenger Reports for March, April, May and June, 1933
Passenger and Freight reports for July and August, 1933.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	January	7.30	.55	\$7.85
	February	6.67	.40	7.07
	March	.86	.04	.90
	April	.25		.25
	May	.32		.32
	June	<u>.27</u>		<u>.27</u>
		15.67	<u>.99</u>	\$16.66

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective 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, pay highway compensation taxes as above set forth, and has failed to file an insurance policy or surety bond as required by law and 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 of public convenience and necessity 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 10:00 o'clock A. M., on September 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.

Dated at Denver, Colorado,
this 11th day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CRANDIC STAGES, INC., FOR AN)
INTERSTATE MOTOR VEHICLE PERMIT.)

APPLICATION NO. 2094

September 13, 1933

Appearances: James A. Woods, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by Crandic Stages, Inc., for an interstate motor vehicle permit authorizing the transportation of passengers, baggage and light express between Denver, Colorado, and the Colorado-Wyoming state line at a point where U. S. Highway No. 85 crosses the same.

The applicant is now operating in interstate commerce between Denver and the Colorado-Nebraska state line. The purpose of this application is to secure authority to extend its operations from Greeley, Colorado, to the Colorado-Wyoming state line.

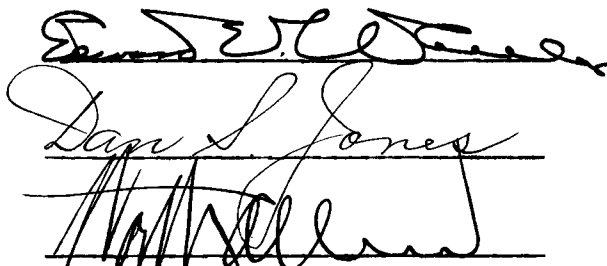
The investment in the additional equipment that will be required to carry on this service is \$16,000.

After careful consideration of the application and of the evidence, the Commission is of the opinion, and so finds, that the Constitution of the United States and the laws of the State of Colorado require the issuance to the applicant of an interstate motor vehicle permit authorizing the transportation of passengers, baggage and light express in interstate commerce only between Denver, Colorado, and the Colorado-Wyoming state boundary line at a point where U. S. Highway No. 85 crosses the same, and to and from all points now served by the applicant from and to all points on said new route.

O R D E R

IT IS THEREFORE ORDERED, That the Constitution of the United States and the laws of the State of Colorado require the issuance to the applicant, Crandic Stages, Inc., of an interstate motor vehicle permit authorizing the transportation of passengers, baggage and light express in interstate commerce only between Denver, Colorado, and the Colorado-Wyoming state boundary line at a point where U. S. Highway No. 85 crosses the same, and to and from all points now served by the applicant from and to all points on said new route, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
N. G. RUTH.)
-----)

CASE NO. 1207

September 14, 1933.

Appearances: Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring the above named respondent to show cause why he should not cease and desist from operating as a motor vehicle carrier unless and until he had procured a certificate of public convenience and necessity to so operate. Said case was set for hearing on August 21, 1933, at which time it was continued until September 8, 1933. Respondent did not appear in person or by any representative.

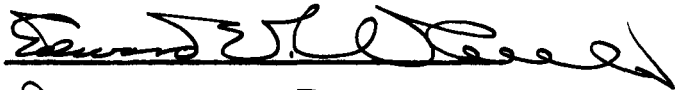
The evidence disclosed that respondent had voluntarily admitted that he had been operating as a motor vehicle carrier. It was also disclosed that he had no certificate from this Commission authorizing such operations. An exhibit was introduced showing that he had been transporting livestock to the Denver Stock Yards for hire in a number of instances.

After careful consideration of the record the Commission is of the opinion, and so finds, that an order should be entered requiring respondent to cease and desist from operating as a motor vehicle carrier unless and until he has procured a certificate of public convenience and necessity therefor.

O R D E R

IT IS THEREFORE ORDERED, That N. G. Ruth, respondent herein, forthwith cease and desist from operating as a motor vehicle carrier unless and until he has procured a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

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

696

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAMMOND SCENIC AUTO COMPANY FOR)
AUTHORITY TO TRANSFER A PORTION OF)
CERTIFICATE (3 CARS) OF PUBLIC)
CONVENIENCE AND NECESSITY TO L. L.)
HAMMOND.)

APPLICATION NO. 521-AAA

September 15, 1933.

Appearances: C. M. Hammond, Colorado Springs, Colorado,
for Hammond Scenic Auto Company;
L. L. Hammond, Colorado Springs, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an application by the Hammond Scenic Auto Company, a corporation, the entire stock of which (except directors' qualifying shares) is owned by C. M. Hammond, seeking authority to transfer to L. L. Hammond a portion of the certificate of public convenience and necessity issued to the former.

The certificate of public convenience and necessity as originally issued in the above application authorizes the Hammond Scenic Auto Company to use nineteen automobiles in the conduct of its sightseeing operations. The right to use one of said automobiles has been heretofore transferred by Hammond Scenic Auto Company to W. G. Collins, and of the remaining eighteen cars authority is sought to transfer that portion of said certificate relating to the use of three automobiles thereunder.

The evidence showed the proposed transferee to be a responsible operator possessed of some property, and the only debts existing against the operation of the Hammond Scenic Auto Company is a note to the Colorado Springs National Bank for the sum of \$1,500.00, secured by a chattel mortgage against the equipment of the transferor.

At the time of the hearing, it had not been determined whether any equipment was to be transferred with the certificate, but in the event such action is taken, it will, of course, be necessary to secure the consent of said bank to such a transfer.

The transferee testified that if his equipment was not secured from the transferor, he was in financial position to buy satisfactory equipment elsewhere.

The sightseeing business in the Colorado Springs district is practically over and the transferee does not expect to commence operations until next year.

No protestants appeared against the granting of the transfer herein sought, although a written protest was received from one of the other operators in the Springs district based on the ground that transfer of certificates in that district should not be permitted among operators whose cars are not the kind of equipment that should be provided for the public. Our rules specifically provide that transfers of certificates may be made on proper showing. However, if it develops in the future that suitable equipment is not being used by any of the operators in the Colorado Springs territory, action to correct such a situation will be taken by the Commission.

After a careful consideration of the record the Commission is of the opinion, and so finds, that authority should be granted to said Hammond Scenic Auto Company to transfer a portion of its certificate of public convenience and necessity, heretofore issued by the Commission in Application No. 581, so far as the same relates to and authorizes the use of three automobiles, to the said L. L. Hammond.


O R D E R

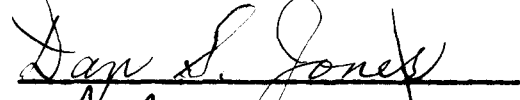
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Hammond Scenic Auto Company to transfer to L. L. Hammond a portion of its certificate of public convenience and necessity, heretofore issued by


the Commission in Application No. 581, so far as the same relates to and authorizes the use of three automobiles.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor 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 15th day of September, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. J. LABORDE.)

CASE NO. 1198

September 14, 1933.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission instituted a case requiring the above named respondent to show cause why he should not cease and desist from operating as a motor vehicle carrier unless and until he had procured a certificate of convenience and necessity to so operate.

Since the commencement of said action, our inspection department advises us that respondent has paid all highway compensation taxes which have accrued from his operations to date, and has also applied for a permit covering his present motor vehicle operations.

In view of these facts, 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

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
Commissioners.

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

MAKE NO COPY
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION OF RATES AND)
PRACTICES OF COMMERCIAL MOTOR) CASE NO. 1230
VEHICLE CARRIERS OF PROPERTY.)

September 14, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that under the terms of The National Industrial Recovery Act, the Colorado Federation of Commercial Carriers has submitted a code to the National Recovery Administration for approval, which recites that reasonably compensatory rates for motor vehicle transportation within the State of Colorado shall be established by said Federation, and that said Federation, in pursuance of said provision, has requested that a conference be called of commercial motor vehicle carriers of property by this Commission, to be held at 10:00 o'clock A. M. on Wednesday, September 20, 1933, at the Chamber of the House of Representatives in the State Capitol Building, Denver, Colorado, for the purpose of the investigation of present rates and practices, endeavoring to eliminate non-compensatory transportation by the formation and adoption of schedules of compensatory rates which will be fair to the carriers and the general public and in accordance with present economic and administrative conditions.

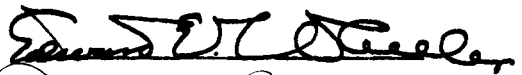


The Commission is of the opinion, and so finds, that the public interest requires that a conference be called by this Commission, to be held at the time and place aforesaid, to investigate present rates and practices of commercial motor vehicle carriers, to endeavor to form and adopt schedules of compensatory rates by agreement among the various types of carriers concerned.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion,

that a conference of commercial motor vehicle carriers of property of the State of Colorado be called, to be held on Wednesday, September 20, 1933, at 10:00 o'clock A. M. at the Chamber of the House of Representatives, State Capitol Building, Denver, Colorado, for the purposes above set forth.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

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

[Handwritten initials and scribbles in the top right corner]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN C. CRAMER AND LLOYD E.)
BLYSTONE.)

CASE NO. 1231

September 15, 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 ^(A-436) 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 said 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 by Rule 10 of the Rules and Regulations of the Commission governing private 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 permit 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 September 28, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
JAMES K. CLAUSEN.

CASE NO. 1232

September 15, 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-459) 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 said 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 by Rule 10 of the Rules and Regulations of the Commission governing private 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 permit 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 September 28, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deery
David S. Jones
W. H. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. C. BUKEY.) CASE NO. 1006

September 15, 1933.

S T A T E M E N T

By the Commission:

On August 11, 1933, the Commission entered its order revoking and cancelling the certificate of convenience and necessity heretofore issued to H. C. Bukey in Application No. 738, said revocation being based upon the ground that respondent had failed to file an insurance policy or surety bond as required by law.

Since the date of said revocation, respondent has made arrangements to transfer said certificate of public convenience and necessity to Ernest Leeper, who, as a matter of fact, has actually been conducting said operation for some time past.

The operation covered by this certificate is very limited, extending from the junction of West Colfax Avenue and Sheridan Boulevard to the Jewish Consumptives Relief Society at 5801 West Colfax Avenue. As we understand the situation, this service provides the only means of transportation available between said points. We have been requested to reinstate this certificate in order that said transfer may be made and said service continued to the public.

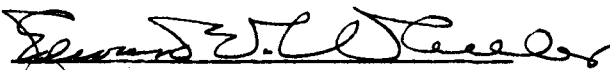
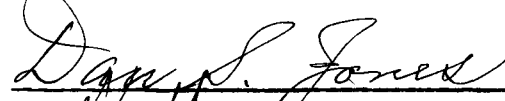
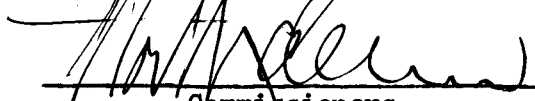
In view of all the circumstances surrounding said matter, the Commission is of the opinion, and so finds, that said certificate of convenience and necessity, heretofore issued in Application No. 738, should be reinstated.

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, reinstated, effective as of
August 11, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. E. BUTLER AND SON.)

CASE NO. 1046

September 15, 1933

S T A T E M E N T

By the Commission:

On August 23, 1933, the Commission entered its order revoking private permit No. A-100 for the failure of respondents to file monthly reports as well as the necessary insurance policy or surety bond required by law.

Subsequent to said date respondents filed all outstanding reports and also complied with our requirements relative to insurance, and now request that we reinstate their permit.

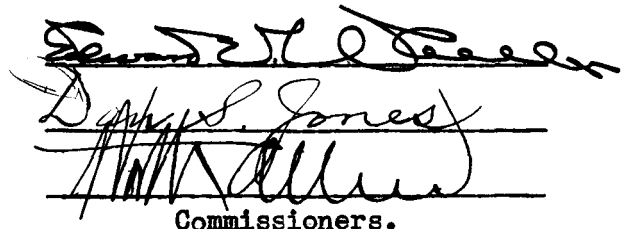
While respondents have been negligent in complying with our rules and regulations, yet we are inclined to reinstate this permit and grant said respondents another opportunity to operate under the same.

After careful consideration of the matter the Commission is of the opinion, and so finds, that said private permit No. A-100 should be reinstated as of August 23, 1933.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-100 be, and the same is hereby, reinstated as of August 23, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 15th day of September, 1933.